HOUSE OF REPRESENTATIVES—*Sunday, November 9, 1997*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mrs. EMERSON].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 9, 1997.

I hereby designate the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

Let us pray using the words of St. Francis:

Lord, make us instruments of Your peace.
Where there is hatred, let us sow love;
where there is injury, pardon;
where there is discord, union;
where there is doubt, faith;
where there is despair, hope;
where there is darkness, light;
where there is sadness, joy.
Grant that we may not so much seek
to be consoled as to console;
to be understood as to understand;
to be loved as to love.
For it is in giving that we receive;
it is in pardoning that we are pardoned; and
it is in dying that we are born to eternal life. Amen.

THE JOURNAL

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

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

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

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

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

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

The SPEAKER pro tempore. Pursuant to clause 5 of rule 1, further proceedings on this question are postponed.

The point of order is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York [Mr. MCNULTY] come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 1086. An act to codify without substantive change laws related to transportation and to improve the United States Code;

H.R. 1787. An act to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants;

H.R. 2731. An act for the relief of Roy Desmond Moser; and

H.R. 2732. An act for the relief of John Andre Chalot.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 497. An act to repeal the Federal charter of Group Hospitalization and Medical Services, Inc., and for other purposes; and

H.R. 867. An act to promote the adoption of children in foster care.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1026) "An act to reauthorize the Export-Import Bank of the United States."

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

S. 508. An act to provide for the relief of Mai Hoa "Jasmin" Salehi;

S. 759. An act to amend the State Department Basic Authorities Act of 1956 to require the Secretary of State to submit an annual report to Congress concerning diplomatic immunity;

S. 857. An act for the relief of Roma Salobrit;

S. 1193. An act to amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program, and for other purposes;

S. 1258. An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act;

S. 1304. An act for the relief of Belinda McGregor;

S. 1347. An act to permit the city of Cleveland, Ohio, to convey certain lands that the United States conveyed to the city;

S. 1487. An act to establish a National Voluntary Mutual Reunion Registry;

S. Con. Res. 58. Concurrent resolution expressing the concern of Congress over Russia's newly passed religion law; and

S. Con. Res. 66. Concurrent resolution to correct the enrollment of S. 399.

ANNOUNCEMENT OF BILLS TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. SOLOMON. Madam Speaker, I would like to announce the intentions to call up the following bills under suspension today:

S. 714, Homeless Veterans;
S. 1139, Small Business;
H.R. 1129, Microcredit;
H. Con. Res. 22, Scientology;
H. Con. Res. 239, Expo 2000;
H. Res. 245, Elections in Sahara;
H. Con. Res. 156, Afghanistan Women;
H.R. 1377, SAVER Act;
H.R. 2920, Immigration Deadline;
S. 1231, U.S. Fire Administration;
H.R. 112, Stanislaus County;
H.R. 1805, Auburn Indian Restoration;
H.R. 2402, Water-Related Technical Corrections;
H.R. 2283, Arches National Park;
S. 669, Jimmy Carter Historic Site;
H.R. 2834, Cleveland Airport Transfer;
H.R. 2626, Pilot Records Improvement;
H.R. 849, Uniform Relocation;
H.R. 2476, Foreign Irline Family; and
H.R. 1502 James Foreman Courthouse.

Mr. TRAFICANT. Madam Speaker, reserving the right to object.

The SPEAKER pro tempore. The gentleman from New York is only making an announcement pursuant to House Resolution 305.

Mr. SOLOMON. Madam Speaker, if I might continue:

H.R. 861, Adoption;
S. 1026, Ex-Im Bank Conference Report;
H.R. 2472, EPCA; and
The FDA Commerce Report.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

And one final bill, Madam Speaker, and one final bill, S. 1258.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members on each side for 1 minutes. There will be ten 1-minutes on each side.

LET US STICK TO THE DECLARATION OF INDEPENDENCE

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

Mr. GUTKNECHT. Madam Speaker, last week President Clinton told the voters of Virginia, the ones who supported repealing the car tax, that they were selfish.

Well, excuse me, Mr. President, but maybe you have forgotten what the Declaration of Independence says. It says that all men are created equal and they have certain inalienable rights, and among those rights are life, liberty, and the pursuit of happiness.

I find it remarkable that anyone would not notice that liberty and the pursuit of happiness both apply to the idea of who gets to decide what to do with their money. That is really the point. This is not a question of selfishness, but whether and who will decide how to spend their money.

Conservatives emphasize that people are the best judge of how their money should be spent, whereas liberals tend to think that politicians are a superior judge of how and where the money should be spent, especially if they, the liberals, are positively excited about spending the people's money to carry out social engineering plans.

As for me, I think I will stick with the original intent of the American Declaration of Independence.

STAND UP FOR AMERICA: DEFEAT FAST TRACK

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

Mr. KUCINICH. Madam Speaker, since the passage of NAFTA, NAFTA has contributed to numerous workplace, economic and environmental problems, including an increase in the import of contaminated food, downward pressure on United States wages, employer threats to move to Mexico, and a skyrocketing trade deficit.

Fast-track has failed to address any of those problems. First of all, with respect to our trade deficit growth and the loss of jobs, fast-track takes no action on that, no improvement, fails to address it.

Second, there is pressure to lower U.S. wages, and there is lowering of wages going on in this country in manufacturing because of NAFTA. Fast-track fails to address that.

Third, since NAFTA, we have had employer threats to move to NAFTA partner countries. The fast-track agreement fails to take action on that and fails to address it.

Unless we address these critical problems in fast-track, the NAFTA problems will spread like a virus through North America and the world. We need higher standards for our wages, for our workers and for our countries. Stand up for America; defeat fast-track.

TRIBUTE TO MAJOR GENERAL LANSFORD E. TRAPP

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

Mr. THUNE. Madam Speaker, today I rise to pay tribute to Maj. Gen. Lansford Trapp. Most know General Trapp as the director of the Air Force's Legislative Liaison Office. I know the general as a fellow South Dakotan and a fine soldier.

The good news is that General Trapp has been selected as the next commander of the 12th Air Force. The bad news is that Congress is losing a great legislative liaison, not to mention another fine person from the Rushmore State.

Through the past 28 years, General Trapp has served in the Air Force with honor and distinction. He is a command pilot with over 3,000 flying hours. In Southeast Asia he flew over 700 combat hours and later commanded our air wing in Panama during Operation Just Cause. He has held 5 commanding positions, which is a real tribute to his leadership capabilities.

I would like to think that General Trapp's dedication to service and loyalty to his troops was instilled as a boy growing up in South Dakota. It was there where he attended South Dakota State on a ROTC scholarship, and where his parents and family still reside. I think he is also a product of the U.S. Air Force. The combination has produced an excellent commander that our Nation can be proud of.

I can think of no person more qualified to lead and care for our men and women than Gen. Lanny Trapp. To him, his wife Nancy and daughter Bethany, we wish God's blessing and Godspeed.

NEW TRADE POLICY FOR ALL AMERICANS

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

Mr. DEFAZIO. Madam Speaker, the proponents of fast track would have us believe today's legislative battle is about whether or not the United States will trade. This is not about a battle between protection as free traders, but rather a struggle over the conditions of that trade and who will benefit from that trade. On one side, the President, the entire administration, the Republican leadership, and a fleet of corporate CEO's who have actually been given office space right downstairs in the Capitol in violation of the House rules.

On our side, 80 percent of the Democrats and a small group of Republicans. We think it is time to overhaul our failing trade policy, a policy that has brought $160 billion trade deficits, exported jobs, driven down wages, weakened our environmental and food safety laws, all in the name of free trade. A policy that undermines our values to encourage a race to the bottom; enriching a few multinational corporations and their CEO's at the expense of the majority of American workers and communities.

"No" to the threats, "no" to the silent promises, "no" to the legal campaign bribery, "no" to fast track, and "yes" to the beginnings of a new trade policy that benefits all Americans.

TIME FOR IRS REFORM

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

Mr. FORBES. Madam Speaker, the American people recently saw the IRS on trial. They saw a parade of witnesses come before the Congress to testify about the naked abuse of power over at the Internal Revenue Service. We saw current and former IRS agents who had to testify in secret because they feared for their lives. We saw ordinary citizens, taxpayers, who talked about how an audit turned their entire lives upside down, with some of them suffering great financial loss that will never be recovered. We saw a government agency totally out of control, lacking accountability, an agency where one is guilty until proven innocent.

Madam Speaker, the IRS needs radical reform. This House has taken great steps to begin that process, and we look forward to the other body and the White House to join us in this effort to reform the Internal Revenue Service, which is an agency of intimidation rather than enforcement.

STRAIGHT TALK ABOUT FAST TRACK

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

Mr. TRAFICANT. Madam Speaker, let us tell it like it is. The last fast track traded Ma Bell for Taco Bell. Today's fast track will trade more American jobs and dollars and factories to

all of Central America for a '48 Ford pickup truck, two loads of pinto beans and three ballplayers to be named later. Beam me up.

In addition, I predict we will get another 25 tons of heroin, another 35 tons of cocaine, and a lot more economic development in the form of prisons, I say to my colleagues. Let us have a little straight talk. "This dog don't hunt. Pull this turkey."

I yield back the balance of any jobs we have left.

FOREIGN OPERATIONS APPROPRIATION CONFERENCE REPORT

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

Mr. PAUL. Madam Speaker, I rise to point out to the House a piece of legislation that I am sure will be passed tonight or in the morning in the wee hours when a lot of people are not paying much attention, and that is the foreign operations appropriations conference report.

I would like to point out that buried in this report is a $3.5 billion new program called the new agreements to borrow, further funding for the IMF. These are the funds that will be used to bail out Third World nations and also bail out bankers and industries that have invested in these nations such as in Mexico or Indonesia.

This is considered not to be expensive because of our special accounting procedure here, it is not on budget. It is supposed to be for free. But let me call my colleagues' attention to this: new agreements to borrow, IMF, new funding in the foreign operations bill report. This is inflationary, it is detrimental to the dollar, and it is subsidizing foreign interests as well as special banking and industrial interests here.

□ 1415

AMERICA NEEDS RECIPROCITY, NOT DUPLICITY, IN TRADE

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

Mr. PASCRELL. Madam Speaker, the supporters of fast track never discuss the massive trade imbalance which grows every year, never. This reflects job loss in America. The supporters are good, very good, at denigrating organized labor's efforts to defeat fast track. Organized labor has a vested interest. The jobs of members in various unions and the jobs in nonunion workplaces are at stake.

Why is their effort a special interest, and the expenditures of millions by multinational corporations simply "in the best interests of the American economy?" How can some Members of this House who vehemently defend the sovereignty of our Nation with foreign powers now surrender the oversight of the trade deal implementation to the World Trade Organization?

The WTO has just ruled in favor of Costa Rica and India on textile matters. What are we doing for our own sovereignty? Why sell us out again? Reciprocity, Mr. President, reciprocity, Mr. Speaker, not duplicity. Vote "no" on fast track.

COALGATE IN UTAH

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

Mr. GIBBONS. Madam Speaker, today I rise to inform my Members about Coalgate; no, not the toothpaste or the university, but another campaign scandal. In the heat of the 1996 campaign, President Clinton created the Grand Staircase-Escalante National Monument in Utah, which consisted of more than 1.7 million acres of land, an area larger than the State of Delaware.

The White House claims this monument was needed to protect one of the most pristine areas in America. However, I would contend that 62 billion tons of low-sulfur coal reserve was the real reason for this designation. The Lippo Group, very large donors of the President's campaign, had a large financial stake in this monument, because clean Utah coal would have competed with the imported coal from Indonesia.

It is a sad day when the President would deny schoolchildren in Utah the tax revenues of $1.5 billion in coal or the royalties, to protect foreign interests and promote his own self-serving ambition. Madam Speaker, the definition of greed has truly been revealed to the American people. They deserve the truth.

PUT PEOPLE FIRST: VOTE "NO" ON FAST TRACK

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

Mr. LEVIN. Madam Speaker, the strategy of those of us opposing the present fast track proposal is not "America last," but putting people first. This is not mainly about the power of interest groups, but the power of issues.

In the last decade, more and more of U.S. trade has been with nations with low wages and tightly controlled labor and other markets, and with lax environmental conditions. Indeed, our imports from these nations like China, India, Brazil, Mexico rose by 25 percent in the last decade, and as an administration official said yesterday, 50 percent of all United States trade will be with these nations in the near future, increasingly changing from footwear to higher-tech ware.

Instead of moving forward towards new rules of competition to meet new patterns of expanding trade, the present fast track proposal goes backwards, limiting the President's authority in important areas of labor markets and the environment. There were no such limitations on Presidents Carter, Reagan, or Bush.

This fast-track proposal is wrong. Vote "no" and let us go back and do it right.

END IRS PRACTICE OF MEETING QUOTAS

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

Mr. HERGER. Madam Speaker, I just cannot get over the shocking news about the IRS. It turns out that the IRS is not as bad as we thought. It is even worse. It turns out that when our friendly IRS agent appears at our door for an audit, he is not thinking about giving us a fair shake. He was not sent off from headquarters with instructions to do justice, no more, no less. No, of the things that is uppermost in his mind, the thing upon which his promotions will depend, is how much money he can extract from the poor taxpayer who is getting audited.

God help you if your friendly IRS agent is having a little trouble this month making his quota of fines. If you catch him a little behind in making his revenue quota, if his boss put a little pressure on his agents in the last weekly meeting, you may not want to expect to survive your audit without having to fork over money that you do not even have.

Madam Speaker, while the President and his friends at the Treasury Department are defending the evil ways of the IRS, this Congress is going to pass real change and put an end to this absolutely outrageous practice over at the IRS.

TRIBUTE TO HARRY M. ROSENFELD

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

Mr. MCNULTY. Madam Speaker, I rise to pay tribute to Harry M. Rosenfeld, the editor-at-large of the Albany Times Union and one of this Nation's most highly respected journalists. Harry, who was one of my constituents, has enjoyed a long and illustrious career. He came to this country as an immigrant, was educated at Syracuse University, served his Nation proudly during the Korean war, and

embarked on a career in newspaper work. He served as foreign editor of the New York Herald Tribune and then moved to the Washington Post, where he directed the coverage of the Watergate story that earned the Post a much-deserved Pulitzer Prize.

In 1979, Mr. Rosenfeld came to New York's capital district of serve as editor-in-chief of the Albany Times Union and Knickerbocker News. During his tenure as editor, the newspaper won countless awards for general excellence and community service.

Because of Harry Rosenfeld's commitment to honest courageous reporting as the foundation of responsible journalism, he leaves his community a better place.

Harry retired from journalism last week. For nearly half a century he has served as the living embodiment of the loftiest principles of his profession. In his community and in his industry, he enjoys a well-earned reputation for integrity and undying devotion to the highest standards of his craft. I am proud to salute my friend Harry for his distinguished journalistic service to the cause of democracy. Thanks, Harry.

SUPPORT RADIO FREE ASIA

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

Ms. ROS-LEHTINEN. Madam Speaker, today the House will debate H.R. 2232, which will increase funding for Radio Free Asia and the Voice of America broadcasting into China. By passing this bill, we will then have continuous broadcasting to China in multiple dialects and languages.

Currently, only a few hours are broadcast and in only two languages. The increased funds will allow millions of Chinese citizens to hear the truth about their own country and the world around them. Listening to the words of truth, of freedom, of respect for human rights, of democracy is fundamental to making correct decisions.

There is no free press in China. Voice of America and Radio Free Asia tell the truth of today's news without the bias, the distortion, the lies of the Chinese propaganda machine. Our broadcast will serve as a surrogate free press in the dictators' Republic of China.

I know these broadcasts can be successful. Radio Marti, which is listened to by millions in my native homeland of Cuba, has been promoting justice and freedom, the hallmarks of our great country. Castro has tried and tried to jam its signal, but he has failed. An informed citizenry is needed for true political and economic freedom. Support Radio Free Asia today.

VOTE NO ON THE UPCOMING FAST TRACK BILL

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

Mr. BROWN of Ohio. Madam Speaker, we have heard numerous stories of dozens of deals between President Clinton and Speaker GINGRICH to ram fast-track legislation through this Congress. The killer deal was the very first deal the White House cut.

Instead of working with Democrats on positive legislation that looked to the future, the White House cozied up to the gentleman from Georgia [Mr. GINGRICH] and the gentleman from Texas [Mr. ARCHER] on a deal that betrays our values and our historic commitment to working American families and the environment.

The Archer-Gingrich bill not surprisingly would make the Republican hostility to labor and environment the U.S. agenda in international trade negotiations, a global race to the bottom. The Archer-Gingrich bill is a fast-track to the past, not to the future.

The vast majority of Democrats, 80 percent of them, oppose the Archer-Gingrich bill because we want sensible agreements that incorporate our values as Democrats, values such as clean air and clean water, values such as safe food, values such as worker rights and human rights.

As Democrats, we can do better. Vote no on the Gingrich-Archer fast-track bill.

THE LEGACY OF THIS ADMINISTRATION

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

Mr. BARTLETT of Maryland. Madam Speaker, we have really got to hand it to this administration. This is the first administration in history that has combined distinguishing characteristics and no controlling legal authority into a legal defense that the media are actually taking seriously, and then spends half the day talking about their legacy. Somehow, I think the legacy that they are likely to leave is not going to be the same legacy they have in mind.

Let us face it, when key witnesses keep turning up either dead, unwilling to testify, or hiding out in foreign countries, I do not think this is simply a question of partisan politics, despite the view repeated endlessly on ABC, NBC, and CBS that investigations into the 1996 Presidential campaign are much ado about nothing.

If there is nothing to hide, then I ask my fair-minded friends at ABC, NBC, and CBS, why are over 50 witnesses with critical information, why have they either fled the country or taken the fifth? The only scandal bigger than the Clinton-Gore campaign is the way the media have covered it since all these outrageous campaign finance violations have come to light. This, too, will be part of the legacy.

CONGRESS MUST MAINTAIN ITS INTEGRITY UP TO THE END OF THE SESSION

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

Ms. JACKSON-LEE of Texas. Madam Speaker, as we bring this session of our responsibilities to the American people during this time of legislative activity to an end, I would ask this Congress to maintain its integrity.

There is a great deal of debate about legislation that is to be voted on and discussed this day, but I think that our Republican friends and certainly Democrats should understand that there are certain issues that need to be maintained separately from these discussions.

There is no doubt that sampling in the taking of the census in the year 2000 has been documented as the most accurate way of counting every human being. The homeless, people who are unhoused, poor people, rich people, black people, Hispanic people, Anglo people, Asian people, anyone in this country needs to be counted in this Nation. So let us not play with the census.

Let us not play with the basic rights of women across the world to family plan and preserve their families.

Let us not play with the Haitians, who are the only group who are not being allowed to stay in this country to apply for their citizenship.

Maintain the integrity of this Congress, and allow these issues to go forward on their own merits. The census must have sampling, family planning must exist, and leave the Haitians alone so they, too, have the rights of everybody else.

EDUCATION WOULD CHANGE IF WE HAD SCHOOL CHOICE

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

Mr. PETERSON of Pennsylvania. Madam Speaker, there are schools in America that turn out more criminals than young people that will go out to attend college. Would Members like a choice if their child was attending that school? I believe they would.

Madam Speaker, wealthy Americans and many Congressmen and Senators make choices every day, and our President and Vice President, they send their child to the school of their choice. Many middle-class Americans choose where they live so their children can attend a school that they know is a good school. But what about poor Americans who are stuck in a bad neighborhood with a bad school?

Eighty percent of the schools in America are good and delivering a good product. Recently we had a bill that would allow choice for the poorest of Americans. What are the Democrats in the educational establishment afraid of, that it might work? We would have a chance to change education, and education would change, if we had choice. Bad schools would close, and the children would have a chance to go to a good school.

CALLING FOR BALANCED TRADE AGREEMENTS WHICH CONTAIN PROTECTIONS FOR WORKERS AND THE ENVIRONMENT

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

Mr. NADLER. Madam Speaker, since NAFTA we have converted a $2 billion trade surplus with Mexico to a $20 billion trade deficit. In 65 percent of union organizing elections, employers have threatened to move to Mexico or to another foreign country if workers have chosen the advantages of collective bargaining.

Working people have gotten almost none of the benefits of our expanding economy, as real wages for the middle class have remained static and, for lower-income workers, have actually declined. NAFTA and fast track quite properly protect American investors who invest abroad and protect intellectual property rights, but they do not protect labor and environmental rights. They are imbalanced.

We must have balanced trade agreements that protect not only investments and intellectual property, but also labor and environmental standards if trade is to serve all our people, and if our expanding trade is not to serve as a tool to be used to deny a fair share of our economic gains from filtering down to working people and to the middle class. Reject the fast track agreement as imbalanced.

□ 1430

INVESTIGATION OF 1996 PRESIDENTIAL CAMPAIGN

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

Mr. TIAHRT. Madam Speaker, investigations into crimes that may have been committed during the 1996 Presidential campaign are about a lot more than taking foreign money. They are a lot more than just the effort to secretly get around the rules that everyone else had to follow and then worry about explaining the misdeeds after the election.

No, Madam Speaker, the liberal media attempts to downplay this scandal. These investigations are also about compromising national security, about selling out American foreign policy to the highest bidder and acting in complicity with the Communist Government of China to subvert the democratic process in the United States.

I believe that I am correct, Madam Speaker, that both Democrats and Republicans would agree that these charges are truly alarming. In fact, all Americans who believe in democracy, who believe that America should decide who should rule over America and who believe that secret money laundering operations represent political corruption at its most disgraceful, all believe that we must find out the truth about these scandals. Democracy demands it.

IN TRIBUTE TO THE LATE CLARA BOSWELL

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute.)

Mrs. CLAYTON. Madam Speaker, in less than an hour, legions of families and friends will gather in the historic town of Edenton, North Carolina, to mourn the death and celebrate the life of one of my staff members, Clara Boswell. This devoted mother and grandmother and former principal passed suddenly, without notice, on Thursday night.

Clara's life was personified by her two favorite symbols, the butterfly and the hat. While the grief of those who will gather is heavy, I know they will be comforted by acclaiming the life and celebrating the life of Clara.

I am confident she has left a lasting impression on those who came to know her, and the principles that guided her will now serve as guideposts for those she leaves behind. Like the butterfly, she brought a free spirit, bright colors, in every place she functioned. And like the hat, she brought peace and protection to everyone she encountered.

She has been called to rest and to reside in the place of total peace. God's finger has gently touched her, and she now sleeps. May God comfort and help her family and friends to hold on to treasured yesterdays and to reach out with courage and hope to tomorrow, knowing that their beloved is with God.

Clara has labored long. She served well. She has made a difference. She loved the butterfly. She had a free spirit. Today we put her to rest.

PRIVILEGES OF THE HOUSE—DISMISSAL OF CONTEST IN 46TH DISTRICT OF CALIFORNIA

Mr. GEPHARDT. Madam Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 318) pursuant to rule IX and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 318

Whereas, the election contest concerning the 46th District of California should be dismissed as there is no credible evidence to show that the outcome of the election is different than the election of Congresswoman Loretta Sanchez.

Whereas, State of California authorities should continue an investigation into any questionable registration activities; and

Whereas, the Committee on House Oversight should examine voter registration procedures; and now therefore be it

Resolved, That the contest in the 46th District of California is dismissed.

THE SPEAKER PRO TEMPORE (Mrs. EMERSON). The resolution presents a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. BOEHNER

Mr. BOEHNER. Madam Speaker, I move to table the resolution.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Ohio [Mr. BOEHNER].

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 218, nays 194, answered "present" 1, not voting 20, as follows:

[Roll No. 622]

YEAS—218

Aderholt	Coble	Gilchrest
Archer	Coburn	Gilman
Armey	Collins	Goodlatte
Bachus	Combest	Goodling
Baker	Cook	Goss
Ballenger	Cooksey	Graham
Barr	Cox	Granger
Barrett (NE)	Crane	Greenwood
Bartlett	Crapo	Gutknecht
Barton	Cunningham	Hansen
Bass	Davis (VA)	Hastert
Bateman	Deal	Hastings (WA)
Bereuter	DeLay	Hayworth
Bilbray	Diaz-Balart	Hefley
Bilirakis	Dickey	Herger
Bliley	Doolittle	Hill
Blunt	Dreier	Hilleary
Boehlert	Duncan	Hobson
Boehner	Dunn	Horn
Bonilla	Ehlers	Hostettler
Brady	Ehrlich	Houghton
Bryant	Emerson	Hulshof
Bunning	English	Hunter
Burr	Ensign	Hutchinson
Burton	Everett	Hyde
Buyer	Ewing	Inglis
Callahan	Fawell	Istook
Calvert	Foley	Jenkins
Camp	Fossella	Johnson (CT)
Campbell	Fowler	Johnson, Sam
Canady	Fox	Jones
Cannon	Franks (NJ)	Kasich
Castle	Frelinghuysen	Kelly
Chabot	Gallegly	Kim
Chambliss	Ganske	King (NY)
Chenoweth	Gekas	Kingston
Christensen	Gibbons	Knollenberg

Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martinez
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stump
Sununu
Talent
Tauzin
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—194

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

ANSWERED "PRESENT"—1

Wamp

NOT VOTING—20

Ackerman
Bono
Condit
Conyers
Cubin
Flake
Foglietta
Gillmor
Gonzalez
Hoekstra
Kleczka
Klug
McDermott
Riley
Schiff
Schumer
Stearns
Stokes
Taylor (NC)
Yates

□ 1454

Ms. PELOSI and Mr. MURTHA changed their vote from "yea" to "nay."

Mr. SHAYS and Mr. McDADE changed their vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CORRECTION OF ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. BEREUTER. Madam Speaker, earlier today when announcing motions to suspend the rules, an incorrect number was announced for the adoption bill. The correct number is H.R. 867, not H.R. 861.

RADIO FREE ASIA ACT OF 1997

Mr. ROYCE. Madam Speaker, pursuant to House Resolution 302 and as the designee of the chairman of the Committee on Internal Relations, I call up the bill (H.R. 2232) to provide for increased international broadcasting activities to China, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mrs. EMERSON). The bill is considered read for amendment.

The text of H.R. 2232 is as follows:

H.R. 2232

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 "Radio Free Asia Act of 1997".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Government of the People's Republic of China systematically controls the flow of information to the Chinese people.

(2) The Government of the People's Republic of China demonstrated that maintaining its monopoly on political power is a higher priority than economic development by announcing in January 1996 that its official news agency Xinhua, will supervise wire services selling economic information, including Dow Jones-Telerate, Bloomberg, and Reuters Business, and in announcing in February of 1996 the "Interim Internet Management Rules", which have the effect of censoring computer networks.

(3) Under the May 30, 1997, order of Premier Li Peng, all organizations that engage in business activities related to international computer networking must now apply for a license, increasing still further government control over access to the internet.

(4) Both Radio Free Asia and the Voice of America, as a surrogate for a free press in the People's Republic of China, provide an invaluable source of uncensored information to the Chinese people, including objective and authoritative news of in-country and regional events, as well as accurate news about the United States and its policies.

(5) Radio Free Asia currently broadcasts only 5 hours a day in the Mandarin dialect and 2 hours a day in Tibetan.

(6) Voice of America currently broadcasts only 10 hours a day in Mandarin and 3½ hours a day in Tibetan.

. (7) Radio Free Asia and the Voice of America should develop 24-hour-a-day service in Mandarin, Cantonese, and Tibetan, as well as further broadcasting capability in the dialects spoken in Xinjiang and other regions of the People's Republic of China.

(8) Radio Free Asia and Voice of America, in working toward continuously broadcasting the People's Republic of China in multiple languages, have the capability to immediately establish 24-hour-a-day Mandarin broadcasting to that nation by staggering the hours of Radio Free Asia and the Voice of America.

(9) Simultaneous broadcasting on Voice of America radio and Worldnet television 7 days a week in Mandarin are also important and needed capabilities.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR INCREASED FUNDING FOR RADIO FREE ASIA AND VOICE OF AMERICA.

(a) AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL BROADCASTING TO CHINA.—In addition to such sums as are otherwise authorized to be appropriated for "International Broadcasting Activities" for fiscal years 1998 and 1999, there are authorized to be appropriated for "International Broadcasting Activities" $46,900,000 for fiscal years 1998 and $31,200,000 for fiscal year 1999, which shall be available only for broadcasting to China.

(b) LIMITATIONS.—

(1) RADIO FREE ASIA.—

(A) Of the funds authorized to be appropriated under subsection (a) $26,900,000 is authorized to be appropriated for fiscal year 1998 and $21,200,000 is authorized to be appropriated for fiscal year 1999 for Radio Free Asia.

(B) Of the funds under subparagraph (A), $1,200,000 is authorized to be appropriated for each such fiscal year for additional personnel to staff Cantonese language broadcasting.

(C) Of the funds under subparagraph (A) authorized to be appropriated for fiscal year 1998, $900,000 is authorized to be appropriated for additional advanced editing equipment.

(2) 1998.—

(A) Of the funds under subsection (a) authorized to be appropriated for fiscal year 1998, $11,800,000 is authorized to be appropriated for capital expenditures for the purchase and construction of transmission facilities.

(B) Of the funds under subsection (a) authorized to be appropriated for fiscal year

1998, $3,000,000 is authorized to be appropriated to facilitate the timely augmentation of transmitters at Tinian, Marshall Islands.

(c) ALLOCATION.—Of the amounts authorized to be appropriated under subsection (a), the Director of the United States Information Agency and the Board of Broadcasting Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

SEC. 4. REPORTING REQUIREMENT.

Not later than 90 days after the date of enactment of this Act, in consultation with the Board of Broadcasting Governors, the President shall prepare and transmit to Congress a report on a plan to achieve continuous broadcasting of Radio Free Asia and Voice of America to the People's Republic of China in multiple major dialects and languages.

SEC. 5. REDUCTION IN AUTHORIZATION OF APPROPRIATIONS FOR MIGRATION AND REFUGEE ASSISTANCE.

Notwithstanding any other provision of law, such amounts as are authorized to be appropriated for "Migration and Refugee Assistance" for fiscal year 1998 shall be reduced by $21,900,000 and for fiscal year 1999 shall be reduced by $6,200,000.

The SPEAKER pro tempore. Pursuant to House Resolution 302, the committee amendment in the nature of a substitute printed in the bill is adopted.

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

H.R. 2232

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 "Radio Free Asia Act of 1997".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Government of the People's Republic of China systematically controls the flow of information to the Chinese people.

(2) The Government of the People's Republic of China demonstrated that maintaining its monopoly on political power is a higher priority than economic development by announcing in January 1996 that its official news agency Xinhua, will supervise wire services selling economic information, including Dow Jones-Telerate, Bloomberg, and Reuters Business, and in announcing in February of 1996 the "Interim Internet Management Rules", which have the effect of censoring computer networks.

(3) Under the May 30, 1997, order of Premier Li Peng, all organizations that engage in business activities related to international computer networking must now apply for a license, increasing still further government control over access to the internet.

(4) Both Radio Free Asia and the Voice of America, as a surrogate for a free press in the People's Republic of China, provide an invaluable source of uncensored information to the Chinese people, including objective and authoritative news of in-country and regional events, as well as accurate news about the United States and its policies.

(5) Radio Free Asia currently broadcasts only 5 hours a day in the Mandarin dialect and 2 hours a day in Tibetan.

(6) Voice of America currently broadcasts only 10 hours a day in Mandarin and 3½ hours a day in Tibetan.

(7) Radio Free Asia and Voice of America should develop 24-hour-a-day service in Mandarin, Cantonese, and Tibetan, as well as further broadcasting capability in the dialects spoken in the People's Republic of China.

(8) Radio Free Asia and Voice of America, in working toward continuously broadcasting to the People's Republic of China in multiple languages, have the capability to immediately establish 24-hour-a-day Mandarin broadcasting to that nation by staggering the hours of Radio Free Asia and Voice of America.

(9) Simultaneous broadcasting on Voice of America radio and Worldnet television 7 days a week in Mandarin are also important and needed capabilities.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR INCREASED FUNDING FOR RADIO FREE ASIA AND VOICE OF AMERICA BROADCASTING TO CHINA.

(a) AUTHORIZATION OF APPROPRIATIONS FOR RADIO FREE ASIA—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Radio Free Asia" $30,000,000 for fiscal year 1998 and $22,000,000 for fiscal year 1999.

(2) LIMITATIONS.—

(A) Of the funds under paragraph (1) authorized to be appropriated for fiscal year 1998, $8,000,000 is authorized to be appropriated for one-time capital costs.

(B) Of the funds under paragraph (1), $700,000 is authorized to be appropriated for each such fiscal year for additional personnel to staff Cantonese language broadcasting.

(b) AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL BROADCASTING TO CHINA AND NORTH KOREA.—In addition to such sums as are otherwise authorized to be appropriated for "International Broadcasting Activities" for fiscal years 1998 and 1999, there are authorized to be appropriated for "International Broadcasting Activities" $10,000,000 for fiscal year 1998 and $7,000,000 for fiscal year 1999, which shall be available only for enhanced Voice of America broadcasting to China and North Korea.

(c) AUTHORIZATION OF APPROPRIATIONS FOR RADIO CONSTRUCTION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as are otherwise authorized to be appropriated for "Radio Construction" for fiscal years 1998 and 1999, there are authorized to be appropriated for "Radio Construction" $10,000,000 for fiscal year 1998 and $3,000,000 for fiscal year 1999, which shall be available only for construction in support of enhanced broadcasting to China.

(2) LIMITATION.—Of the funds under paragraph (1) authorized to be appropriated for fiscal year 1998, $3,000,000 is authorized to be appropriated to facilitate the timely augmentation of transmitters at Tinian, the Commonwealth of the Northern Mariana Islands.

(d) ALLOCATION.—Of the amounts authorized to be appropriated for "International Broadcasting Activities", the Director of the United States Information Agency and the Board of Broadcasting Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(e) ALLOCATION OF FUNDS FOR NORTH KOREA.—Of the funds under subsection (b), $2,000,000 is authorized to be appropriated for each fiscal year for additional personnel and broadcasting targeted at North Korea.

SEC. 4. REPORTING REQUIREMENT.

Not later than 90 days after the date of enactment of this Act, in consultation with the Board of Broadcasting Governors, the President shall prepare and transmit to Congress a report on a plan to achieve continuous broadcasting of Radio Free Asia and Voice of America to the People's Republic of China in multiple major dialects and languages.

SEC. 5. UTILIZATION OF UNITED STATES INTERNATIONAL BROADCASTING SERVICES FOR PUBLIC SERVICE ANNOUNCEMENTS REGARDING FUGITIVES FROM UNITED STATES JUSTICE.

United States international broadcasting services, particularly the Voice of America, shall produce and broadcast public service announcements, by radio, television, and Internet, regarding fugitives from the criminal justice system of the United States, including cases of international child abduction.

The SPEAKER pro tempore. Pursuant to House Resolution 302, the gentleman from California [Mr. ROYCE] and the gentleman from Indiana [Mr. HAMILTON] each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. ROYCE].

GENERAL LEAVE

Mr. ROYCE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

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

There was no objection.

Mr. ROYCE. Madam Speaker, I yield myself such time as I may consume. Madam Speaker, for the last few days, the House of Representatives has been debating policy for the most important bilateral relationship the United States has, and that is our relationship with the People's Republic of China. We have heard different views on how we should deal with this emerging power. It has been a good debate, a healthy debate for us to have. I have supported the initiatives that are part of that policy for freedom in China package, because together they contribute to a well-crafted China policy, a policy which positions the United States to stand up forcefully for our values and protect our national security. For certain our relationship with China is not easy. It will be the most challenging relationship we face in the next century. Moving forward, we must have principles to guide this relationship. For one, in all our dealings with the Beijing regime, it is essential that we do not shy away from our values. This means calling the Chinese leadership on democracy and on human rights, spotlighting the organ harvesting many Members have spoken against on this floor, and acting when we can. Standing up for our values also means promoting the free flow of uncensored information, which is the lifeblood of our values that Americans cherish and wish for the Chinese people.

□ 1500

That is why I am proud to be the author of the Radio Free Asia Act of 1997.

Everyone here has heard of Radio Free Europe; that is our effort which was so effective during the cold war in bringing information to those stuck behind the Iron Curtain. At that time we told the people of Eastern Europe what was happening in their own countries, but it was not really us telling them. It was the voices of Hungarians and Czechs and Poles broadcast on Radio Free Europe, telling their fellow countrymen about the politics and other developments in their home countries, and through this surrogate broadcasting Hungarians and Czechs and Poles and others were able to learn about human rights abuses and repression in their own countries and to ask why.

This information transmitted through the airwaves was tremendously effective in bringing about the demise of totalitarian regimes in these countries. How do we know that?

Lech Walesa of Poland and Vaclav Havel and Alexander Dubcek of Czechoslovakia, men who pulled the foundation out from communism, have said that Radio Free Europe did more than anything else to change those Communist regimes of Eastern Europe. It is clear, information is deadly to dictators. The Chinese people deserve no less of an effort from us.

Radio Free Asia has been up and running, breaking official silence in Asia for over a year now. It is patterned after Radio Free Europe. Radio Free Asia targets countries where Asians are unable to hear about developments in their own country, unable to hear about what is happening in their own capitals and even in their own cities and towns. Some 95 percent of Radio Free Asia's programing focuses on people and events within that targeted country. So while no Lech Walesa has emerged in China, I believe Radio Free Asia is one of the most powerful tools we have for promoting democracy and promoting human rights in China.

This bill will provide the means to broadcast 24 hours a day into China and Tibet and to expand broadcasting in North Korea. This round-the-clock broadcasting in Mandarin, Cantonese, Tibetan, and other dialects will be an invaluable source of uncensored information for the Chinese people, information they otherwise would be denied.

What do the Chinese people hear on Radio Free Asia? Weekly commentators, a discussion of topical issues with Chinese journalists. They hear China In Perspective, which deals with a range of issues, including the Chinese media; politics in the media; Tibet Today, a discussion of current issues in Tibet; "Voices of Current Party Members", which is a weekly discussion with current party members hosted by a former editor of the People's Daily; and they have their own "Crossfire" show that they hear as well.

That sounds like pretty standard news and information, right? But it is not standard in a totalitarian country. And so the Beijing regime has complained. A Chinese Foreign Ministry spokesman recently denounced Radio Free Asia, saying it was using freedom of speech as an excuse to interfere in China's internal affairs. Freedom of speech and interference in internal affairs, and the Chinese Government has punished those caught listening to Radio Free Asia.

It also has tried to shut out these broadcasts through jamming. This jamming is not too effective though, and it will be less effective after the new transmitter approved by the Radio Free Asia Act of 1997 is built.

The fact is that there is no denying Radio Free Asia. Just look at this map of China. Each orange dot on this map represents a significant cluster of letters received by Radio Free Asia's Chinese listeners. Up and running only a little over a year, Radio Free Asia has received hundreds of these letters, many of them from students, which indicate that young people are listening as well, and let me just read sections of two.

This is from a worker in a labor union written this past September. He says, "every day in the past 8 months, 2 hours of my day belong to Radio Free Asia, which brings a fresh spring breeze to the stifling and repressed China and lets us see the hope for a free and democratic China."

Another letter written 2 months ago, quote: "Like most of my Chinese countrymen, I did not know what press freedom was and what human rights were, did not even know that Taiwan called itself the Republic of China and that the Dalai Lama even was awarded the Nobel Peace Prize. Then I bought a radio set, which made me hunger knowledge as I never have before."

I cannot imagine more powerful words, and I have nothing to add to those words.

Madam Speaker, I reserve the balance of my time.

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

I rise in support of the bill. The bill authorizes $30 million for Radio Free Asia for fiscal year 1998, $22 million for fiscal year 1999. It authorizes an additional $10 million for enhanced VOA broadcasting in China and North Korea for fiscal year 1998, and $7 million for the same purpose in fiscal year 1999. The bill also authorizes an additional $10 million in fiscal year 1998 and $3 million for fiscal year 1999 for radio construction in support of enhanced broadcasting to China.

The bill requires that within 90 days the President and the Board of Broadcasting Governors submit to the Congress a plan to achieve 24-hour broadcasting of Radio Free Asia and Voice of America to China in multiple dialects and languages.

The authorization funding for Radio Free Asia in this bill is identical to that provided in the State Department authorization conference language, so in a sense this is an issue that has already been agreed upon. There is additional authorization here for Voice of America broadcasting in China and North Korea and for radio construction that represents an increase in authorization levels from the State Department authorization conference language or the Commerce-Justice-State conference contemplated funding levels.

Insofar as I know, the administration has no objection to this bill. It did have some problems with the original bill. I think they have been addressed in the markup of the bill.

I totally agree with the sponsors of the bill that the promotion through Radio Free Asia of democracy and human rights is an extremely important element of U.S. foreign policy and one that we should support. I urge then the support for the bill.

Madam Speaker, I reserve the balance of my time.

Mr. ROYCE. Madam Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

Mr. GILMAN. Madam Speaker, I am pleased to rise in support of H.R. 2322 sponsored by the gentleman from California [Mr. ROYCE]. This measure is an important enhancement to our international broadcasting to Asia.

Broadcasting to Asia, and particularly to China, is vital to the spread and support of democracy and the freedom of expression. I fully support the measure to expand broadcast capabilities of Radio Free Asia and the Voice of America through additional funding for personnel, for transmitters and for other broadcast requirements.

I commend the gentleman from California [Mr. ROYCE], the distinguished chairman of our Committee on International Relations Subcommittee on Africa for his foresight in drafting this bill. This additional funding that is supported by the Speaker and the President will increase the opportunity for the peoples living under communism in Asia to hear news and other programing untainted by State news services. Mr. ROYCE's worthy proposal will increase transmissions in Mandarin, Cantonese, Tibetan languages and other dialects. It is hoped that when we work with the Senate in conference on this proposal, we will not forget to add the Uygers in East Turkestan.

I commend the gentleman and urge our colleagues to support this measure.

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

Mr. ROYCE. Madam Speaker, I yield 3½ minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER], chairman of the Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Madam Speaker, I would like to begin with an announcement. As some of the Members know, the Speaker appointed a bipartisan task force on the Hong Kong transition, were to give a quarterly report, and I want my colleagues to know that the first quarterly report or a summary thereof will be in the CONGRESSIONAL RECORD for today.

Madam Speaker, this legislation is very important. I rise in strong support of it and commend my distinguished colleague, the gentleman from California [Mr. ROYCE], for introducing this legislation. Madam Speaker, as mentioned this legislation authorizes appropriations specifically for broadcasting to China and North Korea and construction of broadcasting facilities. The purpose of this is to enhance America's ability to broadcast, increase the number of languages and dialects in which Radio Free Asia can broadcast.

As the chairman of the subcommittee, my colleagues might be interested in knowing that in order to assure that accurate, timely, uncensored news and information gets to China, Vietnam, Burma, Cambodia, North Korea and the rest of East Asia, that it is important to support the activities of Radio Free Asia and the Voice of America. Radio Free Asia can provide news to those who otherwise cannot obtain it because many of the governments in the region systematically control the flow of information to their own citizens.

Currently United States broadcasting in Chinese dialects totals only 7.5 hours daily by Radio Free Asia and 13 hours daily by Voice of America. This will permit expansion of broadcasting to 24 hours per day in Mandarin Chinese, plus expanded broadcasting in Cantonese, Tibetan, and other dialects. The combined Voice of America and Radio Free Asia broadcast to the region will provide listeners with a full-service broadcast covering local, national and international news, together with U.S. news and discussion of foreign policy. This would be the first around-the-clock broadcasting in Mandarin to China by any nation.

This resolution would also support one-time expenditures required to ensure reliable transmission of broadcasts to listeners in China and North Korea. This includes the purchase, modification, and operation of a transmission station in Saipan. Actually I think it is Tinian, an United States territory currently providing the strongest broadcast signal to China. The transmitter would also give Radio Free Asia a permanent transmission site, something it now lacks. The increased funds will also go to augment relay stations that carry the message on to China and other Asian countries.

Madam Speaker, in a world where Chinese military and diplomatic influence is growing, it is useful to remember the lessons of Radio Free Europe. Diplomats may have dismissed those broadcasts, but ordinary people listened. Eventually it was these ordinary people who were able to change those Communist systems.

The people of Asia who live under authoritarian regimes deserve no less of a commitment from the United States. If we are serious about spreading the voice of democracy to China, Vietnam, Cambodia, North Korea, Burma, and other authoritarian States in East Asia, this legislation assures that the message of democracy reaches the broadest possible audience.

In conclusion, Madam Speaker, this Member again would like to commend the distinguished gentleman from California [Mr. ROYCE] for his dedication and assistance in making this important increase in funding for Radio Free Asia and the Voice of America. It is an initiative which this Member has advocated in the House Committee on International Relations and elsewhere, and I thank this gentleman for bringing it to fruition.

Mr. HAMILTON. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Madam Speaker, I thank my good friend and fellow Hoosier from Indiana for yielding this time to me, and I rise in strong support of this legislation.

I think this legislation has been explained very well by Members on both the Republican and the Democratic side. This bill authorizes $30 million for Radio Free Asia for fiscal year 1998 and $22 million for fiscal year 1999. As importantly, the bill authorizes an additional 10 million for enhanced VOA broadcasting in China and in North Korea for fiscal year 1998 and 7 million for the same purpose for fiscal year 1999.

As we have talked, Madam Speaker, this past week about American values, about human rights, about putting emphasis on these kinds of things in our very important bilateral relationship between the United States and China, this bill, I think, is at the crux of many of the things that the United States stands for.

□ 1515

We have engaged, I think, the past 2 weeks, when Jiang Zemin visited this country, in what the President has very appropriately called constructive engagement.

Now, there are some in this body that feel like we should not engage with the Chinese. I personally strongly support the President's constructive engagement. That means that you sit down and listen to one another, you meet with one another, and, at times, you strongly disagree with one another.

There is no better example, and I say to my colleagues on constructive engagement, there is no better example of this than when the President was having a press conference with Jiang Zemin last week and a reporter asked them about Tiananmen Square. And Jiang Zemin said they did, in fact, what they had to do to restore economic and social stability.

And then the President had his turn, and the President very forcefully said, "I disagree, and you did the wrong thing. You did not do what was just, you did not stand up for human rights, and you will continue to be isolated in the world if you engage like that."

That is constructive engagement. I think in the most important bilateral relationship that our two countries will engage in, the Chinese and the American people in the next 20 and 30 and 50 years, the President's policy is right on the mark.

Now, I also think that we have engaged in some very constructive votes this past week. I personally have voted to stop the coerced abortions, and I applaud this body for that. I have voted to more prominently monitor human rights, and I applaud this body for that. I encourage more religious freedom in China. I think that these are the kinds of things we need to engage in with the Chinese, constructive engagement, and not destructive rhetoric.

I applaud the author of this bill, and I strongly encourage my colleagues to support it.

Mr. ROYCE. Madam Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Madam Speaker, I certainly thank the gentleman from California for yielding me time.

Madam Speaker, as we bring this China package to a close, I would just once again like to thank all of these people who helped make this happen, the gentleman from California [Mr. COX], the gentleman from New York [Mr. GILMAN], the gentleman from New Jersey [Mr. SMITH], the gentlewoman from California [Ms. PELOSI], the gentleman from Missouri [Mr. GEPHARDT] on the other side of the aisle, and all of the rest of the Members and staff who have been so committed on this for such a long time.

This has been a grueling process, yes, it has; several days on the floor, and months, even years of work, by the people that I have just mentioned.

But for those who are fatigued, and I certainly am, we must remember, what we endure is nothing compared to what the people of China have endured on a daily basis, every single day throughout the 48-year reign of the Communists in that unfortunate country,

and they are the reason we have been here for the past several days with this very, very vital legislation, for we all know that when the people of China are free, America and China will develop a long-lasting friendship, and that is the way it ought to be, based on respect, based on trust and the mutual interests of 1.5 billion people.

That is why it is fitting that we end this process with the gentleman from California [Mr. ROYCE], and I commend the gentleman from California [Mr. ROYCE] on this bill to enhance the capabilities of Radio Free Asia and the Voice of America to broadcast the truth to the Chinese people.

Madam Speaker, few things could be more heartening than to hear the stories from the victims of Communist repression in the former Soviet Union about how Radio Liberty about how Radio Free Europe and the Voice of America kept their hopes alive, gave them a beacon of hope during their darkest hours behind that Iron Curtain, and now they are free. Awareness of the truth and the knowledge that someone else really cared about them kept these people going under the worst of circumstances.

Madam Speaker, this is real engagement, engagement with the people of China, not with those Communist thugs who repress them, who imprison them, who beat them and give them a bad name abroad with their missile diplomacy and rogue activities. And we all know what we have been talking about for the last 3 weeks.

Radio Free Asia and the Voice of America are underfunded. They are only broadcasting a few hours a day and only a couple of dialects. This bill rectifies that by giving $50 million for this year alone.

Madam Speaker, if the Committee on Appropriations sees fit to provide this money, and we all here will see they will, I can even suggest a perfect offset. Thursday night, this House approved my bill to oppose the World Bank's soft loans to the Communist Government of China by an overwhelming majority.

In 1996, the World Bank loaned about $500 million to these thugs in Beijing. Since the United States owns about 15 percent of the World Bank, that means American taxpayers directly gave the Communist dictators in Beijing $75 million of the taxpayers' money in interest-free, 35-year loans, and a 30-year grace period. We can put an end to that.

Madam Speaker, I thank the gentleman for yielding me this time. And this is perhaps the fitting end to these 10 bills that we have brought on this floor. The gentleman is to be commended. Let us come over here and vote unanimously for this vital piece of legislation.

Mr. ROYCE. Madam Speaker, I yield 2½ minutes to my colleague, the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Madam Speaker, I rise in strong support of this amendment and Radio Free Asia. I would like to compliment the gentleman from California [Mr. ROYCE], my colleague and fellow Orange Countian, who has done so much over the years on this issue. He has made it real.

Ed, congratulations for a job well done.

There would not be a Radio Free Asia in the works and heading toward going on the air if it was not for the fact that the gentleman from California [Mr. ROYCE] put in so much time and effort on this commendable piece of legislation.

During the cold war, we must remember that it was not our weapons and technology alone that won the day and ushered the world into a new era of peace and prosperity. And peace and prosperity is yet to prevail, but we have more opportunities for that than we have had during my entire lifetime.

While the courage of the Armed Forces and their technological edge was certainly an imperative that we needed during the cold war, our commitment to Radio Free Europe, the Voice of America, and Radio Liberty kept alive the flame of freedom in the hearts of people who were oppressed from the Balkans to the Baltics. This flame was in the hearts of America's greatest allies.

Our greatest allies in the cold war were those people who lived in Communist countries. And when they knew that we did not forget them, the flame lived on and eventually that conflagration brought down the Communist empire. With communism we were able to destroy the wills of the leadership by mustering support among the people they repressed.

The Good Book tells us that the truth will make you free. Today, with the Soviet collapse, it is our turn now; we must turn to finish the job. We must show the people of Asia that we have as great a commitment to their freedom as we had to the people of Europe.

Radio Free Asia will affirm to the good people throughout Asia that we are on their side, and they need this message when they can only see U.S. corporations exploiting their cheap labor, exploiting their environmental laws that permit corporations to come in and exploit the environment. When they see these, they need to be reaffirmed.

The people of Asia need a confirmation that we are on their side, and that is what Radio Free Asia will do. The Ughyurs, for example, in East Turkmenistan, now live under the heel of the Communist dictatorship in Beijing. We need to broadcast to those and other people, whether they be in Burma, Vietnam, or elsewhere, we believe in freedom, and if we hold firm to our principles in the United States of America, those principles of our Founding Fathers, we will finish the job of ending the cold war, and indeed the world will have a new era of peace and prosperity and freedom.

Mr. HAMILTON. Madam Speaker, I yield 3 minutes to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. I, too, rise this afternoon to give my appreciation for the author of this legislation and as well the ranking member of this committee for coming together around a very instructive and creative opportunity for us to recognize and to commemorate, if you will, the results of Radio Free Europe.

I can almost say to this House, need I say any more, all of us who have grown up in the World War era are aware of the impact of Radio Free Europe. In fact, it became the symbol of freedom. And as we listened ourselves, hearing about stories and reports on Radio Free Europe, needless to say, those voices that were being heard were impacting on smaller ears, younger people, people who thought that freedom now could be a reality for them.

Why not Radio Free Asia? In the time of child labor, religious persecution, and the denial of free thought, in one of the biggest markets in this world, do we not have the responsibility to say that economics is important but the free thought of those who live under those systems has to be of primary importance to those of us who claim capitalism on the economic side but freedom of thought and religion on the social justice side?

Yes, many of us have supported most favored nation and we recognize through our corporate community that Southeast Asia is an attractive market. But can we stand by while the dollars flow in and out, while the markets increase, and yet there are people in these nations who cannot gather in their homes to worship their God?

There are people in these nations who cannot think freely for themselves to worship as they desire. And, yes, there are those who have been called to claim the message of whatever faith they believe in who cannot speak.

Radio Free Asia has to exist. We must use it responsibly, however. It cannot be accusatory. It cannot be threatening. It should not be where it is decisive. We simply have to let them hear the truth. We simply have to have them hear the voices of reason. We simply have to have those voices of free thought who can speak about the issues in a free and thoughtful manner be projected on those younger ears, those ears of those who have not heard.

I think Radio Free Asia will tell the real story. Once you hear and once you understand, then you will act. That is what this whole opportunity for Radio

Free Asia will generate, and that is a hearing and understanding and an acting.

Madam Speaker, I would simply say that the dollar is not the almighty dollar as some of us have heard it claimed. It must be balanced with the freedom of speech and understanding, the freedom of religion, the freedom of thought. And out of that comes a real appreciation for where you live, and the value of the dollar diminishes when you have freedom for all.

I thank the author of the bill and encourage all of my colleagues to vote for this very timely legislation.

Mr. ROYCE. Madam Speaker, I yield 2 minutes to my colleague, the gentleman from Arizona, [Mr. SALMON], who speaks Mandarin and has spent time in China,.

Mr. SALMON. Madam Speaker, I thank the gentleman for introducing this badly needed piece of legislation. In fact, I do not think I am alone in believing that this alone will probably go further than almost anything else that we have done this week or probably this year.

Mr. Rohrabacher made a comment, in fact quoted my favorite scripture from the New Testament, when he said, you shall know the truth and the truth shall make you free. Unfortunately, in China the truth does not find a way of filtering itself down to the common people on a daily basis.

I saw some footage last week when President Jiang Zemin visited these United States about the coverage in China, and it is interesting, because as we know, in watching our media, when Mr. Jiang went from place to place, there were numerous protests regarding various policies, regarding policies regarding Tibet, regarding policies dealing with religious worship, regarding policies dealing with forced abortion. In fact, it was a very mixed bag of reviews. Most of the stops that he made had very, very angry people.

But none of that was filtered down to the common citizens in China. They never heard that information. They think everything is hunky-dory and we all love the guy.

That kind of information has to get down to the people so they do not give way to despondency, so they can keep some hope, some courage, that freedom is very much alive here in this country and we are still plugging for them.

When we continue with MFN, which a majority of Members in this body supported, sometimes I wonder if they get a mixed message, a wrong message. Many of us who support MFN also care deeply about human rights. We don't believe it is OK to turn a deaf ear to the human misery and suffering going on in China. We believe it is time for tough talk.

As the gentleman from Indiana [Mr. ROEMER] said, the President made some very tough statements last week, as he should have. That needs to be filtered town to the rank and file. They need to know that we care; they need to know we are with them, that we believe in freedom and that we believe it will happen if we persevere. That is what constructive engagement is all about.

Congratulations, Mr. ROYCE. This bill is going to go a long way to providing truth for the Chinese people.

Mr. ROYCE. Madam Speaker, I yield 2¼ minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

□ 1530

Mr. HUTCHINSON. Madam Speaker, I rise in strong support of H.R. 2232, and I want to express my appreciation to the gentleman from California for his leadership on this very important issue.

As a new Member of Congress, I believe this legislation involves one of the most important issues we have dealt with. My colleagues might ask why is that the case, and it is because it involves the fundamental issues of freedom and liberty.

I think about my father, who is now deceased, but when wartime came around, he was past draft age, he had 4 children, he did not need to go, but he went to serve in our Armed Forces. Why did he go, as so many others went? Because it was not necessarily what was happening in America, but it was about what America stood for; it was about liberty, it was about freedom, it was about supporting that voice around the world.

I think it is what America stands for. Today, the Voice of America, Radio Free Asia, needs to be strengthened in China. Madam Speaker, $10 million for the Voice of America, $20 million for Radio Free Asia. It is money well spent.

I think about Tiananmen Square and the images that that portrayed across America of those Chinese students, in their way, standing for freedom and speaking against a repressive regime. What can we do to help them?

Well, there are some things that we can do in these bills that we have passed, and China sanction legislation represents that. But there is one thing that government cannot stop and that is the Voice of America, it is the voice of freedom, the voice of liberty. Truth, truth cannot be shut out. If we can get that message in, then we can encourage those people who are still being repressed; we can raise the voice and awareness of democracy.

There is a temptation in America today that we should withdraw from world affairs, that we do not need to be concerned with what happens in China, and I reject that argument. I believe that we still need to be the leader of the free world. As Alexander Solzhenitsyn said, who is the Russian dissident who spent years in the gulag, "If America does not lead the free world, then the free world will not have a leader."

This is a small burden to pay for the price of liberty. We should support it enthusiastically. I urge my colleagues to support it.

Mr. HAMILTON. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Madam Speaker, I thank the gentleman from Indiana for his graciousness in yielding me this time. I commend him and the gentleman from California [Mr. ROYCE] for their tremendous leadership in bringing this bill to the floor of the House of Representatives.

Madam Speaker, when we complete this series, we will have passed nine very significant bills designed to effect change in China. While I am biased on this matter, I believe this is the best of the nine, and I believe that because I think it has more potential than any of the others in really providing for change in Chinese society.

We know this because of the record of Radio Liberty and Radio Free Europe during the cold war. Madam Speaker, surrogate radios are not propaganda, they are the beaming of truth and ideas and news into censored societies, societies where those ideas from outside are not permitted. And under Radio Free Asia, the concepts of freedom, of democracy, of free enterprise, of the rule of law, of an independent judiciary, the very values that we as Americans believe in so deeply, are reaching their way today into closed societies in Asia.

The ideas of Jefferson and Lincoln, the ideas that cannot be heard there, the ideas of their own people in believing in these values are getting through, and this legislation will cause that to be ramped up 3 times what we are doing today, and will affect not only China, but Burma, Vietnam, Tibet, North Korea, Laos, places where autocratic regimes hold sway.

Madam Speaker, this is cost-effective legislation and $40 million will provide for construction of new antennae and broadcasting facilities and the broadcasts themselves. Through Voice of America and Radio Free Asia, and let me say, Madam Speaker, that Voice of America is equally important in doing a marvelous job for this country all across this world. It is simply a different approach than the surrogate radios. Both are needed. We will be able to broadcast 24 hours a day in Mandarin, more broadcasts in Cantonese. This is exactly what we need to be doing.

Madam Speaker, 3 years ago myself and Helen Bentley conceived Radio Free Asia. Senator BIDEN picked up this matter over in the Senate and came aboard, and we passed legislation into law, and today Dick Richter and his very able staff are making a real difference in that part of the world.

The concept of beaming truth and uncensored news and information and ideas and values will change these closed societies, will make a difference in the lives of the Chinese people and the people of Burma and Vietnam and other places in Europe. They will do so at a much less cost than any other approach, and with tremendous effectiveness. I commend the gentleman from California [Mr. ROYCE]; I commend the gentleman from New York [Mr. GILMAN]; the gentleman from Indiana [Mr. HAMILTON]; the gentleman from Nebraska [Mr. BEREUTER]. All of them have provided tremendous leadership in making this happen.

This is extremely important legislation that will make a true difference in this world, and I commend it to all Members.

Mr. ROYCE. Madam Speaker, I yield 4 minutes to the distinguished gentleman from California [Mr. COX], chairman of the Policy Committee, a colleague who has spearheaded the Policy for Freedom package.

Mr. COX of California. Madam Speaker, I would like to thank especially the gentleman from California [Mr. ROYCE]. I want to commend the sponsor of this vital bill, my colleague from California, the chairman of the Committee on International Relations Subcommittee on Africa, for his leading role in policymaking. Prior to his committee chairmanship on the Subcommittee on Africa, he was the vice chairman of the Subcommittee on Asia and the Pacific. He went with the Speaker of the House this year to the People's Republic of China, to Taiwan and to Hong Kong, and today, after literally years of work, he is bringing to us this bill which is rightly praised by his colleagues on both sides of the aisle.

Radio Free Asia builds on Justice Louis Brandeis' great axiom of civil liberties, that sunshine is the best disinfectant. That is what this is all about. That is what in fact makes our system so wonderfully resilient.

Driving to the Capitol on a recent day, listening to our local news radio station, WTOP, I heard no fewer than 3 separate China Moments, China Moments paid for by government-owned firms in the People's Republic of China. They lionized President Jiang Zemin. They hyped Communist rule in China. They propagandized in the best Madison Avenue style that money can buy, and I listened to it, because I am an American.

The Government of the People's Republic of China can talk directly to us as Americans whenever they wish to do so, through their own magazines, which they do in this country, through the Internet, through talking heads on television and via authentic, unbiased, competitive news media in our country. Information, not just in America, but in the world, is the oxygen of freedom, and at the same time, censorship is the staff of life for a dictatorship. The People's Republic of China's Government knows this full well, and as a result, control and suppression of information is of paramount priority for them.

The PRC's oligarchy controls all newspapers, all radio, all television, through suffocating direct ownership or, just as stifling, censorship and regulation. It controls informal flows of information through the pervasive use of wiretapping, informants and surveillance, and it is even building an infrastructure so that the state in the 21st century can control the Internet. It is now seeking to jam broadcasts of Radio Free Asia and the Voice of America, an issue that our leadership raised directly with President Jiang when he was here in the Capitol just days ago.

The bill of the gentleman from California [Mr. ROYCE]) is going to allow 24-hour-a-day broadcasts of Radio Free Asia in Mandarin, Cantonese and Tibetan as well as broadcasting in other major dialects. It will allow the creation of a Cantonese Language Service with 16 journalists. I strongly commend this bill which will let sunlight shine into every corner of China.

When Jiang Zemin visited the United States of America, he went to visit the Liberty Bell, and he read the Biblical verse on the Liberty Bell that reads: "Proclaim liberty throughout the land unto all the inhabitants thereof." That is what Radio Free Asia will do in Communist China.

Let freedom ring across the length and breadth of China, Madam Speaker. Pass this bill.

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

Mr. ROYCE. Madam Speaker, I want to thank our colleague, the gentleman from California [Mr. COX] and his able staff, and I would like to thank the gentleman from Illinois [Mr. PORTER], who promoted Radio Free Asia over the years. A tremendous amount of work has gone into this effort. We have had a long and thorough debate throughout the last few days. There have been differences, but the Chinese people are yearning for information; not propaganda, but unbiased information, that is all. So I hope bolstering Radio Free Asia is something we can all support. This program has the opportunity to provide more than 1.4 billion, one-fourth of the world's population, with a daily dose of truth.

I would like to close my time by reading one last letter Radio Free Asia received from one of its Chinese listeners. "Congratulations on the first anniversary of your Mandarin broadcasts. I am one of your listeners writing to offer my thanks and congratulations. You have worked so hard and during this last year you have won some great victories. Here is hoping that your station in the future will gain a foothold in Asia and the world, and not fear cruelty and inhumanity."

Madam Speaker, in closing, let me yield 3 minutes to my distinguished colleague, the gentlewoman from San Francisco, CA [Ms. PELOSI]).

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding me this time. I intend to yield back so that he can close, because he has worked so hard on this issue. But I will take a little bit of the time, if I may.

I thank my colleague the gentleman from California [Mr. ROYCE] for his leadership in bringing this important bill to the floor. It is appropriate that this piece of legislation be the last in this series of China bills, because it is a banner issue that we treat the people in Asia, Radio Free Asia in Asia and in China the way we conducted our approach to people in Eastern Europe throughout the cold war.

The gentleman from California [Mr. COX] was instrumental in putting a package together which had great consensus in this body. There were some of us who thought we could do more, but my colleague can prove us wrong by making these bills long, and then making these issues policy.

The leadership of the gentleman from California [Mr. COX] and the gentleman from California [Mr. ROYCE] and the gentleman from New York [Mr. GILMAN] and others enabled us to call to the attention of our colleagues and to our country the concerns that we have about the United States-China relationship. Most certainly we believe in engagement, but it must be effective engagement, that instead of contributing to an increased trade deficit and proliferation of weapons of mass destruction with impunity and ignoring of the repression in China, instead, that effective engagement would make the world safer, the trade fairer, and people freer. And Radio Free Asia, the Radio Free Asia part of this package is further to the point of making people freer.

So many people have told us, and I know that my colleagues have addressed this, that in the course of the cold war their consolation was Radio Free Europe, that people in the outside world had not forgotten them, that we did respect their aspirations to live in a freer society. It was true then in Europe, it is true now for Asia, and we reject the notion that democratic freedoms and individual human rights are Western values. Indeed, they are universal values written on the hearts of men. The people in China who aspire for a freer China have quoted Thomas Jefferson, really quoted Thomas Jefferson. They have lived his words, not mocked them, as President Jiang did when he came here.

□ 1545

They have fought, risked their personal lives, the security of their families, and, indeed, their lives for principles that we as a country have advocated.

We say that promoting democratic values is a cornerstone of our foreign policy. If indeed it is in the world, it must be also in China. Radio Free Asia is the mechanism for us to give some encouragement to those who take such risks for freedom. Those people are the legitimate heirs of our Founding Fathers. For that reason, I commend my colleague for his leadership.

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

Madam Speaker, for the sake of freedom in China and throughout Asia, I urge my colleagues to support H.R. 2232, as amended, the Radio Free Asia Act of 1997.

Mr. KIM. Madam Speaker, I rise in strong support of H.R. 2232, a bill to authorize additional funds for Voice of America broadcasts in Chinese and Korean.

As a young boy growing up in Seoul during the Communist invasion, I can remember huddling around the radio with my family listening to these Voice of America broadcasts. In occupied Seoul, VOA was a prime source of news and inspiration in desperate times by providing timely and accurate news, unfiltered by our North Korean oppressors.

Today, North Korea is the most isolated, closed society in the world. The Communist regime maintains tight control of the dissemination of information within North Korea. Our VOA broadcasts are the people's lifeline to outside news and information, and otherwise available.

Several weeks ago, I had the opportunity to meet with two North Korean defectors who were visiting Washington. They told of how North Koreans—desperate for real news from the outside world—risk their lives to listen to VOA broadcasts. If found by North Korean authorities, they face certain execution on the spot. Yet thousands surround secret, miniature radios listening to our VOA broadcasts.

Madam Speaker, VOA broadcasts to China and North Korea provide those people with their primary source of accurate news and information about events in their country and around the world.

I urge my colleagues to support this bill.

Mrs. LINDA SMITH of Washington. Madam Speaker, I rise today in support of H.R. 2232, the Radio Free Asia Act authored by Congressman ED ROYCE. I believe this legislation is one of the most important pieces of the China package that the House of Representatives has been considering this week because it gives people hope. It is the most tangible way for the Chinese people to learn about the democratic rule of law, human rights, and current events around the world. It will also audibly demonstrate the aspirations of the American people to have a positive relationship with China as we enter the 21st century.

The Radio Free Asia Act is a direct counterpoint to the oppressive policies of the Chinese Government. The lack of a free flow of information within China makes it all the more important that the broadcasts of Voice of America and Radio Free Asia are heard loud and clear. While the government of China can stifle their own press and attempt to jam our broadcasts, by increasing the number of hours on the air as well as the variety of dialects, a message of hope and freedom will be heard by countless millions.

My colleague, Congressman FRANK WOLF, recently came back from a trip to Tibet and he reported that the broadcasts of Radio Free Asia were a great source of encouragement to the Tibetan population. The least that we can do is to ensure that these broadcasts continue by providing the necessary funds to sustain and increase these broadcasts.

I urge my colleagues to join me in passing the Radio Free Asia Act.

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

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to House Resolution 302, the previous question is ordered on the bill, as amended.

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5(b) of rule I, further proceedings on this matter are postponed.

DESIGNATION OF THE HONORABLE CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS FOR REMAINDER OF FIRST SESSION OF 105TH CONGRESS

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

WASHINGTON, DC,
November 9, 1997.

I hereby designate the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore to sign enrolled bills and joint resolutions for the remainder of the first session of the One Hundred Fifth Congress.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The Speaker pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations and ordered to be printed.

Washington, DC, November 4, 1997.

Hon. NEWT GINGRICH,
Speaker, United States House of Representatives, Capitol Building, Washington, DC.

DEAR SPEAKER GINGRICH: On Wednesday, October 29, 1997, the Committee on Transportation and Infrastructure, pursuant to 40 U.S.C. §606, approved fifteen resolutions authorizing appropriations for federal buildings and leased space. Please find enclosed copies of these resolutions.

With warm regards, I remain,

Sincerely,

BUD SHUSTER,
Chairman.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that she 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 4 of rule XV.

Such rollcall votes, if postponed, will be taken later today.

VETERANS' BENEFITS ACT OF 1997

Mr. STUMP. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 714) to extend and improve the Native American Veteran Housing Loan Pilot Program of the Department of Veterans Affairs, to extend certain authorities of the Secretary of Veterans Affairs relating to services for homeless veterans, to extend certain other authorities of the Secretary, and for other purposes, as amended.

The Clerk read as follows:

S. 714

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Act of 1997".

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

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—EQUAL EMPLOYMENT OPPORTUNITY PROCESS IN THE DEPARTMENT OF VETERANS AFFAIRS

Sec. 101. Equal employment responsibilities.
Sec. 102. Discrimination complaint adjudication authority.
Sec. 103. Assessment and review of Department of Veterans Affairs employment discrimination complaint resolution system.

TITLE II—EXTENSION AND IMPROVEMENT OF AUTHORITIES

Sec. 201. Native American Veteran Housing Loan Program.
Sec. 202. Treatment and rehabilitation for seriously mentally ill and homeless veterans.
Sec. 203. Extension of certain authorities relating to homeless veterans.

Sec. 204. Annual report on assistance to homeless veterans.
Sec. 205. Expansion of authority for enhanced-use leases of Department of Veterans Affairs real property.
Sec. 206. Permanent authority to furnish noninstitutional alternatives to nursing home care.
Sec. 207. Extension of Health Professional Scholarship Program.
Sec. 208. Policy on breast cancer mammography.
Sec. 209. Persian Gulf War veterans.
Sec. 210. Presidential report on preparations for a national response to medical emergencies arising from the terrorist use of weapons of mass destruction.

TITLE III—MAJOR MEDICAL FACILITY PROJECTS CONSTRUCTION AUTHORIZATION

Sec. 301. Authorization of major medical facility projects.
Sec. 302. Authorization of major medical facility leases.
Sec. 303. Authorization of appropriations.

TITLE IV—TECHNICAL AND CLARIFYING AMENDMENTS

Sec. 401. Technical amendments.
Sec. 402. Clarification of certain health care authorities.
Sec. 403. Correction of name of medical center.
Sec. 404. Improvement to spina bifida benefits for children of Vietnam veterans.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EQUAL EMPLOYMENT OPPORTUNITY PROCESS IN THE DEPARTMENT OF VETERANS AFFAIRS

SEC. 101. EQUAL EMPLOYMENT RESPONSIBILITIES.

(a) IN GENERAL.—(1) Chapter 5 is amended by inserting at the end of subchapter I the following new section:

"§ 516. Equal employment responsibilities

"(a) The Secretary shall provide that the employment discrimination complaint resolution system within the Department be established and administered so as to encourage timely and fair resolution of concerns and complaints. The Secretary shall take steps to ensure that the system is administered in an objective, fair, and effective manner and in a manner that is perceived by employees and other interested parties as being objective, fair, and effective.

"(b) The Secretary shall provide—

"(1) that employees responsible for counseling functions associated with employment discrimination and for receiving, investigating, and processing complaints of employment discrimination shall be supervised in those functions by, and report to, an Assistant Secretary or a Deputy Assistant Secretary for complaint resolution management; and

"(2) that employees performing employment discrimination complaint resolution functions at a facility of the Department shall not be subject to the authority, direction, and control of the Director of the facility with respect to those functions.

"(c) The Secretary shall ensure that all employees of the Department receive adequate education and training for the purposes of this section and section 319 of this title.

"(d) The Secretary shall, when appropriate, impose disciplinary measures, as authorized by law, in the case of employees of the Department who engage in unlawful employment discrimination, including retaliation against an employee asserting rights under an equal employment opportunity law.

"(e)(1)(A) Not later than 30 days after the end of each calendar quarter, the Assistant Secretary for Human Resources and Administration shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report summarizing the employment discrimination complaints filed against the individuals referred to in paragraph (2) during such quarter.

"(B) Subparagraph (A) shall apply in the case of complaints filed against individuals on the basis of such individuals' personal conduct and shall not apply in the case of complaints filed solely on the basis of such individuals' positions as officials of the Department.

"(2) Paragraph (1) applies to the following officers and employees of the Department:

"(A) The Secretary.

"(B) The Deputy Secretary of Veterans Affairs.

"(C) The Under Secretary for Health and the Under Secretary for Benefits.

"(D) Each Assistant Secretary of Veterans Affairs and each Deputy Assistant Secretary of Veterans Affairs.

"(E) The Director of the National Cemetery System.

"(F) The General Counsel of the Department.

"(G) The Chairman of the Board of Veterans' Appeals.

"(H) The Chairman of the Board of Contract Appeals of the Department.

"(I) The director and the chief of staff of each medical center of the Department.

"(J) The director of each Veterans Integrated Services Network.

"(K) The director of each regional office of the Department.

"(L) Each program director of the Central Office of the Department.

"(3) Each report under this subsection—

"(A) may not disclose information which identifies the individuals filing, or the individuals who are the subject of, the complaints concerned or the facilities at which the discrimination identified in such complaints is alleged to have occurred;

"(B) shall summarize such complaints by type and by equal employment opportunity field office area in which filed; and

"(C) shall include copies of such complaints, with the information described in subparagraph (A) redacted.

"(4) Not later than April 1 each year, the Assistant Secretary shall submit to the committees referred to in paragraph (1)(A) a report on the complaints covered by paragraph (1) during the preceding year, including the number of such complaints filed during that year and the status and resolution of the investigation of such complaints.

"(f) The Secretary shall ensure that an employee of the Department who seeks counseling relating to employment discrimination may elect to receive such counseling from an employee of the Department who carries out equal employment opportunity counseling functions on a full-time basis rather than from an employee of the Department who carries out such functions on a part-time basis.

"(g) The number of employees of the Department whose duties include equal employment opportunity counseling functions as well as other, unrelated functions may not exceed 40 full-time equivalent employees. Any such employee may be assigned equal employment opportunity counseling functions only at Department facilities in remote geographic locations (as determined by the Secretary). The Secretary may waive the limitation in the preceding sentence in specific cases.

"(h) The provisions of this section shall be implemented in a manner consistent with procedures applicable under regulations prescribed by the Equal Employment Opportunity Commission.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 515 the following new item:

"516. Equal employment responsibilities.".

(b) REPORTS.—(1) The Secretary of Veterans Affairs shall submit to Congress reports on the implementation and operation of the equal employment opportunity system within the Department of Veterans Affairs. The first such report shall be submitted not later than April 1, 1998, and subsequent reports shall be submitted not later than January 1, 1999, and January 1, 2000.

(2) The first report under paragraph (1) shall set forth the actions taken by the Secretary to implement section 516 of title 38, United States Code, as added by subsection (a), and other actions taken by the Secretary in relation to the equal employment opportunity system within the Department of Veterans Affairs.

(3) The subsequent reports under paragraph (1) shall set forth, for each equal employment opportunity field office of the Department and for the Department as a whole, the following:

(A) Any information to supplement the information submitted in the report under paragraph (2) that the Secretary considers appropriate.

(B) The number of requests for counseling relating to employment discrimination received during the one-year period ending on the date of the report concerned.

(C) The number of employment discrimination complaints received during such period.

(D) The status of each complaint described in subparagraph (C), including whether or not the complaint was resolved and, if resolved, whether the employee concerned sought review of the resolution by the Equal Employment Opportunity Commission or by Federal court.

(E) The number of employment discrimination complaints that were settled during such period, including—

(i) the type of such complaints; and

(ii) the terms of settlement (including any settlement amount) of each such complaint.

(c) EFFECTIVE DATE.—Section 516 of title 38, United States Code, as added by subsection (a), shall take effect 90 days after the date of enactment of this Act. Subsection (e) of that section shall take effect with respect to the first quarter of calendar year 1998.

SEC. 102. DISCRIMINATION COMPLAINT ADJUDICATION AUTHORITY.

(a) IN GENERAL.—(1) Chapter 3 is amended by adding at the end the following new section:

"§ 319. Office of Employment Discrimination Complaint Adjudication

"(a)(1) There is in the Department an Office of Employment Discrimination Complaint Adjudication. There is at the head of the Office a Director.

"(2) The Director shall be a career appointee in the Senior Executive Service.

"(3) The Director reports directly to the Secretary or the Deputy Secretary concerning matters within the responsibility of the Office.

"(b)(1) The Director is responsible for making the final agency decision within the Department on the merits of any employment discrimination complaint filed by an employee, or an applicant for employment, with the Department. The Director shall make such decisions in an impartial and objective manner.

"(2) No person may make any ex parte communication to the Director or to any employee of the Office with respect to a matter on which the Director has responsibility for making a final agency decision.

"(c) Whenever the Director has reason to believe that there has been retaliation against an employee by reason of the employee asserting rights under an equal employment opportunity law, the Director shall report the suspected retaliatory action directly to the Secretary or Deputy Secretary, who shall take appropriate action thereon.

"(d)(1) The Office shall employ a sufficient number of attorneys and other personnel as are necessary to carry out the functions of the Office. Attorneys shall be compensated at a level commensurate with attorneys employed by the Office of the General Counsel.

"(2) The Secretary shall ensure that the Director is furnished sufficient resources in addition to personnel under paragraph (1) to enable the Director to carry out the functions of the Office in a timely manner.

"(3) The Secretary shall ensure that any performance appraisal of the Director of the Office of Employment Discrimination Complaint Adjudication or of any employee of the Office does not take into consideration the record of the Director or employee in deciding cases for or against the Department.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"319. Office of Employment Discrimination Complaint Adjudication.".

(b) REPORTS ON IMPLEMENTATION.—The Director of the Office of Employment Discrimination Complaint Adjudication of the Department of Veterans Affairs (established by section 319 of title 38, United States Code, as added by subsection (a)) shall submit to the Secretary of Veterans Affairs and to Congress reports on the implementation and the operation of that office. The first such report shall be submitted not later than April 1, 1998, and subsequent reports shall be submitted not later than January 1, 1999, and January 1, 2000.

(c) EFFECTIVE DATE.—Section 319 of title 38, United States Code, as added by subsection (a), shall take effect 90 days after the date of enactment of this Act.

SEC. 103. ASSESSMENT AND REVIEW OF DEPARTMENT OF VETERANS AFFAIRS EMPLOYMENT DISCRIMINATION COMPLAINT RESOLUTION SYSTEM.

(a) AGREEMENT FOR ASSESSMENT AND REVIEW.—(1) The Secretary of Veterans Affairs shall seek to enter into an agreement with a qualified private entity under which agreement the entity shall carry out the assessment described in subsection (b) and the review described in subsection (c).

(2) The Secretary shall include in the agreement provisions necessary to ensure that the entity carries out its responsibilities under the agreement (including the exercise of its judgments concerning the assessment and review) in a manner free of influence from any source, including the officials and employees of the Department of Veterans Affairs.

(3) The Secretary may not enter into the agreement until 15 days after the date on which the Secretary notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the entity with which the Secretary proposes to enter into the agreement.

(b) INITIAL ASSESSMENT OF SYSTEM.—(1) Under the agreement under subsection (a), the entity shall conduct an assessment of the employment discrimination complaint resolution system administered within the Department of Veterans Affairs, including the extent to which the system meets the objectives set forth in section 516(a) of title 38, United States Code, as added by section 101. The assessment shall include a comprehensive description of the system as of the time of the assessment.

(2) Under the agreement, the entity shall submit the assessment to the committees referred to in subsection (a)(3) and to the Secretary not later than June 1, 1998.

(c) REVIEW OF ADMINISTRATION OF SYSTEM.—(1) Under the agreement under subsection (a), the entity shall monitor and review the administration by the Secretary of the employment discrimination complaint resolution system administered within the Department.

(2) Under the agreement, the entity shall submit to the committees referred to in subsection (a)(3) and to the Secretary a report on the results of the review under paragraph (1) not later than June 1, 1999. The report shall include an assessment of the administration of the system, including the extent to which the system meets the objectives referred to in subsection (b)(1), and the effectiveness of the following:

(A) Programs to train and maintain a cadre of individuals who are competent to investigate claims relating to employment discrimination.

(B) Programs to train and maintain a cadre of individuals who are competent to provide counseling to individuals who submit such claims.

(C) Programs to provide education and training to Department employees regarding their rights and obligations under the equal employment opportunity laws.

(D) Programs to oversee the administration of the system.

(E) Programs to evaluate the effectiveness of the system in meeting its objectives.

(F) Other programs, procedures, or activities of the Department relating to the equal employment opportunity laws, including any alternative dispute resolution procedures and informal dispute resolution and settlement procedures.

(G) Any disciplinary measures imposed by the Secretary on employees determined to have violated the equal employment opportunity laws in preventing or deterring violations of such laws by other employees of the Department.

TITLE II—EXTENSION AND IMPROVEMENT OF AUTHORITIES

SEC. 201. NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM.

(a) EXTENSION OF PILOT PROGRAM.—Section 3761(c) is amended by striking out "September 30, 1997" and inserting in lieu thereof "December 31, 2001".

(b) OUTREACH.—Section 3762(i) is amended—

(1) by inserting "(1)" after "(i)";

(2) by inserting ", in consultation with tribal organizations (including the National Congress of American Indians and the National American Indian Housing Council)," after "The Secretary shall";

(3) by striking out "tribal organizations and"; and

(4) by adding at the end the following:

"(2) Activities under the outreach program shall include the following:

"(A) Attending conferences and conventions conducted by the National Congress of American Indians in order to work with the National Congress in providing information and training to tribal organizations and Native American veterans regarding the availability of housing benefits under the pilot program and in assisting such organizations and veterans in participating in the pilot program.

"(B) Attending conferences and conventions conducted by the National American Indian Housing Council in order to work with the Housing Council in providing information and training to tribal organizations and tribal housing entities regarding the availability of such benefits.

"(C) Attending conferences and conventions conducted by the Department of Hawaiian Homelands in order to work with the Department of Hawaiian Homelands in providing information and training to tribal housing entities in Hawaii regarding the availability of such benefits.

"(D) Producing and disseminating information to tribal governments, tribal veterans service organizations, and tribal organizations regarding the availability of such benefits.

"(E) Assisting tribal organizations and Native American veterans in participating in the pilot program.

"(F) Outstationing loan guarantee specialists in tribal facilities on a part-time basis if requested by the tribal government.".

(c) ANNUAL REPORTS.—Section 3762 is further amended by adding at the end the following new subsection:

"(j) Not later than February 1 of each year through 2002, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report relating to the implementation of the pilot program under this subchapter during the fiscal year preceding the date of the report. Each such report shall include the following:

"(1) The Secretary's exercise during such fiscal year of the authority provided under subsection (c)(1)(B) to make loans exceeding the maximum loan amount.

"(2) The appraisals performed for the Secretary during such fiscal year under the authority of subsection (d)(2), including a description of—

"(A) the manner in which such appraisals were performed;

"(B) the qualifications of the appraisers who performed such appraisals; and

"(C) the actions taken by the Secretary with respect to such appraisals to protect the interests of veterans and the United States.

"(3) The outreach activities undertaken under subsection (i) during such fiscal year, including—

"(A) a description of such activities on a region-by-region basis; and

"(B) an assessment of the effectiveness of such activities in encouraging the participation of Native American veterans in the pilot program.

"(4) The pool of Native American veterans who are eligible for participation in the pilot program, including—

"(A) a description and analysis of the pool, including income demographics;

"(B) a description and assessment of the impediments, if any, to full participation in the pilot program of the Native American veterans in the pool; and

"(C) the impact of low-cost housing programs operated by the Department of Housing and Urban Development and other Federal or State agencies on the demand for direct loans under this section.

"(5) The Secretary's recommendations, if any, for additional legislation regarding the pilot program.".

SEC. 202. TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

(a) CODIFICATION AND REVISION OF PROGRAMS.—Chapter 17 is amended by adding at the end the following new subchapter:

"SUBCHAPTER VII—TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS

"§ 1771. General treatment

"(a) In providing care and services under section 1710 of this title to veterans suffering from serious mental illness, including veterans who are homeless, the Secretary may provide (directly or in conjunction with a governmental or other entity)—

"(1) outreach services;

"(2) care, treatment, and rehabilitative services (directly or by contract in community-based treatment facilities, including halfway houses); and

"(3) therapeutic transitional housing assistance under section 1772 of this title, in conjunction with work therapy under subsection (a) or (b) of section 1718 of this title and outpatient care.

"(b) The authority of the Secretary under subsection (a) expires on December 31, 2001.

"§ 1772. Therapeutic housing

"(a) The Secretary, in connection with the conduct of compensated work therapy programs, may operate residences and facilities as therapeutic housing.

"(b) The Secretary may use such procurement procedures for the purchase, lease, or other acquisition of residential housing for purposes of this section as the Secretary considers appropriate to expedite the opening and operation of transitional housing and to protect the interests of the United States.

"(c) A residence or other facility may be operated as transitional housing for veterans described in paragraphs (1) and (2) of section 1710(a) of this title under the following conditions:

"(1) Only veterans described in those paragraphs and a house manager may reside in the residence or facility.

"(2) Each resident, other than the house manager, shall be required to make payments that contribute to covering the expenses of board and the operational costs of the residence or facility for the period of residence in such housing.

"(3) In order to foster the therapeutic and rehabilitative objectives of such housing (A) residents shall be prohibited from using alcohol or any controlled substance or item, (B) any resident violating that prohibition may be expelled from the residence or facility, and (C) each resident shall agree to undergo drug testing or such other measures as the Secretary shall prescribe to ensure compliance with that prohibition.

"(4) In the establishment and operation of housing under this section, the Secretary shall consult with appropriate representatives of the community in which the housing is established and shall comply with zoning requirements, building permit requirements, and other similar requirements applicable to other real property used for similar purposes in the community.

"(5) The residence or facility shall meet State and community fire and safety requirements applicable to other real property used for similar purposes in the community in which the transitional housing is located, but fire and safety requirements applicable to buildings of the Federal Government shall not apply to such property.

"(d) The Secretary shall prescribe the qualifications for house managers for transitional housing units operated under this section. The Secretary may provide for free room and subsistence for a house manager in addition to, or instead of payment of, a fee for the services provided by the manager.

"(e)(1) The Secretary may operate as transitional housing under this section—

"(A) any suitable residential property acquired by the Secretary as the result of a default on a loan made, guaranteed, or insured under chapter 37 of this title;

"(B) any suitable space in a facility under the jurisdiction of the Secretary that is no longer being used (i) to provide acute hospital care, or (ii) as housing for medical center employees; and

"(C) any other suitable residential property purchased, leased, or otherwise acquired by the Secretary.

"(2) In the case of any property referred to in paragraph (1)(A), the Secretary shall—

"(A) transfer administrative jurisdiction over such property within the Department from the Veterans Benefits Administration to the Veterans Health Administration; and

"(B) transfer from the General Post Fund to the Loan Guaranty Revolving Fund under chapter 37 of this title an amount (not to exceed the amount the Secretary paid for the property) representing the amount the Secretary considers could be obtained by sale of such property to a nonprofit organization or a State for use as a shelter for homeless veterans.

"(3) In the case of any residential property obtained by the Secretary from the Department of Housing and Urban Development under this section, the amount paid by the Secretary to that Department for that property may not exceed the amount that the Secretary of Housing and Urban Development would charge for the sale of that property to a nonprofit organization or a State for use as a shelter for homeless persons. Funds for such charge shall be derived from the General Post Fund.

"(f) The Secretary shall prescribe—

"(1) a procedure for establishing reasonable payment rates for persons residing in transitional housing; and

"(2) appropriate limits on the period for which such persons may reside in transitional housing.

"(g) The Secretary may dispose of any property acquired for the purpose of this section. The proceeds of any such disposal shall be credited to the General Post Fund.

"(h) Funds received by the Department under this section shall be deposited in the General Post Fund. The Secretary may distribute out of the fund such amounts as necessary for the acquisition, management, maintenance, and disposition of real property for the purpose of carrying out such program. The Secretary shall manage the operation of this section so as to ensure that expenditures under this subsection for any fiscal year shall not exceed by more than $500,000 proceeds credited to the General Post Fund under this section. The operation of the program and funds received shall be separately accounted for, and shall be stated in the documents accompanying the President's budget for each fiscal year.

"§ 1773. Additional services at certain locations

"(a) Subject to the availability of appropriations, the Secretary shall operate a program under this section to expand and improve the provision of benefits and services by the Department to homeless veterans.

"(b) The program shall include the establishment of not fewer than eight programs (in addition to any existing programs providing similar services) at sites under the jurisdiction of the Secretary to be centers for the provision of comprehensive services to homeless veterans. The services to be provided at each site shall include a comprehensive and coordinated array of those specialized services which may be provided under existing law.

"(c) The program shall include the services of such employees of the Veterans Benefits Administration as the Secretary determines appropriate at sites under the jurisdiction of the Secretary at which services are provided to homeless veterans.

"(d) The program under this section shall terminate on December 31, 2001.

"§ 1774. Coordination with other agencies and organizations

"(a) In assisting homeless veterans, the Secretary shall coordinate with, and may provide services authorized under this title in conjunction with, State and local governments, other appropriate departments and agencies of the Federal Government, and nongovernmental organizations.

"(b)(1) The Secretary shall require the director of each medical center or the director of each regional benefits office to make an assessment of the needs of homeless veterans living within the area served by the medical center or regional office, as the case may be.

"(2) Each such assessment shall be made in coordination with representatives of State and local governments, other appropriate departments and agencies of the Federal Government, and nongovernmental organizations that have experience working with homeless persons in that area.

"(3) Each such assessment shall identify the needs of homeless veterans with respect to the following:

"(A) Health care.

"(B) Education and training.

"(C) Employment.

"(D) Shelter.

"(E) Counseling.

"(F) Outreach services.

"(4) Each assessment shall also indicate the extent to which the needs referred to in paragraph (3) are being met adequately by the programs of the Department, of other departments and agencies of the Federal Government, of State and local governments, and of nongovernmental organizations.

"(5) Each assessment shall be carried out in accordance with uniform procedures and guidelines prescribed by the Secretary.

"(c) In furtherance of subsection (a), the Secretary shall require the director of each medical center and the director of each regional benefits office, in coordination with representatives of State and local governments, other Federal officials, and nongovernmental organizations that have experience working with homeless persons in the areas served by such facility or office, to—

"(1) develop a list of all public and private programs that provide assistance to homeless persons or homeless veterans in the area

concerned, together with a description of the services offered by those programs;

"(2) seek to encourage the development by the representatives of such entities, in coordination with the director, of a plan to coordinate among such public and private programs the provision of services to homeless veterans;

"(3) take appropriate action to meet, to the maximum extent practicable through existing programs and available resources, the needs of homeless veterans that are identified in the assessment conducted under subsection (b); and

"(4) attempt to inform homeless veterans whose needs the director cannot meet under paragraph (3) of the services available to such veterans within the area served by such center or office.".

(b) CONFORMING AMENDMENTS.—(1) Section 1720A is amended—

(A) by striking out subsections (a), (e), (f), and (g); and

(B) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

(2) The heading of such section is amended to read as follows:

"§ 1720A. Treatment and rehabilitative services for persons with drug or alcohol dependency".

(c) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 7 of Public Law 102-54 (38 U.S.C. 1718 note).

(2) Section 107 of the Veterans' Medical Programs Amendments of 1992 (38 U.S.C. 527 note).

(3) Section 2 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note).

(4) Section 115 of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note).

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 17 is amended—

(1) by striking out the item relating to section 1720A and inserting in lieu thereof the following:

"1720A. Treatment and rehabilitative services for persons with drug or alcohol dependency."; and

(2) by adding at the end the following:

"SUBCHAPTER VII—TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS

"1771. General treatment.

"1772. Therapeutic housing.

"1773. Additional services at certain locations.

"1774. Coordination with other agencies and organizations.".

SEC. 203. EXTENSION OF CERTAIN AUTHORITIES RELATING TO HOMELESS VETERANS.

(a) AGREEMENTS FOR HOUSING ASSISTANCE FOR HOMELESS VETERANS.—Section 3735(c) is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 1999".

(b) EXTENSION OF HOMELESS VETERANS COMPREHENSIVE SERVICE GRANT PROGRAM.—Section 3(a)(2) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1999".

(c) HOMELESS VETERANS' REINTEGRATION PROJECTS.—The Stewart B. McKinney Homeless Assistance Act is amended as follows:

(1) Section 738(e)(1) (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following new subparagraph:

"(G) $10,000,000 for fiscal year 1999.".

(2) Section 741 (42 U.S.C. 11450) is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 1999".

SEC. 204. ANNUAL REPORT ON ASSISTANCE TO HOMELESS VETERANS.

Section 1001 of the Veterans' Benefits Improvements Act of 1994 (38 U.S.C. 7721 note) is amended—

(1) in subsection (a)(2)—

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new subparagraphs:

"(D) evaluate the effectiveness of the programs of the Department (including residential work-therapy programs, programs combining outreach, community-based residential treatment, and case-management, and contract care programs for alcohol and drug-dependence or abuse disabilities) in providing assistance to homeless veterans; and

"(E) evaluate the effectiveness of programs established by recipients of grants under section 3 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note), and describe the experience of such recipients in applying for and receiving grants from the Secretary of Housing and Urban Development to serve primarily homeless persons who are veterans."; and

(2) by striking out subsection (b).

SEC. 205. EXPANSION OF AUTHORITY FOR ENHANCED-USE LEASES OF DEPARTMENT OF VETERANS AFFAIRS REAL PROPERTY.

(a) FOUR-YEAR EXTENSION OF AUTHORITY.—Section 8169 is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 2001".

(b) REPEAL OF LIMITATION ON NUMBER OF AGREEMENTS.—(1) Section 8168 is repealed.

(2) The table of sections at the beginning of chapter 81 is amended by striking out the item relating to section 8168.

SEC. 206. PERMANENT AUTHORITY TO FURNISH NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE.

(a) PERMANENT AUTHORITY.—Subsection (a) of section 1720C is amended by striking out "During" and all that follows through "furnishing of" and inserting in lieu thereof "The Secretary may furnish".

(b) CONFORMING AMENDMENTS.—(1) Subsections (b)(1) and (d) of such section are amended by striking out "pilot".

(2) The heading for such section is amended to read as follows:

"§ 1720C. Noninstitutional alternatives to nursing home care".

(3) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

"1720C. Noninstitutional alternatives to nursing home care.".

SEC. 207. EXTENSION OF HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM.

(a) EXTENSION.—Section 7618 is amended by striking out "December 31, 1997" and inserting in lieu thereof "December 31, 1998".

(b) SUBMISSION OF OVERDUE REPORT.—The Secretary of Veterans Affairs shall submit to Congress not later than 180 days after the date of the enactment of this Act the report evaluating the operation of the health professional scholarship program required to be submitted not later than March 31, 1997, under section 202(b) of Public Law 104-110 (110 Stat. 770).

SEC. 208. POLICY ON BREAST CANCER MAMMOGRAPHY.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 is amended by adding at the end the following new section:

"§ 7322. Breast cancer mammography policy

"(a) The Under Secretary for Health shall develop a national policy for the Veterans Health Administration on mammography screening for veterans.

"(b) The policy developed under subsection (a) shall—

"(1) specify standards of mammography screening;

"(2) provide recommendations with respect to screening, and the frequency of screening, for—

"(A) women veterans who are over the age of 39; and

"(B) veterans, without regard to age, who have clinical symptoms, risk factors, or family history of breast cancer; and

"(3) provide for clinician discretion.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7321 the following new item:

"7322. Breast cancer mammography policy.".

(b) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall develop the national policy on mammography screening required by section 7322 of title 38, United States Code, as added by subsection (a), and shall furnish such policy in a report to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than 60 days after the date of the enactment of this Act. Such policy shall not take effect before the expiration of 30 days after the date of its submission to those committees.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the policy developed under section 7322 of title 38, United States Code, as added by subsection (a), shall be in accordance with the guidelines endorsed by the Secretary of Health and Human Services and the Director of the National Institutes of Health.

SEC. 209. PERSIAN GULF WAR VETERANS.

(a) CRITERIA FOR PRIORITY HEALTH CARE.—(1) Subsection (a)(2)(F) of section 1710 is amended by striking out "environmental hazard" and inserting in lieu thereof "other conditions".

(2) Subsection (e)(1)(C) of such section is amended—

(A) by striking out "the Secretary finds may have been exposed while serving" and inserting in lieu thereof "served";

(B) by striking out "to a toxic substance or environmental hazard"; and

(C) by striking out "exposure" and inserting in lieu thereof "service".

(3) Subsection (e)(2)(B) of such section is amended by striking out "an exposure" and inserting in lieu thereof "the service".

(b) DEMONSTRATION PROJECTS FOR TREATMENT OF PERSIAN GULF ILLNESS.—(1) The Secretary of Veterans Affairs shall carry out a program of demonstration projects to test new approaches to treating, and improving the satisfaction with such treatment of, Persian Gulf veterans who suffer from undiagnosed and ill-defined disabilities. The program shall be established not later than July 1, 1998, and shall be carried out at up to 10 geographically dispersed medical centers of the Department of Veterans Affairs.

(2) At least one of each of the following models shall be used at no less than two of the demonstration projects:

(A) A specialized clinic which serves Persian Gulf veterans.

(B) Multidisciplinary treatment aimed at managing symptoms.

(C) Use of case managers.

(3) A demonstration project under this subsection may be undertaken in conjunction with another funding entity, including agreements under section 8111 of title 38, United States Code.

(4) The Secretary shall make available from appropriated funds (which have been retained for contingent funding) $5,000,000 to carry out the demonstrations projects.

(5) The Secretary may not approve a medical center as a location for a demonstration project under this subsection unless a peer review panel has determined that the proposal submitted by that medical center is among those proposals that have met the highest competitive standards of clinical merit and the Secretary has determined that the facility has the ability to—

(A) attract the participation of clinicians of outstanding caliber and innovation to the project; and

(B) effectively evaluate the activities of the project.

(6) In determining which medical centers to select as locations for demonstration projects under this subsection, the Secretary shall give special priority to medical centers that have demonstrated a capability to compete successfully for extramural funding support for research into the effectiveness and cost-effectiveness of the care provided under the demonstration project.

SEC. 210. PRESIDENTIAL REPORT ON PREPARATIONS FOR A NATIONAL RESPONSE TO MEDICAL EMERGENCIES ARISING FROM THE TERRORIST USE OF WEAPONS OF MASS DESTRUCTION.

(a) REPORT.—(1) Not later than March 1, 1998, the President shall submit to Congress a report on the plans, preparations, and capability of the Federal Government and State and local governments for a national response to medical emergencies arising from the terrorist use of weapons of mass destruction. The report shall be submitted in unclassified form, but may include a classified annex.

(2) The report should be prepared in consultation with the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, the Director of the Federal Emergency Management Agency, and the head of any other department or agency of the Federal Government that may be involved in responding to such emergencies. The President shall designate a lead agency for purposes of the preparation of the report.

(b) CONTENTS.—The report shall include the following:

(1) A description of the steps taken by the Federal Government to plan and prepare for a national response to medical emergencies arising from the terrorist use of weapons of mass destruction.

(2) A description of the laws and agreements governing the responsibilities of the various departments and agencies of the Federal Government, and of State and local governments, for the response to such emergencies, and an assessment of the interrelationship of such responsibilities under such laws and agreements.

(3) Recommendations, if any, for the simplification or improvement of such responsibilities.

(4) An assessment of the current level of preparedness for such response of all departments and agencies of the Federal Government and State and local governments that are responsible for such response.

(5) A current inventory of the existing medical assets from all sources which can be made available for such response.

(6) Recommendations, if any, for the improved or enhanced use of the resources of the Federal Government and State and local governments for such response.

(7) The name of the official or office of the Federal Government designated to coordinate the response of the Federal Government to such emergencies.

(8) A description of the lines of authority between the departments and agencies of the Federal Government to be involved in the response of the Federal Government to such emergencies.

(9) A description of the roles of each department and agency of the Federal Government to be involved in the preparations for, and implementation of, the response of the Federal Government to such emergencies.

(10) The estimated costs of each department and agency of the Federal Government to prepare for and carry out its role as described under paragraph (9).

(11) A description of the steps, if any, being taken to create a funding mechanism for the response of the Federal Government to such emergencies.

TITLE III—MAJOR MEDICAL FACILITY PROJECTS CONSTRUCTION AUTHORIZATION

SEC. 301. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Seismic corrections at the Department of Veterans Affairs medical center in Memphis, Tennessee, in an amount not to exceed $34,600,000.

(2) Seismic corrections and clinical and other improvements to the McClellan Hospital at Mather Field, Sacramento, California, in an amount not to exceed $48,000,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1998 that remain available for obligation.

(3) Outpatient improvements at Mare Island, Vallejo, California, and Martinez, California, in a total amount not to exceed $7,000,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1998 that remain available for obligation.

SEC. 302. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may enter into leases for medical facilities as follows:

(1) Lease of an information management field office, Birmingham, Alabama, in an amount not to exceed $595,000.

(2) Lease of a satellite outpatient clinic, Jacksonville, Florida, in an amount not to exceed $3,095,000.

(3) Lease of a satellite outpatient clinic, Boston, Massachusetts, in an amount not to exceed $5,215,000.

(4) Lease of a satellite outpatient clinic, Canton, Ohio, in an amount not to exceed $2,115,000.

(5) Lease of a satellite outpatient clinic, Portland, Oregon, in an amount not to exceed $1,919,000.

(6) Lease of a satellite outpatient clinic, Tulsa, Oklahoma, in an amount not to exceed $2,112,000.

(7) Lease of an information resources management field office, Salt Lake City, in an amount not to exceed $652,000.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1998—

(1) for the Construction, Major Projects, account, $34,600,000 for the project authorized in section 301(1); and

(2) for the Medical Care account, $15,703,000 for the leases authorized in section 302.

(b) LIMITATION.—The projects authorized in section 301 may only be carried out using—

(1) funds appropriated for fiscal year 1998 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1998 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1998 for a category of activity not specific to a project.

TITLE IV—TECHNICAL AND CLARIFYING AMENDMENTS

SEC. 401. TECHNICAL AMENDMENTS.

(a) PLOT ALLOWANCE FOR DEATHS IN DEPARTMENT FACILITIES.—Section 2303(a)(2)(A) is amended by striking out "a Department facility (as defined in section 1701(4) of this title)" and inserting in lieu thereof "a facility of the Department (as defined in section 1701(3) of this title)".

(b) EDUCATIONAL ASSISTANCE ALLOWANCE FOR CERTAIN INDIVIDUALS PURSUING COOPERATIVE PROGRAMS.—Section 3015(e)(1) is amended—

(1) by striking out "(1) Subject to paragraph (2)" and inserting in lieu thereof "(1)(A) Except as provided in subparagraph (B) of this paragraph and subject to paragraph (2)"; and

(2) by adding at the end the following:

"(B) Notwithstanding subparagraph (A) of this paragraph, in the case of an individual described in that subparagraph who is pursuing a cooperative program on or after October 9, 1996, the rate of the basic educational assistance allowance applicable to such individual under this chapter shall be increased by the amount equal to one-half of the educational assistance allowance that would be applicable to such individual for pursuit of full-time institutional training under chapter 34 (as of the time the assistance under this chapter is provided and based on the rates in effect on December 31, 1989) if such chapter were in effect.".

(c) ELIGIBILITY OF CERTAIN VEAP PARTICIPANTS TO ENROLL IN MONTGOMERY GI BILL.—Section 3018C(a) is amended—

(1) in paragraph (1), by striking out "the date of the enactment of the Veterans' Benefits Improvements Act of 1996" and inserting in lieu thereof "October 9, 1996,";

(2) in paragraph (4), by striking out "during the one-year period specified" and inserting in lieu thereof "after the date on which the individual makes the election described"; and

(3) in paragraph (5), by striking out "the date of the enactment of the Veterans' Benefits Improvements Act of 1996" and inserting in lieu thereof "October 9, 1996".

(d) ENROLLMENT IN OPEN CIRCUIT TELEVISION COURSES.—Section 3680A(a)(4) is amended by inserting "(including open circuit television)" after "independent study program" the second place it appears.

(e) ENROLLMENT IN CERTAIN COURSES.—Section 3680A(g) is amended by striking out "subsections (e) and (f)" and inserting in lieu thereof "subsections (e) and (f)(1)".

(f) CERTAIN BENEFITS FOR SURVIVING SPOUSES.—Section 5310(b)(2) is amended by striking out "under this paragraph" in the

first sentence and inserting in lieu thereof "under paragraph (1)".

SEC. 402. CLARIFICATION OF CERTAIN HEALTH CARE AUTHORITIES.

(a) ELIGIBILITY FOR HOSPITAL CARE AND MEDICAL SERVICES.—Section 1710(a)(2)(B) is amended by striking out "compensable".

(b) HOME HEALTH SERVICES.—Section 1717(a) is amended—

(1) in paragraph (1), by striking out "veteran's disability" and inserting in lieu thereof "veteran"; and

(2) in paragraph (2)(B), by striking out "section 1710(a)(2)" and inserting in lieu thereof "section 1710(a)".

(c) AUTHORITY TO TRANSFER VETERANS RECEIVING OUTPATIENT CARE TO NON-DEPARTMENT NURSING HOMES.—Section 1720(a)(1)(A)(i) is amended by striking out "hospital care, nursing home care, or domiciliary care" and inserting in lieu thereof "care".

(d) ACQUISITION OF COMMERCIAL HEALTH CARE RESOURCES.—Section 8153(a)(3)(A) is amended by inserting "(including any Executive order, circular, or other administrative policy)" after "law or regulation".

(e) COMPETITION IN PROCUREMENT OF COMMERCIAL HEALTH CARE RESOURCES.—Section 8153(a)(3)(B)(ii) is amended in the second sentence by inserting ", as appropriate," after "all responsible sources".

SEC. 403. CORRECTION OF NAME OF MEDICAL CENTER.

The facility of the Department of Veterans Affairs in Columbia, South Carolina, known as the Wm. Jennings Bryan Dorn Veterans' Hospital shall hereafter be known and designated as the "Wm. Jennings Bryan Dorn Department of Veterans Affairs Medical Center". Any reference to that facility in any law, regulation, document, map, record, or other paper of the United States shall be deemed to be a reference to the Wm. Jennings Bryan Dorn Department of Veterans Affairs Medical Center.

SEC. 404. IMPROVEMENT TO SPINA BIFIDA BENEFITS FOR CHILDREN OF VIETNAM VETERANS.

(a) DEFINITIONS.—The text of section 1801 is amended to read as follows:

"For the purposes of this chapter—

"(1) The term 'child', with respect to a Vietnam veteran, means a natural child of a Vietnam veteran, regardless of age or marital status, who was conceived after the date on which the Vietnam veteran first entered the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975.

"(2) The term 'Vietnam veteran' means an individual who performed active military, naval, or air service in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, without regard to the characterization of the individual's service.".

(b) APPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.—(1) Section 1806 is amended to read as follows:

"§ 1806. Applicability of certain administrative provisions

"The provisions of sections 5101(c), 5110(a), (b)(2), (g), and (i), 5111, and 5112(a), (b)(1), (b)(6), (b)(9), and (b)(10) of this title shall be deemed to apply to benefits under this chapter in the same manner in which they apply to veterans' disability compensation.".

(2) The item relating to section 1806 in the table of sections at the beginning of chapter 18 is amended to read as follows:

"1806. Applicability of certain administrative provisions.".

(c) AMENDMENTS TO VOCATIONAL REHABILITATION PROVISIONS.—Section 1804 is amended—

(1) in subsection (b), by striking out "shall be designed" and all that follows and inserting in lieu thereof the following: "shall—

"(1) be designed in consultation with the child in order to meet the child's individual needs;

"(2) be set forth in an individualized written plan of vocational rehabilitation; and

"(3) be designed and developed before the date specified in subsection (d)(3) so as to permit the beginning of the program as of the date specified in that subsection.";

(2) in subsection (c)(1)(B), by striking out "institution of higher education" and inserting in lieu thereof "institution of higher learning"; and

(3) by adding at the end of subsection (d) the following new paragraph:

"(3) A vocational training program under this section may begin on the child's 18th birthday, or on the successful completion of the child's secondary schooling, whichever first occurs, except that, if the child is above the age of compulsory school attendance under applicable State law and the Secretary determines that the child's best interests will be served thereby, the vocational training program may begin before the child's 18th birthday.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 1, 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] and the gentleman from Illinois [Mr. EVANS] each will control 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 714, the Senate bill presently under consideration.

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

There was no objection.

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

Madam Speaker, the House amendments to S. 714 represent a compromise between the House and Senate veterans' affairs committees on several measures considered by both sides this year. It requires the VA to develop new treatment programs for Persian Gulf war veterans, and clarifies that any Persian war veteran with an illness that could be due to service in the gulf is eligible for VA care.

The bill extends and streamlines laws under which the VA provides cares to homeless veterans and veterans who suffer from chronic mental illness. The bill authorizes funds for major medical facility projects, including funds to carry out seismic corrections projects at two VA medical centers.

The bill also creates a new process for resolving complaints of sexual harassment and employment discrimination at the VA. This process will be independent and free from undue influence from VA managers.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of S. 714, as amended. Madam Speaker, this agreement includes provisions to clarify, extend, and enhance measures to address homelessness among this Nation's veterans. The provisions before us today will allow the VA to continue to offer a range of programs to homeless veterans. Together these programs comprise a comprehensive increase that meets veterans' needs for health care, substance abuse treatment, vocational rehab work, and shelter. In addition, this measure extends the homeless veterans reintegration project administered by the Department of Labor and authorizes $10 million for this important program for fiscal year 1999.

This measure also permanently authorizes the VA to provide noninstitutional long-term care programs. Many veterans want to live at home as long as possible. Good noninstitutional programs can make this a reality. Under this authority the VA can provide cost-effective programs like home care, home aides, and adult day care to more veterans.

An important change in the eligibility of VA health care for the Persian Gulf veterans is included in this measure. Eligibility will now be based on a veteran's service, rather than actual exposure to a specific agent or environmental hazard.

Authority is also provided for the VA to create 10 model Persian Gulf veterans' treatment programs. Seven years has been too long to wait to meet the health care needs of our Persian Gulf veterans. I encourage the VA to develop centers of excellence and innovation for treatment of Persian Gulf symptoms related to their exposure.

The measure also requires the VA to establish a strong and comprehensive policy for mammography screening. The policy will specifically address women veterans over the age of 39 and any other veterans with clinical symptoms or risk factors that will allow physicians and patients to decide how long screening is necessary.

Two clarifying amendments are also included that should be mentioned. The first would clarify that children of Vietnam veterans who are born with spina bifida are eligible for the programs provided by the VA for such children, regardless of the character of the discharge of the child's Vietnam veteran parent. Additionally, the VA is to develop a child's vocational training program prior to the child's eligibility to begin participation in that program.

This measure also extends for 4 years the authority provided in the Native American Veterans Housing Loan Pilot

Program. This important program provides direct loans to Native American veterans who reside on trust lands to build or purchase homes on those lands.

I am pleased that the Department of Veterans Affairs Employment Discrimination Prevention Act of 1997 is included in this bill. This is timely, and important legislation to reform the equal employment opportunity process at the VA is long overdue. By removing the EEO process from the facility where the discrimination allegedly occurred, this bill limits the ability of heavy-handed facility directors to unfairly influence the process in a discrimination complaint by requiring that such complaints be handled mostly by full-time, well-trained investigators at the regional EEO field office level. This bill brings greater independence and professionalism to the process.

By removing the final decision-making process from the VA's Office of General Counsel, this bill eliminates the obvious conflict of interest that exists today, when the General Counsel's Office is expected to be an advocate for the Department on one hand, and to decide the merits of a complaint against the Department on another hand.

Madam Speaker, I do want to thank the gentleman from Arizona, the chairman of the committee, for his continuing efforts on behalf of our Nation's veterans. This is the end of our first year of working together with the gentleman from Arizona [Chairman STUMP], and we have had a great experience dealing with him, and but also with his subcommittee chairs, CLIFF STEARNS, JACK QUINN and TERRY EVERETT. I thank them for work on behalf of our Nation's veterans.

I want to thank my equivalent subcommittee ranking members, the gentleman from Illinois, [LUIS GUTIERREZ], the gentleman from California, [BOB FILNER], and the gentleman from South Carolina, [JAMES CLYBURN], for their excellent commitment to our veterans.

Madam Speaker, I rise in support of S. 714, as amended. As amended, S. 714 contains provisions of major importance to our Nation's veterans. It deserves the support of every Member of the House.

A number of the provisions in the measure now before us have already been approved by the House in legislation reported earlier this year by the Committee on Veterans' Affairs. I will not review every provision in this legislation, but will highlight several of the provisions of particular importance.

The Department of Veterans Affairs Employment Discrimination Resolution and Adjudication Act of 1997 is long overdue. The VA's efforts to eradicate harassment in the workplace have met with little, if any, success since I chaired the first oversight hearings on this issue back in 1992. In the 103d Congress, I cosponsored a bill much like the legislation we are considering today which overwhelmingly passed the House, but received no action in the Senate. At that time, the VA believed a proposed Governmentwide reform of the Federal EEO process was in the works, and there was no need to pass legislation to address what most would agree was a very serious problem at the Department.

Nearly 5 years later, the long-promised Governmentwide reform has never come, and the VA's "zero tolerance" policy on sexual harassment has proven ineffective if not abysmal. That's why passage by both bodies of Congress of this timely and important legislation to reform the equal employment opportunity process at the VA is critically important.

By removing the EEO complaint process from the facility where the discrimination allegedly occurred, this bill limits the ability of heavy-handed facility directors to unfairly influence the processing of discrimination complaints; by requiring that such complaints be handled by mostly full-time, well-trained investigators at regional EEO field offices, this bill brings greater independence and professionalism to the process. And by removing the final agency decision-making authority from the VA's Office of General Counsel, this bill eliminates the obvious conflict-of-interest that exists today when the general counsel's office is expected to be an advocate for the Department on the one hand, and to decide the merits of a complaint against the Department on the other.

I want to applaud Chairman EVERETT for his willingness to work with JIM CLYBURN and me to put together a bill that will greatly improve the processing of discrimination complaints at the VA. I also want to thank Senators ARLEN SPECTER, BOB GRAHAM, JAY ROCKEFELLER, LAUCH FAIRCLOTH, and TIM HUTCHINSON for working with us in the House to put together a bill we can all be proud of. I also want to commend the Department of Veterans Affairs for their willingness to work with the committees on language to a bill that I know the VA doesn't love, but that most people—even within the VA—would agree they need.

By enacting this legislation, Congress will help put VA back on the path toward restoring employee trust in the EEO process and eradicating discrimination in the workplace. Our veterans and VA employees deserve no less.

A number of the provisions in the House amendment to S. 714 are derived from H.R. 2206, a bill the House already approved. These provisions include measures to clarify, extend, and enhance measures to address homelessness. On any given night in America one-third of those living on the streets are veterans—many of them are my peers from the Vietnam era. I find this hard to live with—both as a veteran and as an American citizen—and I believe the provisions included in the House amendment provide a greater opportunity to respond to this problem. These provisions will allow VA to continue to offer a range of programs to homeless veterans. Together these programs comprise a comprehensive network that meets veterans' needs for health care, substance abuse treatment, vocational rehabilitation, work, and shelter.

Additionally, the House amendment permanently authorizes VA to provide noninstitutional long-term care programs. Many veterans want to live at home as long as possible—good noninstitutional programs can make this a reality. I encourage VA to take full advantage of this permanent authority to provide cost-effective programs like home care, home aides, and adult day health care to more veterans.

The measure before the House also includes an important change in the eligibility for VA health care for Persian Gulf war veterans. The language makes eligibility for such services contingent upon veterans' service rather than their actual exposure to a specific agent or environmental hazard. The change is significant as it offers veterans, whose illnesses remain undiagnosed, the benefit of the doubt. Until science enables VA to link specific agents with their health consequences, suffering veterans will have the ability to access VA services to treat their special health care needs.

It also offers a provision to create 10 model Persian Gulf veterans' treatment programs in VA. Seven years has been too long to wait to meet the health care needs of these men and women. I am hopeful using this grant approach for funding will allow VA to develop some real centers of excellence and innovation for treatment of veterans' symptoms related to their gulf war deployment.

This measure will also extend authority for VA's Health Professional Scholarship Program for another year, but it will require VA to submit a report on the program's effectiveness in the first 6 months after enactment.

The measure requires VA to establish a strong and comprehensive policy for mammogram screening. The policy will specifically address women veterans over the age of 39 and other veterans with clinical symptoms or risk factors, but will allow physicians and patients to decide how often screening is necessary.

Madam Speaker, I am very pleased that the compromise measure we are now considering includes provision which extends the homeless veterans reintegration project [HVRP] administered by the Department of Labor and authorizes $10 million for the program. There is virtually no disagreement that one-third of the homeless men in this country are veterans—and that approximately 60 percent of those individuals are veterans of the Vietnam era. This means, Mr. Chairman, that every night, in this great country of ours, more than 280,000 veterans are sleeping on America's streets or in homeless shelters.

Since 1987, HVRP, a modest, cost-effective program designed to help homeless veterans reenter and succeed in the job market, has proven its worth. More than 41,000 homeless veterans have received help and support from the community-based organizations funded under HVRP, and many were placed in jobs at a cost of less than $1,500 per veteran. Few Government programs can claim to have achieved so much with so little.

Earlier this year, the Veterans' Affairs Committee voted unanimously to fund HVRP. Republicans and Democrats alike came together to show their support for the men and women who have served honorably in our Nation's Armed Forces. Additionally, I was very pleased when the House unanimously approved an amendment I offered for myself and my distinguished colleague from California,

Mr. FILNER, to the Labor, Health and Human Services Appropriation to increase HVRP funding, and I look forward to working with my colleagues on the Labor Appropriations Committee next year to ensure that HVRP is fully funded in fiscal year 1999.

Included in the House amendment to S. 714 are two clarifying amendments which deserve mention. First, the compromise would clarify that children of Vietnam veterans who are born with spina bifida are eligible for the programs provided by the VA for such children regardless of the character of discharge of the child's Vietnam veteran parent. Additionally, the agreement would clarify that VA assessment, evaluation, counseling, and the development of a child's vocational training program must begin at a time which will enable the child to begin participation in that program upon successful completion of secondary schooling or on the child's 18th birthday. These provisions are important to fair and effective implementation of the new spina bifida legislation, and I am pleased they are a part of this compromise measure.

Established under section 8 of Public Law 102–547, the Native American Veteran Housing Loan Pilot Program, administered by the Department of Veterans Affairs [VA], provides direct home loans to native American veterans who reside on trust lands to build or purchase homes on those lands. Previously, native American veterans who resided on trust lands were unable to qualify for VA home loan benefits. The authority for this program expired on September 30, 1997, and I strongly support the 4-year extension of the program included in the compromise agreement.

Under the pilot program, VA can make a loan to a native American veteran for a home on trust lands only if VA had entered into a memorandum of understanding [MOU] with the Tribal entity that had jurisdiction over the trust land. Since the establishment of the program in 1992, VA has entered into 47 such MOU's and 164 loans have been made to native American veterans for the purchase, construction, or improvement of dwellings on trust land. Negotiations continue with hundreds of other tribes to establish memorandums of understanding and more than 90 individual loan applications are pending.

Although the numbers of native Americans who have taken advantage of the loan opportunities available under this program are smaller than expected, new outreach and reporting requirements included in the compromise agreement should result in an increased understanding of the program among Native Americans and thus increased participation.

The legislation we bring to the floor today also includes provisions from H.R. 2571, VA medical care major construction and lease authorizations for fiscal year 1998, another bill the House passed in October. This bill accommodates the administration's construction spending priorities as well as those projects for which appropriations have already been made.

The major construction projects require modest funding, but are critical to providing access to veterans in areas where their needs cannot be met or in maintaining patient safety in existing facilities which are deficient in conforming to seismic code. I am also pleased with the emphasis this bill places on outpatient projects and development of information resources management centers.

Leasing, rather than building, to meet VA's needs is also a move in the right direction. VA has sometimes been criticized for using "bricks and mortar" to meet its space requirements while facilities in the community stand vacant. The leases this bill authorizes are a more flexible means by which VA can provide the capacity it needs today, but may not need tomorrow.

Enhanced-use leases are a relatively new venture for VA, but they have proven to be a cost-effective means of providing programs to VA beneficiaries VA could not otherwise afford. The measure we offer today repeals limitations on the number of projects VA can enter in any given year or under current authority.

Enhanced-use leases allow VA to offer lessees land or space to operate programs that ensure discounted benefits for VA, its beneficiaries or its employees over the terms of the lease. Space has been offered for a diverse range of services including child-care that benefits VA employees, co-generation projects, research facilities, and patient services.

I urge my colleagues from both sides of the aisle to join me in support of the provisions to improve health care and benefits for America's veterans that we bring to the floor today. As we approach Veterans Day 1997, this legislation will serve as a part of the appropriate recognition we pay to the men and women who have served our Nation in uniform. This legislation will honor their service and sacrifice and be a tangible expression of our continuing commitment to care for those who have borne the battle, and their survivors and dependents.

Madam Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. EVERETT], the chairman of the subcommittee.

Mr. EVERETT. Madam Speaker, I rise in strong support of S. 714, as amended, the Veterans Benefits Act of 1997.

Madam Speaker, I particularly want to address title I of the bill, which is derived from H.R. 1703, the Department of Veterans Affairs Employment Discrimination Resolution and Adjudication Act.

I introduced H.R. 1703 on May 22, 1997, and the House passed it on October 6, 1997. Title I represents a compromise agreement with the Senate on H.R. 1703 and S. 801, the Senate companion bill. I certainly recommend the results to my colleagues. The Senate drew much of the bill from the text of H.R. 1703, and the compromise is entirely consistent with the intent of the House bill.

Legislation to address the VA sexual harassment discrimination problems has been a very long time coming, since 1993, as a matter of fact. I am pleased with title I. I particularly want to thank Chairman STUMP for making it a priority for the Committee on Veterans' Affairs. I also want to thank the gentleman from Illinois [Mr. EVANS] from the committee, the gentleman from South Carolina [Mr. CLYBURN], ranking Democrat on the Subcommittee on Oversight and Investigations, for their original cosponsorship of H.R. 1703 and the leading roles they have played in the development of this important legislation. Also, the gentleman from Florida [Mr. BILIRAKIS] and the gentleman from Indiana [Mr. BUYER] were original cosponsors of H.R. 1703 and have been active in these provisions every step of the way.

Of course, without our Senate colleagues we would have no bill today. I want to commend Chairman SPECTER of the Senate Committee on Veterans' Affairs and Senator ROCKEFELLER, the ranking Democrat, for their hard work and cooperation in making this legislation possible today.

Madam Speaker, title I is for the loyal, dedicated employees of the VA who care for and serve our veterans. Some of them do not have the workplace environment of fairness and respect they deserve. I am optimistic these provisions, along with changes already occurring at the VA, will result in greatly improved employment confidence in the VA's ability to address sexual harassment and other discrimination problems.

This is good and much-needed legislation. I urge my colleagues to act favorably on S. 714, as amended.

Mr. EVANS. Madam Speaker, I yield 3 minutes to the gentleman from California [Mr. FILNER], a member of the committee.

Mr. FILNER. Madam Speaker, I rise in strong support of the Veterans Benefits Act of 1997, S. 714, as amended. Veterans' programs and benefits will be enhanced as a result of enactment of this legislation.

I am particularly pleased that this legislation includes provisions which clarify eligibility for and implementation of the new program that provides benefits for the children of Vietnam veterans who are born with spina bifida. This very important program is in the early days of implementation, and we must ensure that the Veterans Administration is administering the benefits provided in this program in accordance with the intent of Congress.

Madam Speaker, I also want to point out the extension of the Native American Veteran Housing Loan Pilot Program included in section 201 of this bill. Under this program, native Americans who live on trust lands can receive direct loans to build, purchase, or renovate a home.

Prior to the enactment of this program as a pilot 5 years ago, these native American veterans were not eligible for VA home loan assistance. Although this direct loan program has been generally successful, we have been somewhat disappointed in the number

of native Americans who have taken advantage of the loans available under this program.

I believe that the outreach and reporting requirements included in S. 714 will significantly increase participation and enable the VA to more effectively administer this program.

Also included in this bill is a requirement that the VA develop a national policy on mammography screening for women veterans. All of us know that the incidence of breast cancer among American women has reached near epidemic levels. Our women veterans are no less at risk than our female civilians.

□ 1600

We also know that critical to the management of this disease is early detection, and mammography is an important weapon in the fight against breast cancer. I want women veterans who have served in the Armed Forces on our behalf to have the same high level of access to mammography screening that I would want for members of my own family. Section 208 of this bill will ensure that access.

Madam Speaker, S. 714 is an excellent bill, and it is fitting that this legislation be approved just before Veterans Day. I urge my colleagues to demonstrate their support for America's veterans by voting for S. 714.

Mr. STUMP. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. QUINN], the chairman of the Subcommittee on Veterans Benefits.

Mr. QUINN. Mr. Speaker, I join my good friend, the gentleman from California [Mr. FILNER], in making note that Veterans Day, of course, is only a few days away, and it is appropriate that we come here together today to make improvements to several veterans' benefits programs.

I would like to take my time this afternoon, Mr. Speaker, to address the sections of S. 714 that fall within the jurisdiction of our Subcommittee on Veterans Benefits. I first would like to acknowledge the subcommittee ranking member, the gentleman from California [Mr. FILNER], and the bipartisan spirit in which he helped craft this bill. Without the strong cooperation of both sides of the aisle, I do not think we would be able to present these improvements to our veterans' benefits.

Section 201 of S. 714 continues VA's authority to provide direct loans to Native Americans through the year 2001. This program offers the opportunity to Native American veterans living on tribal trust land to purchase a home that they might not otherwise be able to acquire. The program requires the VA to conclude a memorandum of understanding with tribal governments that, among other things, gives the VA access to the property in case of foreclosure, thus protecting the interests of the taxpayer.

The bill would add specific outreach requirements such as participation in Native American conferences and outstationing loan guaranty specialists in tribal facilities only on a part-time basis. The bill also adds new reporting requirements so that Congress may gain a better understanding of the outcomes of the program.

Section 203 makes changes to several homeless programs, including an extension of the VA's authority through December 31, 1999, to sell, lease, or donate foreclosed VA property to nonprofit organizations or State and local governments for the purpose of providing housing for our homeless veterans.

It also extends the Department of Labor's authority to operate the Homeless Veterans Reintegration Project through 1999 and continues to authorize $10 million per year for the same program. This program is a grant program administered by the Veterans Employment and Training Service and is designed to work with community-based organizations who focus on providing employment services to unemployed, homeless veterans.

Since its inception in 1988, through and up till 1995, the program has served almost 42,000 homeless veterans, placing nearly 19,000 in jobs. This is an accomplishment for a program that has traditionally been funded only at about $2 or $3 million per year.

Also, section 401 makes several technical and clarifying amendments to burial and educational benefits.

Finally, Mr. Speaker, section 404 of the bill also makes clarifying changes to the spina bifida legislation that was passed during the late hours of our 104th Congress. This new section further defines eligibility by establishing January 9, 1962, as the earliest date on which a veteran's service in Vietnam would qualify a child for these benefits. That date conforms to the date on which United States forces began using defoliants in Vietnam.

The bill also further specifies the age at which the Secretary may provide vocational training as graduation from high school or the child's 18th birthday, whichever occurs first. It also requires that a vocational plan must be developed in time for the child to begin training when authorized.

Mr. Speaker, these provisions add to what is already the most complete program for veterans' benefits in the world. It is the right thing to do. I urge all our colleagues to support S. 714, as amended.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina [Mr. CLYBURN], a member of the committee.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman from Illinois [Mr. EVANS], the ranking subcommittee member, for yielding me the time.

Mr. Speaker, I rise today in strong support of the Department of Veterans Affairs Employment Discrimination Prevention Act. This legislation is contained in S. 714, the compromise agreement which is before us today.

This year's Subcommittee on Veterans Oversight hearings have demonstrated the extremely sensitive and serious problem of sexual harassment within the Department of Veterans Affairs. The legislation we are considering today meets these glaring problems head-on.

The gentleman from Illinois [Mr. EVANS] and I were original cosponsors of similar legislation back in 1993. At that time, we were told that changes were in the works regarding the EEO process at VA and throughout the Federal Government and that there was no need for this legislation. This expected Government-wide solution never happened. The Senate never acted on the bill we passed in 1993. And here we are today, almost 5 years later, dealing with the sexual harassment problems that continue to fester at the VA.

It is a tribute to the leadership of the Subcommittee on Oversight chairman, the gentleman from Alabama [Mr. EVERETT], and I thank him for recognizing the continuing need for legislation to improve the EEO process at the VA. Without his commitment to this issue, it is likely that we would not be on the floor today considering final passage of this significant EEO reform legislation.

It is also a tribute to the VA that it has finally recognized its EEO process is seriously flawed and that it has independently proposed administrative changes that draw in large part from the bill we introduced earlier this year.

The VA's proposal did not go far enough, however, and that is why we need to approve this legislation today. By voting in favor of this bill, we in Congress will be doing our part to bring professionalism and independence to the EEO process at the VA and to help restore the faith and trust in the process that has been so lacking over the past few years.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. COOKSEY], a former flight surgeon and member of the committee.

Mr. COOKSEY. Mr. Speaker, I rise in support of the House amendments to S. 714 and to comment specifically on one provision of this legislation.

Our colleagues in the other body pressed for the inclusion of language which would have established in law specific medical practice criteria for VA clinicians. As a physician and as a legislator, I strongly believe that, as a matter of public policy, we should not attempt to legislate how medicine is practiced. While this bill expresses a sense of the Congress regarding a VA policy, that expression does not bind the VA.

I commend the chairman for following that wise course in this measure, and I urge my colleagues to support it.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I rise today in strong support of the bill to extend the Native American Veterans Housing Loan Program and for other purposes.

In July I introduced H.R. 2317, the House companion bill to S. 714. I am pleased that we are able to take up the Senate's version today. I would like to thank the gentleman from Arizona [Mr. STUMP] and the gentleman from Illinois [Mr. EVANS] and the staff of the Committee on Veterans' Affairs for working hard to strike the compromise which made it possible to take up this bill on the floor today. I would especially like to thank Debra Wada of Senator AKAKA's staff and Jill Cochran of the Committee on Veterans' Affairs for their hard work on improving benefits for native American veterans.

In 1992, the Native American Veterans' Home Loan Equity Act was enacted to establish and implement a pilot program to make direct housing loans to aid native American, Indian, Alaska or Hawaii Native or Pacific islander, veterans in purchasing, constructing, or improving dwellings on trust lands.

The Department of Veterans Affairs has successfully entered into agreements to provide direct loans to members of 46 Indian tribes and Pacific island groups. The VA is in negotiation with hundreds of other tribes to establish memorandums of understanding which would make this program available to those tribes. It is important that we extend this program to allow those native American tribes who are still in negotiations with the VA to have a chance to apply for these loans.

Through June of 1997, 164 loans were made to both Pacific islanders and native American veterans, with 90 applications pending. To date none of those loans issued has been foreclosed. This is an extremely successful program and is the only program available for this group of veterans who live on trust lands to finance homes for their families. The Department of Veterans Affairs supports the extension of this program.

Therefore, Mr. Speaker, the main issue here is equity. Native American veterans have a right to the same benefits available to other veterans. I urge my colleagues to support this important legislation.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS], chairman of the Subcommittee on Health.

Mr. STEARNS. Mr. Speaker, I thank the gentleman from Arizona [Mr. STUMP], the distinguished chairman of the Committee on Veterans' Affairs.

Mr. Speaker, as we take up this bill just 2 days before Veterans Day, we are in a very concrete way underscoring our commitment to veterans. Among its key provisions, these amendments to S. 714 provide important direction to the Department of Veterans Affairs to address what we believe is a glaring problem, the need to improve the care VA provides to Persian Gulf veterans.

Our committee has held what the American Legion 2 months ago described as "the most comprehensive and important hearings on Gulf War veterans since the end of the Gulf War." This legislation stems from those hearings and would require VA to take a new approach, beginning with creating and funding demonstration programs. This should lead VA to develop new, improved models for treating veterans with undiagnosed or ill-defined conditions.

The bill would also clarify that Persian Gulf veterans are eligible for care of any condition which may be due to their service in the gulf, whether or not it can be linked to toxic substances or environmental hazards.

These amendments would also extend many expiring programs, including VA's authority to provide noninstitutional services to the elderly and needed assistance for homeless veterans.

Mr. Speaker, the legislation also provides needed authorization for VA medical facility construction and leasing initiatives for fiscal year 1998. For these and many other reasons, I support this bill. This is an excellent bill, and I urge all the Members to support it.

Mr. Speaker, I include the following statement for the RECORD:

Mr. Speaker, as we take up this bill just 2 days before Veterans Day, we are in a very concrete way underscoring our commitment to veterans.

Among its key provisions, these amendments to S. 714 provide important direction to the Department of Veterans Affairs to address what is both one of the most glaring problems in the area of veterans affairs, and the most pressing problem facing many Persian Gulf war veterans—the need for effective health care. In wrestling with this problem, our committee has held what the American Legion 2 months ago described as "the most comprehensive and important hearings on Gulf War veterans since the end of the Gulf War." Our findings and resultant legislation have frankly not commanded the attention associated with still speculative questions regarding toxic chemical exposures. We have found that VA treatment, particularly of veterans with hard to diagnose problems, has been uneven from facility to facility. Too often, veterans have fallen through the cracks, and complex cases have not received coordinated care. VA's primary care system appears ill-suited to help the many veterans who suffer from ill-defined, multiple-system health problems. Lack of understanding of the illnesses affecting Persian Gulf war veterans has fueled a perception in many veterans that VA clinicians lack empathy for their conditions. This legislation would begin to remedy the kinds of problems Persian Gulf veterans and independent observers have highlighted about the treatment these veterans have, and in some cases have not, received.

This legislation would require VA to take a new approach in caring for these veterans, beginning with creating and funding demonstration programs to test new approaches to treating Persian Gulf veterans with undiagnosed or ill-defined conditions. Among the approaches VA is to develop under the bill are the use of case managers to oversee all facets of the veteran's care, establishment of specialized clinics serving only Persian Gulf veterans, and the use of multidisciplinary treatment aimed at symptom management. The bill would also expand VA law regarding Persian Gulf veterans' eligibility for care to clarify that such veterans are eligible for care of any condition which may be due to their service in the gulf, whether or not such condition may be attributable to toxic substances or environmental hazards.

Our amendments to S. 714 would also extend a number of expiring health care programs on which our veterans depend. I am very pleased that the bill includes provisions I authored which give VA ongoing authority to provide noninstitutional care and services to the elderly, and which extend, streamline, and improve VA programs serving veterans who are chronically mentally ill and the homeless. This legislation gives VA the tools it needs to serve this population, as well as to work in partnership with communities to help eradicate veteran homelessness. I am pleased that, increasingly, VA is expanding its partnership activities in this and other areas. In that regard, this bill would also enable VA to develop more beneficial public/private partnerships. In adopting provisions passed by the House in April, this measure would allow VA to expand an effective program of leasing unused property for development of facilities such as assistive living facilities, day care centers, and other uses that can benefit veterans or the medical centers that serve them.

The legislation also provides needed authorization for a limited number of VA medical facility construction and leasing initiatives for fiscal year 1998.

I am pleased at what we have accomplished for our veterans in this legislation. I would acknowledge that a number of House-passed provisions on which the Senate had held no hearing are not included in this measure. These provisions include sections 7 and 8 of H.R. 2206. Section 7 would have provided a needed exemption of VA research personnel from an existing policy aimed at reducing the number of VA personnel in certain employment grades. While our committee has not objected to efforts to reduce the numbers of middle management positions in the VA, the failure to exempt researchers is particularly shortsighted and damaging to a program so integral to VA's health care mission. We strongly urge that the Department adopt an exemption, and not wait for us to enact this provision next session. The enactment of section 8 of H.R. 2206 would have ruled out future legislative efforts to open the Federal supply schedule on pharmaceuticals. The committee recognizes, however, that in repealing section 1555 of the

Federal Acquisition Streamlining Act of 1994 this year, Congress has, as a matter of law, effectively rejected as ill-advised the concept of opening the Federal supply schedule to cooperative purchasing.

Overall, this is an excellent bill. I urge Members to support it.

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

I want to thank everybody who has worked on making this legislation happen, particularly the committee's staff. On our side, I would like to recognize the contribution of Mike Durishin, Jill Cochran, Mary Ellen McCarthy, Susan Edgerton, Sandra McClellan, Adam Sachs, Debbie Smith, Beth Kilken, and Tom O'Donnell. They have been of great assistance to us, particularly me in my first year in this position as ranking Democratic member, and we appreciate their time and energy.

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

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Arizona [Mr. STUMP] for yielding me the time.

Mr. Speaker, I rise in strong support of S. 714, the Homeless Veterans Act. I commend the gentleman from Arizona [Mr. STUMP], the distinguished chairman of the Committee on Veterans' Affairs, and the gentleman from New York [Mr. QUINN], the chairman of the Subcommittee on Veterans' Benefits, for bringing this measure to the floor before this session adjourns.

This bill reauthorizes a pilot program which permits the VA to make direct housing loans to native American veterans through December 2003, which extends the authority of the VA to enter into enhanced-use leases through December 31, 1999. Such leases permit the VA to have the ability to use underutilized property through leases with private and public entities.

Moreover, this legislation also extends for 2 years the VA's authority to operate a health professional scholarship program as well as to provide noninstitutional alternatives to veterans' nursing home care and also provides funding for spina bifida cases, which need a great deal of attention.

Accordingly, I urge our colleagues to join in supporting this important legislation which will significantly aid our veterans.

Mr. EVANS. Mr. Speaker, I yield whatever time I have remaining for purposes of control to the gentleman from Arizona [Mr. STUMP], the chairman of the full committee.

Mr. STUMP. Mr. Speaker, I thank the gentleman from Illinois [Mr. EVANS] for yielding me the time.

I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

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Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in support of this legislation and to say that, sadly, when it comes to the diagnosis and treatment and research for gulf war veterans, we find the Federal Government has too often had a tin ear and a cold heart and frankly a very closed mind. I do not view this as a political problem or a challenge that rests with one party, Republican or Democrat. Sadly, the Veterans Administration, the Department of Defense, the Central Intelligence Agency, and even the Food and Drug Administration have not been responsive to our veterans.

As the Chair of a panel that did 11 hearings and made recommendations on this issue, one of the key components is that we ultimately need, in my judgment, to bring research out of the control of the DOD and VA and give it to an agency that will begin to focus more on the chemical components of the myriad of illnesses that affect our veterans.

I urge both the Committee on Veterans' Affairs and the Committee on National Security to put even more focus on this. I know that the President's commission has come out with some recommendations. The Subcommittee on Human Resources of the Committee on Government Reform and Oversight has come out with some recommendations. I think we are at a point where we clearly need to recognize that our troops are not being properly diagnosed, they are not being effectively treated, and they are not being fairly compensated. But I think we are at a point where we are starting to see that change. I know that with the help of the gentleman from Arizona [Mr. STUMP] and the help of the gentleman from Illinois [Mr. EVANS], we are going to see renewed energy in this area. I think this bill is a start in that process and for that, I am grateful. I thank both gentlemen.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BUYER], a member of the committee, and also the chairman of the Subcommittee on Military Personnel of the Committee on National Security.

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding me this time. Let me congratulate the gentleman from Arizona [Mr. STUMP] and the gentleman from Illinois [Mr. EVANS] for their work on this bill. I would like to discuss section 103 of this bill. I am disappointed that coming out of the conference with the House and the Senate, the language that the House adopted has in fact been changed. We were seeking to have an independent commission to review what I find to be the very poor culture that is in the Nation's second largest agency, that of the VA. There is not any Member of this House that has taken on the issue of race and gender that I have over the past year with what occurred at Aberdeen in sexual misconduct in the military. The gentlewoman from California [Ms. HARMAN], the gentlewoman from Florida [Mrs. FOWLER] and I have traveled the world to our military bases and looked at those issues on gender and race relations. We have taken on the systems and subsystems in the military, and we have been very aggressive.

When we turned our eyes upon the VA itself, we began to see a culture problem within the VA, a system whereby the victims were being revictimized through the Office of General Counsel. We saw individuals in their leadership kind of give a wink and a nod to a hostile workplace. Let me congratulate the gentleman from Alabama [Mr. EVERETT] and the gentleman from Arizona [Mr. STUMP] for taking these issues right on and the gentleman from South Carolina [Mr. CLYBURN] on the oversight.

Why I was seeking to have an independent commission is I wanted it stripped completely out of the hands of the VA because of my lack of trust in those who are doing the oversight in the VA itself. I recognize in the language in here, they have been very careful to make sure that there is some insurance here. We are asking the Secretary to have an agreement to make sure that the entity carries out its responsibilities and exercises judgments concerning the assessments in a manner free of any influence. That means I do not want to hear anything over the next year that the VA somehow is scrubbing the contractor or getting some kind of review or pressures. If that is going to happen, I am going to be pretty upset. Because I know what happens when we do independent contracting with the Pentagon. The Pentagon today will ask us an issue and it is politically sensitive and they begin to control and manipulate the contractor. I want to make sure that we have a work environment in the VA that is free of these hostilities. I want to make sure that we have a system there that stops the revictimizing of the victim because it is very difficult for us to actually measure how does that impact upon the care to the veteran itself.

Let me congratulate the gentleman from Arizona [Mr. STUMP], because the gentleman from Arizona [Mr. STUMP], the gentleman from Illinois [Mr. EVANS] and others, want to make sure that we have a good system. I hope and I pray that what has been worked out here is, in fact, going to meet the ends for which the gentleman from Arizona and I both want. My message for coming here to the well today is that I will be watching and I know the gentleman from Arizona will, too, over the contract. I will be watching the VA just

like the gentleman from Alabama [Mr. EVERETT] has done on the oversight to make sure that there are no manipulations whatsoever with the contractor and that the assessment that is done is completely independent, because if they do not, we are coming down on them hard.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman for his kind remarks.

Mr. Speaker, I would like to thank Senator SPECTER, Senator ROCKEFELLER and the staff of the Senate Veterans' Affairs Committee for their hard work in reaching an agreement on this bill.

I also want to thank the members of the House Committee on Veterans' Affairs who participated in the development of this legislation with the Senate. The gentleman from Illinois [Mr. EVANS], the ranking member, has been very cooperative through this entire process. The gentleman from Alabama [Mr. EVERETT], the gentleman from Florida [Mr. STEARNS], and the gentleman from New York [Mr. QUINN], the subcommittee chairmen; the gentleman from South Carolina [Mr. CLYBURN], the gentleman from Illinois [Mr. GUTIERREZ], and the gentleman from California [Mr. FILNER], the ranking members, also put in a great deal of time to move this committee's agenda.

I especially want to thank the gentleman from Louisiana [Mr. COOKSEY] and the gentleman from Arkansas [Mr. SNYDER]. Both are physicians and both are members of this committee. We have indeed been very fortunate to have them. They were especially helpful in negotiations with the Senate.

I would like to thank the staff of the House Committee on Veterans' Affairs for their diligent work on behalf of America's veterans. Three staff members will be leaving us this year: Ira Greenspan, Allison Clarke, and Sloan Rappoport.

On behalf of all committee members, I want to express our deepest appreciation for all their hard work and efforts and wish them the very best in their future endeavors.

Mr. Speaker, I include for the RECORD a detailed joint explanatory statement of the provisions considered during our deliberations on this measure.

JOINT EXPLANATORY STATEMENT FOR S. 714, THE PROPOSED "VETERANS BENEFITS ACT OF 1997"

S. 714, the proposed "Veterans Benefits Act of 1997" reflects a compromise agreement the Senate and House of Representatives Committees on Veterans' Affairs have reached on a number of bills considered in the Senate and House during the 105th Congress, including H.R. 1092, passed by the House on April 16, 1997, H.R. 1703, passed by the House on October 6, 1997, H.R. 2206, passed by the House on October 6, 1997, H.R. 2571, passed by the House on October 6, 1997, S. 714, passed by the Senate on November 5, 1997, S. 986, ordered reported by the Senate Committee on October 7, 1997, S. 801, ordered reported by the Senate Committee on October 7, 1997, and S. 999, ordered reported by the Senate Committee on October 7, 1997.

The Committees on Veterans' Affairs have prepared the following explanation of S. 714 (hereinafter referred to as the compromise agreement). Differences between the provisions contained in the compromise agreement and the related provisions in the bills listed above are noted in this document, except for clerical corrections and conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

VA EMPLOYMENT DISCRIMINATION RESOLUTION AND ADJUDICATION

Current law

Within the statutory framework of title VII, United States Code, the Equal Employment Opportunity (EEO) complaint process for the Department of Veterans Affairs (VA) is governed by federal regulations and Equal Employment Opportunity Commission (EEOC) directives applicable to all federal agencies. The EEO program at VA is under the direction of the Deputy Assistant Secretary for Equal Opportunity, who reports to the Assistant Secretary for Human Resources and Administration.

The complaint process begins when a VA employee contacts a facility EEO counselor. That counselor is appointed by the facility director who is the EEO Officer for the facility and the custodian of the complaint process. Counseling allows an opportunity for informal resolution of a complaint at the local level. Most EEO counselors perform EEO duties in addition to unrelated VA responsibilities, and all EEO counselors report to the facility director. On receipt of a formal complaint, VA must advise the complainant that it is required to conduct a complete and fair investigation within 180 days. The notice also advises the complainant of the right to appeal the final decision to the EEOC. The facility director (EEO Officer) accepts formal complaints and refers those believed to be procedurally defective (about 25 percent a year) to the Office of General Counsel (OGC) for legal review. If any part of the complaint is accepted, the OGC advises the facility and requests the appointment of an EEO investigator to the case. The investigator provides a Report of Investigation to both the complainant and the EEO Officer.

The agency and complainant may settle the complaint at any point in the EEO process. If a settlement is not reached after the Report of Investigation has been received, the complainant may request either a final agency decision from VA without a hearing, or a hearing by an EEOC Administrative Judge and then a final agency decision. If the complainant is dissatisfied with the agency's final decision, he or she may appeal it to the EEOC Office of Federal Operations. The final step in the complaint process is a title VII civil action in Federal district court. The complainant has the right to file a civil action against the agency any time after 180 days have passed since the filing of a formal complaint with the EEOC Office of Federal Operations. Once in Federal Court, the complaint leaves the EEO administrative complaint system.

House bill

Section 2 of H.R. 1703 would direct the Secretary to establish a new VA employment discrimination complaint resolution system whose employees would be supervised by and report to an Assistant Secretary or Deputy Assistant Secretary for complaint resolution management. A new Office of Resolution Management (ORM) would be supported by district managers, field offices, full time EEO counselors and investigators, and 40 FTEE collateral duty counselors. In addition, the ORM would be authorized to make certain final agency decisions on procedural issues.

Section 3 of H.R. 1703 would establish a VA Office of Employment Discrimination Complaint Adjudication (OEDCA). The bill would transfer final agency decision authority on substantive issues from the Office of the General Counsel to OEDCA. The OEDCA, located in VA Central Office, would be a quasi-independent complaint adjudication unit. The Director of the OEDCA would report directly to the Secretary or Deputy Secretary. In addition to its complaint adjudication responsibilities, the OEDCA would be responsible for creating an efficient and effective complaint tracking system.

Section 4 of H.R. 1703 would provide an effective date of 90 days after enactment of this Act.

Section 5 of H.R. 1703 would establish an independent panel to review EEO and sexual harassment procedures within VA. The panel would be composed of six members—three appointed jointly by the chairman and ranking member of the House Committee on Veterans' Affairs, and three appointed jointly by the chairman and ranking member of the Senate Committee on Veterans' Affairs.

Senate bill

Section 2 of S. 801 would establish a structural component for the Office of Resource Management (ORM) which is identical to section 2 of H.R. 1703. Additionally, section 2 of S. 801 would require the VA Office of Inspector General to investigate allegations of discrimination against all GS–15s and above, and report to Congress and the Secretary. Section 2 would also require the Secretary to ensure that complainants may elect to consult with full-time EEO employees or part-time EEO employees. Section 2 would contain more specific reporting requirements including information on counseling relating to employment discrimination, the number and type of employment discrimination complaints, the status of such complaints, and the terms of any settlement.

Section 3 of S. 801 is identical to section 3 of H.R. 1703.

Section 4 of S. 801 would require the Secretary to contract with a private entity to assess VA's discrimination complaint resolution system. The assessment would include a study of the effectiveness of the training and maintenance of groups of VA employees assigned to investigate claims and provide counseling; the education and training of VA employees regarding their rights and obligations under EEO laws; the use of alternative dispute resolution procedures and settlements in resolving EEO complaints; and other programs, procedures or activities of VA relating to the EEO laws.

Section 5 of S. 801 is identical to section 4 of H.R. 1703.

Compromise agreement

Section 101 follows section 2 of the House bill except that it requires VA to transmit a quarterly notice to the Committees on Veterans' Affairs of the House and Senate which summarizes each employment discrimination complaint filed in the preceding quarter against certain high ranking VA employees. The notice will not include the name of the individual who filed the complaint or name of the individual against whom the complaint is filed. The notice will summarize the

nature of the allegations and identify the VA EEO regional field office at which the complaint was filed. The notice will also include a redacted copy of the complaint of employment discrimination and any attachments. Section 101 also requires the Secretary to ensure that complainants may elect to consult with fulltime EEO employees or part-time EEO employees. Section 101 contains the expanded reporting requirements included in the Senate bill.

Section 102 follows section 3 of the House bill.

Section 103 follows section 4 of the Senate bill, with an additional requirement that the Secretary ensure the independence of the private entity conducting the assessment of VA's employment discrimination complaint resolution system.

NATIVE AMERICAN HOME LOAN PROGRAM

Current law

Subchapter V of chapter 37, title 38, United States Code, authorizes the Secretary of the Department of Veterans Affairs (VA) to conduct a pilot program making direct loans to Native Americans to purchase, construct, renovate, or refinance homes on trust land. The Secretary is required to enter into a memorandum of understanding (MOU) with the various tribal governments prior to making any such loans. The MOU must give the Secretary access to the property for any purpose such as appraisal or monitoring of construction in connection with the loan. Tribal governments must agree to assist with the implementation in a responsible and prudent manner.

The maximum loan amount is $80,000 unless the Secretary determines that local housing costs justify a higher amount. The Secretary is required to establish appropriate credit underwriting standards which give consideration to the purpose of the program. The Secretary is also required to conduct an outreach program to educate tribal organizations and Native American veterans about the program. The program expired September 30, 1997.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 1 of S. 714 would extend the authority to carry out this program through December 31, 2003, and add provisions regarding specific outreach requirements. These include consulting about the housing needs of Native Americans with the National Congress of American Indians, the National American Indian Housing Council and the Department of Hawaiian Homelands, as well as distributing information to tribal organizations. The bill also requires an annual report by February 1 of each year detailing the operations of the program, outreach activities and an analysis of the pool of Native American veterans who are eligible for participation in the program.

Compromise agreement

Section 201 includes the Senate provisions with added outreach and reporting requirements and extends VA's program authority to December 31, 2001.

TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS

Current law

Current law includes several provisions which authorize specific VA programs to assist homeless veterans and to contract for residential care for homeless veterans, mentally ill veterans, and veterans suffering from substance abuse or dependence.

Section 1720A of title 38, United States Code, permits the Secretary to contract for care, treatment, and rehabilitative services in various treatment facilities—subject to a review of the quality and effectiveness of its programs—for eligible veterans suffering from alcohol or drug dependence or abuse disabilities.

The Secretary is also given the authority to work in consultation with the Secretary of Labor and the Director of the Office of Personnel Management to urge federal agencies and appropriate private companies to provide employment opportunities to those veterans who have completed such programs.

Under this section of law, the Secretary is directed to provide referral services to non-eligible veterans who seek alcohol or drug dependence assistance.

The authority to furnish such care expires after December 31, 1997.

The Secretary was also tasked with conducting ongoing clinical evaluations of drug and alcohol abuse treatment to veterans, and to report to Congress on the findings.

Section 115 of Public Law 100-322 (as extended through subsequent laws) authorizes the VA to conduct a pilot program to provide care, treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities to eligible homeless veterans suffering from chronic mental illness disabilities. This program is set to expire on December 31, 1998.

Section 7 of Public Law 102-54 authorizes the Secretary to carry out a compensated work therapy and transitional housing demonstration program, which expires on December 31, 1997.

Section 107 of the Veterans' Medical Programs Amendments of 1992 requires the Secretary to (1) assess all programs developed by VA facilities which have been designed and established to assist homeless veterans; and (2) to the maximum extent practicable, seek to replicate at other VA facilities those programs which have as a goal the rehabilitation of homeless veterans. It also requires directors of VA medical centers and regional benefits offices, in coordination with non-VA organizations with experience working with local homeless persons, to develop lists of all programs assisting homeless persons and encourages the cooperative development of a local plan for coordinating services for homeless veterans. The law also requires VA medical center directors and regional office directors to meet, to the maximum extent feasible through existing programs and available resources, the identified needs of homeless veterans and attempt to inform homeless veterans whose needs cannot be met of services available in the area.

Section 2 of the Homeless Veterans Comprehensive Service Programs Act of 1992 requires the Secretary to establish and operate, through September 30, 1997, a pilot program to expand and improve the provision of benefits and services by the Department of Veterans Affairs to homeless veterans. VA is authorized to operate up to eight demonstration programs, and each site shall include a comprehensive and coordinated array of specialized services.

House bill

Section 2(a) of H.R. 2206 would consolidate, extend and revise, in part, Department of Veterans Affairs progams which serve veterans who are homeless or suffer from chronic mental illness or substance abuse or dependence. It would amend chapter 17 to title 38, United States Code, by adding a new subchapter entitled "Treatment and Rehabilitation for Seriously Mentally Ill and Homeless Veterans."

New section 1771 would authorize the Secretary to provide outreach services; care, treatment, and rehabilitative services; and therapeutic transitional housing assistance to veterans suffering from serious mental illness, including veterans who are homeless.

New section 1772 would authorize the Secretary, in conjunction with operating compensated work therapy programs, to operate residences and facilities as therapeutic housing. The provision would give the Secretary latitude to purchase, lease, or otherwise acquire residential housing in such a way as to best expedite the opening and operation of transitional housing. Such housing would be subject to requirements specified in the bill, to include a requirement that only eligible veterans and a house manager may live at a residence; veterans residents would be required to make payments that contribute to covering their board and the operating costs of the facility. Furthermore, residents would be prohibited from drinking or taking drugs and would be subject to drug testing. Any resident in violation of this policy could be expelled. All zoning, building permit, and other similar community requirements—as well as State and community fire and safety requirements—would be applicable. The measure would authorize the Secretary to set reasonable payment rates for residents, limit the duration of each veteran's residence, and establish qualifications for the house manager. The Secretary would have broad authority in selecting property to be established as transitional housing. The Secretary could consider any suitable defaulted residential property, any suitable space within a facility already under the Department's jurisdiction but no longer in use, and any other property acquired by the Department. The measure makes specific provision for the transfer of defaulted property from the Veterans Benefits Administration as well as obtaining property from the Department of Housing and Urban Development. The Secretary may dispose of any property acquired for this purpose and funds obtained by such a sale would go to the General Post Fund. Section 1772 would also provide that payments received by the VA under this section be deposited in the General Post Fund. The measure would require the Secretary to manage the program so that expenditures for any fiscal year do not exceed by more than $500,000 proceeds credited to the General Post Fund under this section. Operating funds and receipts would be accounted for separately and would each be stated in the President's budget for each fiscal year.

New section 1773 would direct the Department, subject to the availability of appropriations, to operate no fewer than eight comprehensive-services centers to assist homeless veterans.

New section 1774 would, subject to available funding, require VA, in assisting homeless veterans, to coordinate, and permit the Department to provide authorize services in conjunction with other agencies of State, local, and Federal government, and nongovernmental organizations. It would also require VA facility directors to assess and identify local homeless veterans, needs and the adequacy of existing programs to meet those needs, and take appropriate action, to the extent practicable to meet those needs. Such assessments are to identify homeless veterans' needs in the areas of health care,

education and training, employment, shelter, counseling, and outreach services. Each assessment is also to comment on the adequacy of current VA programs with regards to these needs. This section would also require local VA officials to work with other governmental entities and homeless advocacy groups to develop a list of programs designed to assist homeless persons and homeless veterans in the area; provide outreach to the developers of local homeless programs to coordinate the provision of services to homeless veterans; attempt to identify and meet the needs of homeless veterans; and inform the homeless veteran population in the area whose needs cannot be met by the VA director of services available to such veterans in the community.

Senate bill

Section 2(a) of S. 714 would extend the VA's authority under section 1720A of title 38, United States Code, to treat and rehabilitate veterans with alcohol or drug dependence or abuse disabilities through December 31, 1999.

Section 2(c) of S. 714 would extend the VA's authority to provide community-based care to homeless veterans under the Veterans' Benefits and Services Act of 1988 through December 31, 1999.

Section 2(d) of S. 714 would extend the VA's Compensated Work Therapy and Therapeutic Transitional Housing demonstration program under Public Law 102–54 through December 31, 1999.

Section 2(e) of S. 714 would amend the Homeless Veterans Comprehensive Service Programs Act of 1992 to extend through September 30, 1999 (1) VA's authority to operate comprehensive service centers to assist homeless veterans, (2) VA's authority to make grants and to assist homeless veterans, and (3) the authorization of appropriations for that Act.

Compromise agreement

Section 202 generally follows the House bill, except that the program authorities would include a sunset date of December 31, 2001.

SALE OR LEASE OF VA PROPERTIES TO HOMELESS PROVIDERS

Current law

Section 3735 of title 38, United States Code, authorizes the Secretary of the VA to sell, lease or donate foreclosed VA properties to nonprofit organizations or a State or political subdivision of a State for the purpose of assisting homeless veterans and their families in acquiring shelter. Properties eligible for transfer under this program are those not likely to be sold at a price that would reduce the VA's liability on the property. Providers must comply with all zoning codes and agree to use the property to shelter primarily homeless veterans and their families. The Secretary may make loans on such properties at below-market rates and may waive all fees required under section 3729 of title 38, United States Code. The program expires December 31, 1997.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 2 of S. 714 would extend the authority to carry out this program through December 31, 1999.

Compromise agreement

Section 203(a) includes the Senate provision.

EXTENSION OF HOMELESS VETERANS COMPREHENSIVE SERVICE GRANT PROGRAM

Current law

Section 3 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 USC section 7721 note) authorizes the Secretary to establish and operate a grant program to assist eligible entities in establishing new programs to furnish outreach, rehabilitative services, vocational counseling and training, and transitional housing assistance to homeless veterans. This program expired on September 30, 1997 and limited the Department to providing grants for no more that 25 service centers and no more than 20 programs which incorporate the procurement of vans for use in outreach to, and transportation for, homeless veterans to carry out the intention of the law.

House bill

Section 3 of H.R. 2206 would extend VA's authority to make such grants to September 30, 1999 and would strike the limitation on the number of grants which may be awarded for specified purposes.

Senate bill

Section 2(e)(2) of S. 714 would extend the grant program until September 30, 1999.

Compromise agreement

Section 203(b) follows the Senate bill.

HOMELESS VETERANS REINTEGRATION PROJECT

Current law

The Stewart B. McKinney Homeless Assistance Act (title 42, section 11448(e)(1)) authorizes the Department of Labor to provide grants to community based organizations focusing on returning homeless veterans to the work force. The program is administered by the Veterans Employment and Training Service. From 1988 through 1996, the program served over 41,000 homeless veterans, placing over 18,000 in jobs. The program expires December 31, 1997.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 4(e) of S. 714 would amend the Stewart B. McKinney Homeless Assistance Act (title 42, section 11448(e)(1) to extend the expiration date of the Homeless Veterans Reintegration Project to December 31, 1999, and authorize expenditures up to $10,000,000 per year.

Compromise agreement

Section 203(c) includes the Senate provision.

ANNUAL REPORT ON ASSISTANCE TO HOMELESS VETERANS

Current law

Section 1001 of the Veterans Benefits Improvements Act of 1994 (38 USC section 7721 notes) requires that the Secretary, by April 15 of each year, submit to the Committees a report on the activities of the VA's homeless programs. The annual report is to include the number of homeless veterans provided assistance under VA programs, the cost of providing these programs, and any other information the Secretary deems appropriate.

House bill

Section 4 of H.R. 2206 would expand the scope of this reporting requirement. It would require the VA to report on its evaluation of the effectiveness of its programs relating to residential work therapy, outreach, community-based residential treatment, and case management, as well as contract care programs for alcohol and drug dependence or abuse disabilities. Further, it would require the Secretary to evaluate and report on the effectiveness of programs established through grants awarded under the Homeless Veterans Comprehensive Service Grant Program.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 204 follows the House bill.

ENHANCED-USE LEASES OF DEPARTMENT OF VETERANS AFFAIRS REAL PROPERTY

Current law

Under section 8169 of title 38, United States Code, the Secretary's authority to enter into enhanced-use leases of Department of Veterans Affairs real property expires after December 31, 1997.

Section 8168 of title 38, United States Code, limits the number of enhanced-use leases (other than leases for child care centers) which the Secretary may execute to 20, and sets a 10-project cap on such leases during any one fiscal year.

House bill

Section 101 of H.R. 1052 would extend the Secretary's authority to enter into such leases to December 31, 2002 and would repeal the limits on the number of enhanced-use leases which the Secretary may execute.

Senate bill

Section 3 of S. 714 would change the limit from 20 to 40 and extend the program until December 31, 1999.

Compromise agreement

Section 205 generally follows the House bill except that the program would expire on December 31, 2001.

NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE

Current law

Section 1720C of title 38, United States Code, authorizes the Secretary to conduct a pilot program for the furnishing of medical, rehabilitative and health-related services in noninstitutional settings for eligible veterans for nursing home care. This provision authorizes VA services through December 31, 1997.

House bill

Section 5 of H.R. 2206 would provide ongoing authority for this program.

Senate bill

Section 4 of S. 714 would extend the program through December 31, 1999.

Compromise agreement

Section 206 follows the House bill.

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

Current law

Section 7611 of title 38, United States Code, authorizes the Department to institute the Department of Veterans Affairs Health Professional Scholarship Program, which gives students the opportunity to receive VA health care scholarships in exchange for a specified period of employment in VA after graduation. In authorizing an extension of that program through December 31, 1997, Congress in section 202 of Public Law 104–110 required the Department to evaluate the efficacy of the program and compare its costs and benefits with alternative approaches to ensure adequate recruitment and retention of health professionals. The Department failed to carry out that report requirement.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 4(b) of H.R. 714 would extend the program through December 31, 1999.

Compromise agreement

Section 207 would extend the program to December 31, 1998 and would also require that the Department report to Congress within six months in accordance with the requirement in Public Law 104–110.

MAMMOGRAPHY STANDARDS

Current law

Section 106(a)(2) of the Veterans Health Care Act of 1992 (38 USC 1710 note) provides that the Department may provide breast examinations and mammography to women veterans.

House bill

The House bill contains no comparable provision.

Senate bill

S. 999 would specify that the Department follow the recommendations of the American Cancer Society regarding the frequency of screening mammograms for women in specific age groups.

Compromise agreement

Section 208 would require the VA's Under Secretary for Health to develop a national policy for the VHA with respect to mammography standards for veterans. Such a policy would specify standards of mammography screening and include recommendations on screening for women over the age of 39 and veterans with clinical symptoms, risk factors or family history of breast cancer. The section would also provide for clinician discretion on this matter. Additionally, the section includes a section (c) Sense of the Congress, that the policy adopted by VHA in sections (a) and (b) shall be in accordance with the guidelines endorsed by the Secretary of Health and Human Services and the Director of the National Institutes of Health.

PERSIAN GULF WAR VETERANS

Current law

Section 703 of Public Law 102–585, as amended, directs the VA to provide a health examination (including any appropriate diagnostic tests), consultation, and counseling with respect to the results of such an examination to any Persian Gulf War veteran who requests such an examination. Such examination findings are also to be included in a Persian Gulf War Veterans health registry, to be maintained by the VA.

Section 1710(e)(1)(c) of title 38, United States Code, provides eligibility for care, through December 31, 1998, to any veteran of the Persian Gulf War who may have been exposed to a toxic substance or environmental hazard during such service for any condition which may be associated with such exposure.

House bill

Section 6(a) of H.R. 2206 would specify that Persian Gulf veterans shall be verbally counseled on the results of health examinations carried out under section 703 of Public Law 102–582, as amended.

Section 6(b) of H.R. 2206 would clarify that a Persian Gulf veteran is eligible for VA health care for any condition—not just for exposure of a toxic substance or environmental hazard—which may be associated with service in the Gulf.

Section 6(c) of H.R. 2206 would direct the Secretary to carry out a program of demonstration projects designed to test innovative approaches to treating Persian Gulf veterans at up to 10 VA medical centers across the country. Three treatment models—a specialized Persian Gulf clinic, a multidisciplinary treatment program aimed at managing symptoms, and the use of case managers—would be used at at least two demonstration sites. The Secretary is required to provide $5 million in appropriated funds for use in carrying out these projects. Before a location has been designated as a demonstration site, a peer review panel must determine the efficacy of the selection, using as its criteria the facility's ability to attract outstanding and innovative physicians to the project and to effectively evaluate the activities of the project.

Senate bill

The Senate bill contains no comparable provisions.

Compromise agreement

Section 209 follows the House bill except that it does not include Section 6(a), which contains a provision relating to VA counseling of Persian Gulf veterans.

REPORT ON MEDICAL EMERGENCIES ARISING FROM TERRORISM

House bill

The House bill contains no provision changing current law.

Senate bill

Section 432 of S. 986 requires the President by March 1, 1998, to submit to Congress a report on plans, preparations and the capability of all levels of government to respond nationally to medical emergencies arising from the terrorist use of weapons of mass destruction. The report is to be prepared in consultation with specified departments and agencies of the Federal government, and the President is to designate a lead agency for purposes of preparing the report. The section specifies matters to be included in such report, including a description of steps taken to prepare to respond to such emergencies; a description of existing obligations, roles, and lines of authority within government for such a situation; an assessment of current level of preparedness and listing of existing medical assets available to respond; and estimated costs of government agencies and departments to prepare for and carry out their respective roles.

Compromise agreement

Section 210 follows the Senate bill.

CONSTRUCTION AUTHORIZATION

AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS

Current law

Section 8104(a)(2) of title 38, United States Code, provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility project unless funds for that project have been specifically authorized by law.

House bill

Section 1(1) of H.R. 2571 would authorize the Secretary to carry out a seismic corrections project at the Memphis VA Medical Center in an amount not to exceed $34.6 million.

Section 1(2) of H.R. 2571 would authorize the Secretary to make seismic corrections and other improvements at the McClellan Hospital in Sacramento, California using up to $48 million in previously appropriated funds.

Section 1(3) of H.R. 2571 would authorize the Secretary to carry out outpatient improvement projects with already-appropriated funds at facilities in Mare Island, Vallejo, California and Martinez, California in an amount not to exceed $7 million.

Senate bill

Section 201 of S. 986 contains provisions substantively similar to section 1(1) of H.R. 2571.

S. 986 contains no comparable provision to sections 1(2) and 1(3) of H.R. 2571.

Compromise agreement

Section 301 follows the House bill.

AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES

Current law

Section 8104(a)(2) of title 38, United States Code, provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility lease unless funds for that lease have been specifically authorized by law.

House bill

Section 2 of H.R. 2571 would authorize the Secretary to carry out the following leases of satellite outpatient clinics: Jacksonville, FL, $3.095 million; Boston, MA, $5.215 million; Canton, OH, $2.115 million; Portland, OR, $1.919 million; and Tulsa, OK, $2.112 million.

Section 2 of H.R. 2571 would authorize the Secretary to carry out the following leases of information resources management field offices: Birmingham, AL, $595,000; and Salt Lake City, UT, $652,000.

Senate bill

Section 202 of S. 986 contains provisions identical to section 2 of H.R. 2571, except that the lease for the satellite outpatient clinic in Canton, OH is authorized for $735,000.

Compromise agreement

Section 302 follows the House bill.

AUTHORIZATION OF APPROPRIATIONS

Current law

Section 8104(a)(2) of title 38, United States Code, provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility lease unless funds for that project or lease have been specifically authorized by law.

House bill

Section 3(a)(1) of H.R. 2571 would authorize to be appropriated to the Department of Veterans Affairs for fiscal year 1998 $34.6 million for the Construction, Major Projects account to be used for major medical facility projects.

Section 3(a)(2) of H.R. 2571 would authorize to be appropriated to the Department of Veterans Affairs for fiscal year 1998 $15.703 million for the Medical Care account to be used for major medical facility leases.

Section 3(b) of H.R. 2571 would limit the authorized projects to be carried out using only (1) specifically authorized major construction funds appropriated for fiscal year 1998; (2) funds appropriated for Construction, Major Projects before fiscal year 1998 that remain available for obligation; and (3) funds appropriated for Construction, Major Projects, for fiscal year 1998 for a category of activity not specific to the project.

Senate bill

Section 203(a) of S. 986 would authorize appropriations for Fiscal Years 1998 and 1999. It would authorize a $34.6 million appropriation for the Construction, Major Projects account

and a $14.323 million appropriation for the Medical Care account.

Section 203(b) differs from section 3(b) of H.R. 2571 only in that both fiscal years 1998 and 1999 are included.

Compromise agreement

Section 303 follows the House bill.

CLARIFICATION ON ELIGIBILITY FOR HEALTH CARE

Current law

In amendments to section 1710 in Public Law 104–262, Congress provided, in pertinent part, that VA "shall" (subject to available appropriations) furnish hospital care and medical services to a veteran "who has a compensable service-connected disability" (38 U.S.C. section 1710(a)(2)(A). Section 1710(a)(2)(B) of title 38, United States Code, reflects similar terminology in providing for care of any veteran discharged or released for active service "for a compensable' disability".

House bill

The House bill contains no provision changing current law.

Senate bill

Section 412(a) of S. 986 would strike the word compensable from section 1710(a)(2)(B), as amended by P.L. 104–262.

Compromise agreement

Section 402(a) follows the Senate provision.

HOME IMPROVEMENTS

Current Law

A technical amendment in the Veterans' Health Care Eligibility Reform Act of 1996 was construed by the Department as having had the effect of limiting to so-called "category A" veterans' eligibility for VA payments for home improvements and structural alterations. Higher-income ("category C") veterans, who had been eligible for a one-time $1200 benefit under prior law, were deemed ineligible under the change

House bill

Section 9(a) of H.R. 2206 would amend section 1717(a)(2)(B) of title 38, United States Code, to clarify that category C veterans under VA treatment are eligible for the one-time $1200 home improvement/structural alteration benefit.

Senate bill

Section 412(b) of S. 986 contains a similar provision.

Compromise agreement

Section 402(b) follows the Senate bill.

TRANSFERS TO COMMUNITY NURSING HOMES

Current law

Under section 1720 of title 38, United States Code, VA may only transfer to, and provide for care in, a community nursing home, veterans who have received VA inpatient care. Existing law makes no provision for such transfer and placement on the part of a veteran who, in the course of VA provision of ambulatory treatment, is found to need nursing home care.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 412(c) of S. 986 would strike the limitation in section 1720 of title 38, United States Code, which restricts VA transfers and placements into community nursing homes to veterans receiving inpatient care, and would authorize such needed placements for any veteran under care in a VA facility.

Compromise agreement

Section 402(c) follows the Senate provision.

SHARING OF HEALTH-CARE RESOURCES: PURCHASING

Current law

Under section 8153 of title 38, United States Code, VA may enter into agreements with any entity to buy health care resources. Where VA proposes to obtain such resources from an affiliated institution or organization, it may do so, under section 8153(a)(3)(A), "without regard to any law or regulation" requiring competition. VA may also procure such resources from a source other than an affiliated entity under simplified procedures aimed at promoting competition to the maximum extent practicable; such "simplified procedures . . . shall permit all responsible sources to submit a bid. . . ." (38 USC section 8153(a)(3)(B)).

House bill

The House bill contains no provision changing current law.

Senate bill

Section 412(d) of S. 986 would amend section 8153(a)(3)(A) to clarify that purchases of resources from an affiliated entity are exempt from otherwise applicable requirements for competition not only in law or regulation but also in any Executive order, circular, or other administration policy. Section 412(e) of S. 986 would amend section 8153(a)(3)(B) to clarify that VA may reasonably limit the number of sources sought for bids under its authority to employ simplified procedures.

Compromise agreement

Sections 402(d) and 502(e) follow the Senate provision

HOSPITAL REFERENCE

Current law

The VA medical facility in Columbia, South Carolina is named the "Wm. Jennings Bryan Dorn Veterans' Hospital".

House bill

Section 9(b) of H.R. 2206 would redesignate this facility as the "Wm. Jennings Bryan Dorn Department of Veterans Affairs Medical Center".

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 403 follows the House bill.

Current law

SPINA BIFIDA

Current law

Chapter 18 of title 38, United States Code, authorizes the Secretary to provide medical care, compensation, and vocational training benefits for Vietnam veterans' children who are conceived following service in Vietnam and are born with spina bifida. The veteran must have been discharged under conditions other than dishonorable. Compensation in the amounts of $200, $700, and $1,200 is based on the severity of the disability. Children are eligible for up to 24 months of vocational training generally following completion of high school.

House bill

The House bill contains no provision changing current law.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 404 includes technical and clarifying amendments to chapter 18 title 38, United States Code, including a provision to provide benefits regardless of the veteran's type of discharge.

COMPENSATION AND PENSION MEDICAL EXAMINATIONS

Current law

Physicians employed by the Veterans Health Administration may conduct disability examinations of veterans who have applied for VA monetary benefits. Section 504 of Public Law 104–272 authorizes VA to conduct a pilot program involving use of physicians who provide such examinations under contract arrangements. VA is to report on its experience under such program by October 1999.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 411 of S. 986 would add a new section 7704 to title 38, United States Code, which would authorize the Under Secretary for Benefits to reimburse the Under Secretary for Health for costs incurred in providing disability examinations.

Compromise agreement

The compromise bill contains no provision on this subject.

PERSONNEL POLICY

Current law

Section 711 of title 38, United States Code, requires the Secretary to report to Congress and delay for a specified period any systematic reduction in grade of employees engaged in direct patient care or who are professional employees and computer specialists.

House bill

Section 7 of H.R. 2206 would amend section 7425 of title 38, United States Code, to provide that Veterans Health Administration employees in positions involving the provision (or supervision) of patient care or the conduct of research are not subject to any reduction (required by law or Executive branch policy) in the number of percentage of employees or personnel positions within specified pay grades.

Senate bill

The Senate bill contains no comparable provisions.

Compromise agreement

The compromise bill contains no provision relating to this subject.

PURCHASES OF PHARMACEUTICAL PRODUCTS

Current law

The Federal Government, primarily through the General Services Administration, negotiates and awards contracts for products and services through federal supply schedules. The Government issues solicitations, receives offers from prospective vendors, negotiates with them on product and service prices, and award contracts. Such contracts give vendors the right to sell goods and services to the government during the period that the contract is in effect; federal agencies order products and services directly from a vendor and pay the vendor directly. Congress, by law, has authorized a variety of other entities, including certain Indian tribal governments, to make purchases from the federal supply schedule. The General Services Administration, which has responsibility for managing the federal supply schedules, has delegated responsibility for managing a number of such schedules, including the schedule for pharmaceuticals, to the Department of Veterans Affairs.

House bill

Section 8 of H.R. 2206 would amend section 8125 of title 38, United States Code, to provide that, notwithstanding any other provision of law, any product listed on the pharmaceutical Federal Supply Schedule may only be procured from that schedule by or for the federal government or any other entity specified in federal law or regulation as of July 1, 1997.

Senate bill

The Senate bill contains no similar provisions.

Compromise agreement

The compromise bill contains no provision relating to this subject.

PARKING FEES

Current law

Section 8109(d)(1) requires the collection of parking fees (other than from veterans and volunteers) at VA health care facilities under specified circumstances.

House bill

The House bill contains no provision changing current law.

Senate bill

S. 309 would prohibit the collection of parking fees at VA parking facilities used in connection with a medical facility which is operated jointly under a health care resources sharing agreement with the Department of Defense.

Compromise agreement

The compromise bill contains no provision relating to this subject.

SHARING OF HEALTH-CARE RESOURCES: SELLING

Current law

Under section 8153 of title 38, United States Code, VA may enter into agreements with any entity to sell health care resources. Section 8153(e) requires, as a precondition to VA's furnishing services to nonveterans under section, that VA make certain findings, including a determination "that veterans will receive priority under such an arrangement".

House bill

The House bill contains no provision changing current law.

Senate bill

Section 412(f) of S. 986 would amend section 8153(a)(3)(B) to strike the language regarding veterans receiving a priority under such an arrangement and substitute language to require a determination that "care to veterans will not be diminished as a result of such an arrangement".

Compromise agreement

The compromise bill contains no provision on this subject.

CONSOLIDATION OF HOUSING LOAN REVOLVING FUNDS

Current law

Chapter 37 of title 38, United States Code, establishes the Direct Loan Revolving Fund, the Loan Guaranty Revolving Fund, and the Guaranty and Indemnity Fund at the Department of the Treasury for deposits and disbursements related to veterans' home loan guaranty and direct home loan programs.

House bill

The House bill contains no provision changing current law.

Senate bill

The Senate bill also contains no provision changing current law.

Compromise agreement

The compromise bill contains no provision on this subject.

RECOUPMENT OF SPECIAL SEPARATION INCENTIVES

Current law

Section 1174 of title 10 authorizes the Secretary of Defense to pay a special separation bonus to active duty service members who have served between six and 20 years. Separation pay is based on length of service and base pay at the time of separation. This pay is subject to taxation.

Section 1174(h) of title 10 and section 5304 of title 38 requires the Secretary of Veterans Affairs to offset the amount of compensation paid to a veteran due to service connected disability by an amount equal to special separation incentives. Section 653 of Public Law 104-201 limited VA's recoupment on special separation incentives made on or after September 30, 1996 to the net amount after taxes.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 431 of S. 986 would amend chapter 53 of title 38, to add a new provision limiting recoupment for any compensation paid after December 5, 1991 to 75 percent of the special separation pay.

Compromise agreement

The compromise bill contains no provision on this subject.

ENHANCE STATE CEMETERY GRANT PROGRAM

Current law

Chapter 24 of title 38, United States Code, authorizes the Secretary of Veterans Affairs to provide grants to States to establish new veterans' cemeteries or to expand or improve existing veterans' cemeteries owned by the State. Under this authority, VA may grant up to 50 percent of the cost of the land and improvements to that land. If the State owns the land at the time of the grant, the value of the land may be counted for up to 50 percent of the State's contribution.

House bill

The House bill contains no provision changing current law.

Senate bill

Section 421 of S. 986 contains provisions to increase the VA share of the project costs for state veterans' cemeteries funded under the grant program. This provision would authorize the Secretary to grant up to 100 percent of the cost of improvements to the land to be purchased and up to 100 percent of the initial equipment costs. For existing cemeteries, the Secretary would be authorized to grant up to 100 percent of the cost of the improvements made to any additional land purchased for expansion or 100 percent of the cost of improvements to existing cemetery land.

Compromise agreement

The compromise bill contains no provision relating this subject.

Mr. EVANS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Speaker, I rise in support of Senate bill 714, the Homeless Veterans Act.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume. In closing, let me just say, as others have, that we will be observing Veterans Day here in just of couple of days to honor all those who have served this Nation. I urge my colleagues to support this bill because it will provide meaningful and necessary improvements in many VA programs which serve our Nation's veterans.

Mr. TOWNS. Mr. Speaker, I am pleased to join my colleagues in supporting S. 714, a bill to extend the Native American Veterans Housing Loan Program. During my tenure as chairman of the Government Operations Subcommittee on Human Resources and Intergovernmental Relations, it was brought to my attention by several tribal governments, including the Navajo Nation, that their members had not been able to take advantage of this housing loan program. At that time, Veterans Administration Secretary, Jesse Brown, supported the extension of this program in order to make it available to a much larger number of native American veterans. While administration support for this program is certainly welcomed and it is vital to ensuring that the program is fully implemented, today, we have an opportunity to strengthen the housing loan program for native Ameican veterans by giving it a legislative authorization until the year 2003.

In addition, Mr. Speaker, I join with my subcommittee chairman, the gentleman from Connecticut, CHRIS SHAYS, in praising the addition, in this bill, or authority for the Department to provide noninstitutional alternatives to nursing home care. Under the auspices of the House Government Reform and Oversight Subcommittee on Human Resources, Chairman SHAYS and I have been involved in numerous hearings related to the illnesses suffered by our Gulf War veterans. One of the critical elements in improving the quality of life for veterans suffering from these illnesses has been their ability to receive health care services outside of the traditional V.A. hospital and nursing home setting. Hopefully, this authority will enable the Department to provide not only alternative forms of treatment for our Nation's veterans but to also open up new avenues for research that were heretofore unavailable.

Mr. Speaker, S. 714 provides new authority to the V.A. I believe these programs will enhance V.A. housing programs for native American veterans and improve the quality of home care treatment for our veterans. I would urge my colleagues to join us in supporting this measure.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to express my support for S. 714, extending and improving the Native American Veteran Housing Loan Pilot Program, Homeless Veterans Programs, and other authorities of the Secretary of Veterans Affairs.

The Native American Veteran Housing Loan Pilot Program authorizes the Secretary of Veterans Affairs to make direct housing loans to qualified Native American Veterans. S. 714 will extend the authority of this program for an additional six years, until December 2003.

The bill contains a provision that would be of particular interest to a portion of my constituency in Hawaii, Native Hawaiian Veterans. The bill extends authority of outreach activities under the Native American Veteran Housing

Loan Pilot Program to conferences and conventions conducted by the Department of Hawaiian Homelands. This provision authorizes needed assistance in educating Native Hawaiian Veterans of the availability of these special direct housing loans.

S. 714 also extends the authorization of a number of valuable veterans health care activities and activities that serve the homeless veterans including: Noninstitutional Alternatives to Nursing Home Care Pilot Program; Health Professional Scholarship Program; Drug and alcohol abuse and dependence programs; Housing assistance for Homeless Veterans; Community-Based Residential Care for Homeless Chronically Mentally Ill Veterans; A Demonstration Program of Compensated Work Therapy; Services and Assistance to Homeless Veterans; and Homeless Veterans' Reintegration Projects.

These programs will help provide for the many needs of our veteran population.

Passage of legislation extending such important veterans programs would be a proper way to begin a week of honoring our Veterans and I urge the immediate passage of S. 714.

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

The SPEAKER pro tempore (Mr. LATHAM). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the Senate bill, S. 714, as amended.

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

The title of the Senate bill was amended so as to read: "An Act to amend title 38, United States Code, to revise, extend, and improve programs for veterans.".

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. TALENT. Mr. Speaker, earlier today it was announced that the Committee on Transportation and Infrastructure would bring to the floor H.R. 2834, Cleveland Airport Transfer. It is now expected that the committee will bring up the Senate version, S. 1347.

SMALL BUSINESS REAUTHORIZATION ACT OF 1997

Mr. TALENT. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the House amendment to the Senate bill, S. 1139, to reauthorize the programs of the Small Business Administration, and for other purposes.

The Clerk read as follows:

Senate amendment to House amendment:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Reauthorization Act of 1997".

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorizations.

TITLE II—FINANCIAL ASSISTANCE

Subtitle A—Microloan Program

Sec. 201. Microloan program.
Sec. 202. Welfare-to-work microloan initiative.

Subtitle B—Small Business Investment Company Program

Sec. 211. 5-year commitments for SBICs at option of Administrator.
Sec. 212. Underserved areas.
Sec. 213. Private capital.
Sec. 214. Fees.
Sec. 215. Small business investment company program reform.
Sec. 216. Examination fees.

Subtitle C—Certified Development Company Program

Sec. 221. Loans for plant acquisition, construction, conversion, and expansion.
Sec. 222. Development company debentures.
Sec. 223. Premier certified lenders program.

Subtitle D—Miscellaneous Provisions

Sec. 231. Background check of loan applicants.
Sec. 232. Report on increased lender approval, servicing, foreclosure, liquidation, and litigation of section 7(a) loans.
Sec. 233. Completion of planning for loan monitoring system.

TITLE III—WOMEN'S BUSINESS ENTERPRISES

Sec. 301. Interagency committee participation.
Sec. 302. Reports.
Sec. 303. Council duties.
Sec. 304. Council membership.
Sec. 305. Authorization of appropriations.
Sec. 306. National Women's Business Council procurement project.
Sec. 307. Studies and other research.
Sec. 308. Women's business centers.

TITLE IV—COMPETITIVENESS PROGRAM AND PROCUREMENT OPPORTUNITIES

Subtitle A—Small Business Competitiveness Program

Sec. 401. Program term.
Sec. 402. Monitoring agency performance.
Sec. 403. Reports to Congress.
Sec. 404. Small business participation in dredging.
Sec. 405. Technical amendments.

Subtitle B—Small Business Procurement Opportunities Program

Sec. 411. Contract bundling.
Sec. 412. Definition of contract bundling.
Sec. 413. Assessing proposed contract bundling.
Sec. 414. Reporting of bundled contract opportunities.
Sec. 415. Evaluating subcontract participation in awarding contracts.
Sec. 416. Improved notice of subcontracting opportunities.
Sec. 417. Deadlines for issuance of regulations.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Small Business Technology Transfer program.
Sec. 502. Small Business Development Centers.
Sec. 503. Pilot preferred surety bond guarantee program extension.
Sec. 504. Extension of cosponsorship authority.
Sec. 505. Asset sales.
Sec. 506. Small business export promotion.
Sec. 507. Defense Loan and Technical Assistance program.
Sec. 508. Very small business concerns.
Sec. 509. Trade assistance program for small business concerns adversely affected by NAFTA.

TITLE VI—HUBZONE PROGRAM

Sec. 601. Short title.
Sec. 602. Historically underutilized business zones.
Sec. 603. Technical and conforming amendments to the Small Business Act.
Sec. 604. Other technical and conforming amendments.
Sec. 605. Regulations.
Sec. 606. Report.
Sec. 607. Authorization of appropriations.

TITLE VII—SERVICE DISABLED VETERANS

Sec. 701. Purposes.
Sec. 702. Definitions.
Sec. 703. Report by Small Business Administration.
Sec. 704. Information collection.
Sec. 705. State of small business report.
Sec. 706. Loans to veterans.
Sec. 707. Entrepreneurial training, counseling, and management assistance.
Sec. 708. Grants for eligible veterans' outreach programs.
Sec. 709. Outreach for eligible veterans.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "Administration" means the Small Business Administration;

(2) the term "Administrator" means the Administrator of the Small Business Administration;

(3) the term "Committees" means the Committees on Small Business of the House of Representatives and the Senate; and

(4) the term "small business concern" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 1997.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by striking subsections (c) through (q) and inserting the following:

"(c) FISCAL YEAR 1998.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 1998:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $40,000,000 in technical assistance grants, as provided in section 7(m); and

"(ii) $60,000,000 in direct loans, as provided in section 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $16,040,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $12,000,000,000 in general business loans as provided in section 7(a);

"(ii) $3,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $1,000,000,000 in loans as provided in section 7(a)(21); and

"(iv) $40,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $700,000,000 in purchases of participating securities; and

"(ii) $600,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000, of which not more than $650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter into cooperative agreements—

"(i) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $4,000,000; and

"(ii) for activities of small business development centers pursuant to section 21(c)(3)(G), $15,000,000, to remain available until expended.

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 1998 such sums as may be necessary to carry out this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding subparagraph (A), for fiscal year 1998—

"(i) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

"(d) FISCAL YEAR 1999.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 1999:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $40,000,000 in technical assistance grants as provided in section 7(m); and

"(ii) $60,000,000 in direct loans, as provided in section 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $17,540,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $13,000,000,000 in general business loans as provided in section 7(a);

"(ii) $3,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $1,000,000,000 in loans as provided in section 7(a)(21); and

"(iv) $40,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $800,000,000 in purchases of participating securities; and

"(ii) $700,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000, of which not more than $650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter cooperative agreements—

"(i) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $4,500,000; and

"(ii) for activities of small business development centers pursuant to section 21(c)(3)(G), not to exceed $15,000,000, to remain available until expended.

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 1999 such sums as may be necessary to carry out this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding subparagraph (A), for fiscal year 1999—

"(i) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

"(e) FISCAL YEAR 2000.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2000:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $40,000,000 in technical assistance grants as provided in section 7(m); and

"(ii) $60,000,000 in direct loans, as provided in section 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $20,040,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $14,500,000,000 in general business loans as provided in section 7(a);

"(ii) $4,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $1,000,000,000 in loans as provided in section 7(a)(21); and

"(iv) $40,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $900,000,000 in purchases of participating securities; and

"(ii) $800,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,000,000,000, of which not more than $650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter cooperative agreements—

"(i) for the Service Corps of Retired Executives program authorized by section 8(b)(1), $5,000,000; and

"(ii) for activities of small business development centers pursuant to section 21(c)(3)(G), not to exceed $15,000,000, to remain available until expended.

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 2000 such sums as may be necessary to carry out this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding subparagraph (A), for fiscal year 2000—

"(i) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.".

TITLE II—FINANCIAL ASSISTANCE

Subtitle A—Microloan Program

SEC. 201. MICROLOAN PROGRAM.

(a) LOAN LIMITS.—Section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)) is amended by striking "$2,500,000" and inserting "$3,500,000".

(b) LOAN LOSS RESERVE FUND.—Section 7(m)(3)(D) of the Small Business Act (15 U.S.C. 636(m)(3)(D)) is amended by striking clauses (i) and (ii), and inserting the following:

"(i) during the initial 5 years of the intermediary's participation in the program under this subsection, at a level equal to not more than 15 percent of the outstanding balance of the notes receivable owed to the intermediary; and

"(ii) in each year of participation thereafter, at a level equal to not more than the greater of—

"(I) 2 times an amount reflecting the total losses of the intermediary as a result of participation in the program under this subsection, as determined by the Administrator on a case-by-case basis; or

"(II) 10 percent of the outstanding balance of the notes receivable owed to the intermediary.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in the subsection heading, by striking "DEMONSTRATION";

(2) by striking "Demonstration" each place that term appears;

(3) by striking "demonstration" each place that term appears; and

(4) in paragraph (12), by striking "during fiscal years 1995 through 1997" and inserting "during fiscal years 1998 through 2000".

(d) TECHNICAL ASSISTANCE GRANTS.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (4)(E)—

(A) by striking "Each intermediary" and inserting the following:

"(i) IN GENERAL.—Each intermediary";

(B) by striking "15" and inserting "25"; and

(C) by adding at the end the following:

"(ii) TECHNICAL ASSISTANCE.—An intermediary may expend not more than 25 percent of the funds received under paragraph (1)(B)(ii) to enter into third party contracts for the provision of technical assistance."; and

(2) in paragraph (5)(A)—

(A) by striking "in each of the 5 years of the demonstration program established under this subsection,"; and

(B) by striking "for terms of up to 5 years" and inserting "annually".

SEC. 202. WELFARE-TO-WORK MICROLOAN INITIATIVE.

(a) INITIATIVE.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iv) to establish a welfare-to-work microloan initiative, which shall be administered by the Administration, in order to test the feasibility of supplementing the technical assistance grants provided under clauses (ii) and (iii) of subparagraph (B) to individuals who are receiving assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or under any comparable State funded means tested program of assistance for low-income individuals, in order to adequately assist those individuals in—

"(I) establishing small businesses; and

"(II) eliminating their dependence on that assistance.";

(2) in paragraph (4), by adding at the end the following:

"(F) SUPPLEMENTAL GRANT.—

"(i) IN GENERAL.—The Administration may accept any funds transferred to the Administration from other departments or agencies of the Federal Government to make grants in accordance with this subparagraph and section 202(b) of the Small Business Reauthorization Act of 1997 to participating intermediaries and technical assistance providers under paragraph (5), for use in accordance with clause (iii) to provide additional technical assistance and related services to recipients of assistance under a State program described in paragraph (1)(A)(iv) at the time they initially apply for assistance under this subparagraph.

"(ii) ELIGIBLE RECIPIENTS; GRANT AMOUNTS.—In making grants under this subparagraph, the Administration may select, from among participating intermediaries and technical assistance providers described in clause (i), not more than 20 grantees in fiscal year 1998, not more than 25 grantees in fiscal year 1999, and not more than 30 grantees in fiscal year 2000, each of whom may receive a grant under this subparagraph in an amount not to exceed $200,000 per year.

"(iii) USE OF GRANT AMOUNTS.—Grants under this subparagraph—

"(I) are in addition to other grants provided under this subsection and shall not require the contribution of matching amounts as a condition of eligibility; and

"(II) may be used by a grantee—

"(aa) to pay or reimburse a portion of child care and transportation costs of recipients of assistance described in clause (i), to the extent such costs are not otherwise paid by State block grants under the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) or under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); and

"(bb) for marketing, management, and technical assistance to recipients of assistance described in clause (i).

"(iv) MEMORANDUM OF UNDERSTANDING.—Prior to accepting any transfer of funds under clause (i) from a department or agency of the Federal Government, the Administration shall enter into a Memorandum of Understanding with the department or agency, which shall—

"(I) specify the terms and conditions of the grants under this subparagraph; and

"(II) provide for appropriate monitoring of expenditures by each grantee under this subparagraph and each recipient of assistance described in clause (i) who receives assistance from a grantee under this subparagraph, in order to ensure compliance with this subparagraph by those grantees and recipients of assistance.";

(3) in paragraph (6), by adding at the end the following:

"(E) ESTABLISHMENT OF CHILD CARE OR TRANSPORTATION BUSINESSES.—In addition to other eligible small businesses concerns, borrowers under any program under this subsection may include individuals who will use the loan proceeds to establish for-profit or nonprofit child care establishments or businesses providing for-profit transportation services.";

(4) in paragraph (9)—

(A) by striking the paragraph designation and paragraph heading and inserting the following:

"(9) GRANTS FOR MANAGEMENT, MARKETING, TECHNICAL ASSISTANCE, AND RELATED SERVICES.—"; and

(B) by adding at the end the following:

"(C) WELFARE-TO-WORK MICROLOAN INITIATIVE.—Of amounts made available to carry out the welfare-to-work microloan initiative under paragraph (1)(A)(iv) in any fiscal year, the Administration may use not more than 5 percent to provide technical assistance, either directly or through contractors, to welfare-to-work microloan initiative grantees, to ensure that, as grantees, they have the knowledge, skills, and understanding of microlending and welfare-to-work transition, and other related issues, to operate a successful welfare-to-work microloan initiative."; and

(5) by adding at the end the following:

"(13) EVALUATION OF WELFARE-TO-WORK MICROLOAN INITIATIVE.—On January 31, 1999, and annually thereafter, the Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate a report on any monies distributed pursuant to paragraph (4)(F).".

(b) TRANSFER OF FUNDS.—

(1) IN GENERAL.—No funds are authorized to be appropriated or otherwise provided to carry out the grant program under section 7(m)(4)(F) of the Small Business Act (15 U.S.C. 636(m)(4)(F)) (as added by this section), except by transfer from another department or agency of the Federal Government to the Administration in accordance with this subsection.

(2) LIMITATION ON AMOUNTS.—The total amount transferred to the Administration from other departments and agencies of the Federal Government to carry out the grant program under section 7(m)(4)(F) of the Small Business Act (15 U.S.C. 636(m)(4)(F)) (as added by this section) shall not exceed—

(A) $3,000,000 for fiscal year 1998;

(B) $4,000,000 for fiscal year 1999; and

(C) $5,000,000 for fiscal year 2000.

Subtitle B—Small Business Investment Company Program

SEC. 211. 5-YEAR COMMITMENTS FOR SBICs AT OPTION OF ADMINISTRATOR.

Section 20(a)(2) of the Small Business Act (15 U.S.C. 631 note) is amended in the last sentence by striking "the following fiscal year" and inserting "any 1 or more of the 4 subsequent fiscal years".

SEC. 212. UNDERSERVED AREAS.

Section 301(c)(4)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 681(c)(4)(B)) is amended to read as follows:

"(B) LEVERAGE.—An applicant licensed pursuant to the exception provided in this paragraph shall not be eligible to receive leverage as a licensee until the applicant satisfies the requirements of section 302(a), unless the applicant—

"(i) files an application for a license not later than 180 days after the date of enactment of the Small Business Reauthorization Act of 1997;

"(ii) is located in a State that is not served by a licensee; and

"(iii) agrees to be limited to 1 tier of leverage available under section 302(b), until the applicant meets the requirements of section 302(a).".

SEC. 213. PRIVATE CAPITAL.

Section 103(9)(B)(iii) of the Small Business Investment Act of 1958 (15 U.S.C. 662(9)(B)(iii)) is amended—

(1) by redesignating subclauses (I) and (II) as subclauses (II) and (III), respectively; and

(2) by inserting before subclause (II) (as redesignated) the following:

"(I) funds obtained from the business revenues (excluding any governmental appropriation) of any federally chartered or government-sponsored corporation established prior to October 1, 1987;".

SEC. 214. FEES.

Section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681) is amended by adding at the end the following:

"(e) FEES.—

"(1) IN GENERAL.—The Administration may prescribe fees to be paid by each applicant for a license to operate as a small business investment company under this Act.

"(2) USE OF AMOUNTS.—Fees collected under this subsection—

"(A) shall be deposited in the account for salaries and expenses of the Administration; and

"(B) are authorized to be appropriated solely to cover the costs of licensing examinations.".

SEC. 215. SMALL BUSINESS INVESTMENT COMPANY PROGRAM REFORM.

(a) BANK INVESTMENTS.—Section 302(b) of the Small Business Investment Act of 1958 (15 U.S.C. 682(b)) is amended by striking "1956," and all that follows before the period and inserting the following: "1956, any national bank, or any member bank of the Federal Reserve System or nonmember insured bank to the extent permitted under applicable State law, may invest in any 1 or more small business investment companies, or in any entity established to invest solely in small business investment companies, except that in no event shall the total amount of such investments of any such bank exceed 5 percent of the capital and surplus of the bank".

(b) INDEXING FOR LEVERAGE.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by adding at the end the following:

"(D)(i) The dollar amounts in subparagraphs (A), (B), and (C) shall be adjusted annually to reflect increases in the Consumer Price Index established by the Bureau of Labor Statistics of the Department of Labor.

"(ii) The initial adjustments made under this subparagraph after the date of enactment of the Small Business Reauthorization Act of 1997 shall reflect only increases from March 31, 1993."; and

(B) by striking paragraph (4) and inserting the following:

"(4) MAXIMUM AGGREGATE AMOUNT OF LEVERAGE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the aggregate amount of outstanding leverage issued to any company or companies that are commonly controlled (as determined by the Administrator) may not exceed $90,000,000, as adjusted annually for increases in the Consumer Price Index.

"(B) EXCEPTIONS.—The Administrator may, on a case-by-case basis—

"(i) approve an amount of leverage that exceeds the amount described in subparagraph (A) for companies under common control; and

"(ii) impose such additional terms and conditions as the Administrator determines to be appropriate to minimize the risk of loss to the Administration in the event of default.

"(C) APPLICABILITY OF OTHER PROVISIONS.—Any leverage that is issued to a company or companies commonly controlled in an amount that exceeds $90,000,000, whether as a result of an increase in the Consumer Price Index or a decision of the Administrator, is subject to subsection (d)."; and

(2) by striking subsection (d) and inserting the following:

"(d) REQUIRED CERTIFICATIONS.—

"(1) IN GENERAL.—The Administrator shall require each licensee, as a condition of approval of an application for leverage, to certify in writing—

"(A) for licensees with leverage less than or equal to $90,000,000, that not less than 20 percent of the licensee's aggregate dollar amount of financings will be provided to smaller enterprises; and

"(B) for licensees with leverage in excess of $90,000,000, that, in addition to satisfying the requirements of subparagraph (A), 100 percent of the licensee's aggregate dollar amount of financings made in whole or in part with leverage in excess of $90,000,000 will be provided to smaller enterprises (as defined in section 103(12)).

"(2) MULTIPLE LICENSEES.—Multiple licensees under common control (as determined by the Administrator) shall be considered to be a single licensee for purposes of determining both the applicability of and compliance with the investment percentage requirements of this subsection.".

(c) TAX DISTRIBUTIONS.—Section 303(g)(8) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(8)) is amended by adding at the end the following: "A company may also elect to make a distribution under this paragraph at the end of any calendar quarter based on a quarterly estimate of the maximum tax liability. If a company makes 1 or more quarterly distributions for a calendar year, and the aggregate amount of those distributions exceeds the maximum amount that the company could have distributed based on a single annual computation, any subsequent distribution by the company under this paragraph shall be reduced by an amount equal to the excess amount distributed.".

(d) LEVERAGE FEE.—Section 303(i) of the Small Business Investment Act of 1958 (15 U.S.C. 683(i)) is amended by striking ", payable upon" and all that follows before the period and inserting the following: "in the following manner: 1 percent upon the date on which the Administration enters into any commitment for such leverage with the licensee, and the balance of 2 percent (or 3 percent if no commitment has been entered into by the Administration) on the date on which the leverage is drawn by the licensee".

(e) PERIODIC ISSUANCE OF GUARANTEES AND TRUST CERTIFICATES.—Section 320 of the Small Business Investment Act of 1958 (15 U.S.C. 687m) is amended by striking "three months" and inserting "6 months".

SEC. 216. EXAMINATION FEES.

Section 310(b) of the Small Business Investment Act of 1958 (15 U.S.C. 687b(b)) is amended by inserting after the first sentence the following: "Fees collected under this subsection shall be deposited in the account for salaries and expenses of the Administration, and are authorized to be appropriated solely to cover the costs of examinations and other program oversight activities.".

Subtitle C—Certified Development Company Program

SEC. 221. LOANS FOR PLANT ACQUISITION, CONSTRUCTION, CONVERSION, AND EXPANSION.

Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended—

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

"(1) USE OF PROCEEDS.—The proceeds of any such loan shall be used solely by the borrower to assist 1 or more identifiable small business concerns and for a sound business purpose approved by the Administration.";

(2) in paragraph (3), by adding at the end the following:

"(D) SELLER FINANCING.—Seller-provided financing may be used to meet the requirements of subparagraph (B), if the seller subordinates the interest of the seller in the property to the debenture guaranteed by the Administration.

"(E) COLLATERALIZATION.—The collateral provided by the small business concern shall generally include a subordinate lien position on the property being financed under this title, and is only 1 of the factors to be evaluated in the credit determination. Additional collateral shall be required only if the Administration determines, on a case by case basis, that additional security is necessary to protect the interest of the Government."; and

(3) by adding at the end the following:

"(5) LIMITATION ON LEASING.—In addition to any portion of the project permitted to be leased under paragraph (4), not to exceed 20 percent of the project may be leased by the assisted small business to 1 or more other tenants, if the assisted small business occupies permanently and uses not less than a total of 60 percent of the space in the project after the execution of any leases authorized under this section.".

SEC. 222. DEVELOPMENT COMPANY DEBENTURES.

Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(1) in subsection (b)(7), by striking subparagraph (A) and inserting the following:

"(A) assesses and collects a fee, which shall be payable by the borrower, in an amount established annually by the Administration, which amount shall not exceed the lesser of—

"(i) 0.9375 percent per year of the outstanding balance of the loan; and

"(ii) the minimum amount necessary to reduce the cost (as defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of purchasing and guaranteeing debentures under this Act to zero; and"; and

(2) in subsection (f), by striking "1997" and inserting "2000".

SEC. 223. PREMIER CERTIFIED LENDERS PROGRAM.

(a) IN GENERAL.—Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking "not more than 15";

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "if such company";

(ii) by striking subparagraphs (A) and (B) and inserting the following:

"(A) if the company is an active certified development company in good standing and has been an active participant in the accredited lenders program during the entire 12-month period preceding the date on which the company submits an application under paragraph (1), except that the Administration may waive this requirement if the company is qualified to participate in the accredited lenders program;

"(B) if the company has a history of—

"(i) submitting to the Administration adequately analyzed debenture guarantee application packages; and

"(ii) of properly closing section 504 loans and servicing its loan portfolio;";

(iii) in subparagraph (C)—

(I) by inserting "if the company" after "(C)"; and

(II) by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(D) the Administrator determines, with respect to the company, that the loss reserve established in accordance with subsection (c)(2) is sufficient for the company to meet its obligations to protect the Federal Government from risk of loss."; and

(B) by adding at the end the following:

"(3) APPLICABILITY OF CRITERIA AFTER DESIGNATION.—The Administrator may revoke the designation of a certified development company as a premier certified lender under this section at any time, if the Administrator determines that the certified development company does not meet any requirement described in subparagraphs (A) through (D) of paragraph (2).";

(3) by striking subsection (c) and inserting the following:

"(c) LOSS RESERVE.—

"(1) ESTABLISHMENT.—A company designated as a premier certified lender shall establish a loss reserve for financing approved pursuant to this section.

"(2) AMOUNT.—The amount of each loss reserve established under paragraph (1) shall be 10 percent of the amount of the company's exposure, as determined under subsection (b)(2)(C).

"(3) ASSETS.—Each loss reserve established under paragraph (1) shall be comprised of—

"(A) segregated funds on deposit in an account or accounts with a federally insured depository institution or institutions selected by the company, subject to a collateral assignment in favor of, and in a format acceptable to, the Administration;

"(B) irrevocable letter or letters of credit, with a collateral assignment in favor of, and a commercially reasonable format acceptable to, the Administration; or

"(C) any combination of the assets described in subparagraphs (A) and (B).

"(4) CONTRIBUTIONS.—The company shall make contributions to the loss reserve, either cash or letters of credit as provided above, in the following amounts and at the following intervals:

"(A) 50 percent when a debenture is closed.

"(B) 25 percent additional not later than 1 year after a debenture is closed.

"(C) 25 percent additional not later than 2 years after a debenture is closed.

"(5) REPLENISHMENT.—If a loss has been sustained by the Administration, any portion of the loss reserve, and other funds provided by the premier company as necessary, may be used to reimburse the Administration for the premier company's 10 percent share of the loss as provided in subsection (b)(2)(C). If the company utilizes the reserve, within 30 days it shall replace an equivalent amount of funds.

"(6) DISBURSEMENTS.—The Administration shall allow the certified development company to withdraw from the loss reserve amounts attributable to any debenture that has been repaid.";

(4) in subsection (d)(1), by striking "to approve loans" and inserting "to approve, authorize, close, service, foreclose, litigate (except that the Administration may monitor the conduct of any such litigation to which a premier certified lender is a party), and liquidate loans";

(5) in subsection (f), by striking "State or local" and inserting "certified";

(6) in subsection (g), by striking the subsection heading and inserting the following:

"(g) EFFECT OF SUSPENSION OR REVOCATION.—";

(7) by striking subsection (h) and inserting the following:

"(h) PROGRAM GOALS.—Each certified development company participating in the program under this section shall establish a goal of processing a minimum of not less than 50 percent of the loan applications for assistance under section 504 pursuant to the program authorized under this section."; and

(8) in subsection (i), by striking "other lenders" and inserting "other lenders, specifically comparing default rates and recovery rates on liquidations".

(b) REGULATIONS.—The Administrator shall—

(1) not later than 150 days after the date of enactment of this Act, promulgate regulations to carry out the amendments made by subsection (a); and

(2) not later than 180 days after the date of enactment of this Act, issue program guidelines and fully implement the amendments made by subsection (a).

(c) PROGRAM EXTENSION.—Section 217(b) of the Small Business Reauthorization and Amendments Act of 1994 (15 U.S.C. 697e note) is amended by striking "October 1, 1997" and inserting "October 1, 2000".

Subtitle D—Miscellaneous Provisions

SEC. 231. BACKGROUND CHECK OF LOAN APPLICANTS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking "(a) The Administration" and inserting the following:

"(a) LOANS TO SMALL BUSINESS CONCERNS; ALLOWABLE PURPOSES; QUALIFIED BUSINESS; RESTRICTIONS AND LIMITATIONS.—The Administration"; and

(2) in paragraph (1)—

(A) by striking "(1) No financial" and inserting the following:

"(1) IN GENERAL.—

"(A) CREDIT ELSEWHERE.—No financial"; and

(B) by adding at the end the following:

"(B) BACKGROUND CHECKS.—Prior to the approval of any loan made pursuant to this subsection, or section 503 of the Small Business Investment Act of 1958, the Administrator may verify the applicant's criminal background, or lack thereof, through the best available means, including, if possible, use of the National Crime Information Center computer system at the Federal Bureau of Investigation.".

SEC. 232. REPORT ON INCREASED LENDER APPROVAL, SERVICING, FORECLOSURE, LIQUIDATION, AND LITIGATION OF SECTION 7(a) LOANS.

(a) IN GENERAL.—

(1) SUBMISSION.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit to the Committees a report on action taken and planned for future reliance on private sector lender resources to originate, approve, close, service, liquidate, foreclose, and litigate loans made under section 7(a) of the Small Business Act.

(2) CONTENTS.—The report under this subsection shall address administrative and other steps necessary to achieve the results described in paragraph (1), including—

(A) streamlining the process for approving lenders and standardizing requirements;

(B) establishing uniform reporting requirements using on-line automated capabilities to the maximum extent feasible;

(C) reducing paperwork through automation, simplified forms, or incorporation of lender's forms;

(D) providing uniform standards for approval, closing, servicing, foreclosure, and liquidation;

(E) promulgating new regulations or amending existing ones;

(F) establishing a timetable for implementing the plan for reliance on private sector lenders;

(G) implementing organizational changes at SBA; and

(H) estimating the annual savings that would occur as a result of implementation.

(b) CONSULTATION.—In preparing the report under subsection (a), the Administrator shall consult with, among others—

(1) borrowers and lenders under section 7(a) of the Small Business Act;

(2) small businesses that are potential program participants under section 7(a) of the Small Business Act;

(3) financial institutions that are potential program lenders under section 7(a) of the Small Business Act; and

(4) representative industry associations.

SEC. 233. COMPLETION OF PLANNING FOR LOAN MONITORING SYSTEM.

(a) IN GENERAL.—The Administrator shall perform and complete the planning needed to serve as the basis for funding the development and implementation of the computerized loan monitoring system, including—

(1) fully defining the system requirement using on-line, automated capabilities to the extent feasible;

(2) identifying all data inputs and outputs necessary for timely report generation;

(3) benchmark loan monitoring business processes and systems against comparable industry processes and, if appropriate, simplify or redefine work processes based on these benchmarks;

(4) determine data quality standards and control systems for ensuring information accuracy;

(5) identify an acquisition strategy and work increments to completion;

(6) analyze the benefits and costs of alternatives and use to demonstrate the advantage of the final project;

(7) ensure that the proposed information system is consistent with the agency's information architecture; and

(8) estimate the cost to system completion, identifying the essential cost element.

(b) REPORT.—

(1) IN GENERAL.—On the date that is 6 months after the date of enactment of this Act, the Administrator shall submit a report on the progress of the Administrator in carrying out subsection (a) to—

(A) the Committees; and

(B) the Comptroller General of the United States.

(2) EVALUATION.—Not later than 28 days after receipt of the report under paragraph (1)(B), the Comptroller General of the United States shall—

(A) prepare a written evaluation of the report for compliance with subsection (a); and

(B) submit the evaluation to the Committees.

(3) LIMITATION.—None of the funds provided for the purchase of the loan monitoring system may be obligated or expended until 45 days after the date on which the Committees and the Comptroller General of the United States receive the report under paragraph (1).

TITLE III—WOMEN'S BUSINESS ENTERPRISES

SEC. 301. INTERAGENCY COMMITTEE PARTICIPATION.

Section 403 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (a)(2)(A)—

(A) by striking "and Amendments Act of 1994" and inserting "Act of 1997"; and

(B) by inserting before the final period ", and who shall report directly to the head of the agency on the status of the activities of the Interagency Committee";

(2) in subsection (a)(2)(B), by inserting before the final period the following: "and shall report directly to the Administrator on the status of the activities on the Interagency Committee and shall serve as the Interagency Committee Liaison to the National Women's Business Council established under section 405"; and

(3) in subsection (b), by striking "and Amendments Act of 1994" and inserting "Act of 1997".

SEC. 302. REPORTS.

Section 404 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) by inserting ", through the Small Business Administration," after "transmit";

(2) by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(3) in paragraph (1), as redesignated, by inserting before the semicolon the following: ", including a verbatim report on the status of progress of the Interagency Committee in meeting its responsibilities and duties under section 402(a)".

SEC. 303. COUNCIL DUTIES.

Section 406 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (c), by inserting after "Administrator" the following: "(through the Assistant Administrator of the Office of Women's Business Ownership)"; and

(2) in subsection (d)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(6) not later than 90 days after the last day of each fiscal year, submit to the President and to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives, a report containing—

"(A) a detailed description of the activities of the council, including a status report on the Council's progress toward meeting its duties outlined in subsections (a) and (d) of section 406;

"(B) the findings, conclusions, and recommendations of the Council; and

"(C) the Council's recommendations for such legislation and administrative actions as the Council considers appropriate to promote the development of small business concerns owned and controlled by women.

"(e) FORM OF TRANSMITTAL.—The information included in each report under subsection (d) that is described in subparagraphs (A) through (C) of subsection (d)(6), shall be reported verbatim, together with any separate additional, concurring, or dissenting views of the Administrator.".

SEC. 304. COUNCIL MEMBERSHIP.

Section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (a), by striking "and Amendments Act of 1994" and inserting "Act of 1997";

(2) in subsection (b)—

(A) by striking "and Amendments Act of 1994" and inserting "Act of 1997";

(B) by inserting after "the Administrator shall" the following: ", after receiving the recommendations of the Chairman and the Ranking Member of the Committees on Small Business of the House of Representatives and the Senate,";

(C) by striking "9" and inserting "14";

(D) in paragraph (1), by striking "2" and inserting "4";

(E) in paragraph (2), by striking "2" and inserting "4"; and

(F) in paragraph (3)—

(i) by striking "5" and inserting "6";

(ii) by striking "national"; and

(iii) by inserting ", including representatives of women's business center sites" before the period at the end;

(3) in subsection (c), by inserting "(including both urban and rural areas)" after "geographic";

(4) by striking subsection (d) and inserting the following:

"(d) TERMS.—Each member of the Council shall be appointed for a term of 3 years, except that, of the initial members appointed to the Council—

"(1) 2 members appointed under subsection (b)(1) shall be appointed for a term of 1 year;

"(2) 2 members appointed under subsection (b)(2) shall be appointed for a term of 1 year; and

"(3) each member appointed under subsection (b)(3) shall be appointed for a term of 2 years."; and

(5) by striking subsection (f) and inserting the following:

"(f) VACANCIES.—

"(1) IN GENERAL.—A vacancy on the Council shall be filled not later than 30 days after the

date on which the vacancy occurs, in the manner in which the original appointment was made, and shall be subject to any conditions that applied to the original appointment.

"(2) UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.".

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

Section 409 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 411. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $600,000, for each of fiscal years 1998 through 2000, of which $200,000 shall be available in each fiscal year to carry out sections 409 and 410.

"(b) BUDGET REVIEW.—No amount made available under this section for any fiscal year may be obligated or expended by the Council before the date on which the Council reviews and approves the operating budget of the Council to carry out the responsibilities of the Council for that fiscal year.".

SEC. 306. NATIONAL WOMEN'S BUSINESS COUNCIL PROCUREMENT PROJECT.

The Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended by inserting after section 408 the following:

"SEC. 409. NATIONAL WOMEN'S BUSINESS COUNCIL PROCUREMENT PROJECT.

"(a) FEDERAL PROCUREMENT STUDY.—

"(1) IN GENERAL.—During the first fiscal year for which amounts are made available to carry out this section, the Council shall conduct a study on the award of Federal prime contracts and subcontracts to women-owned businesses, which study shall include—

"(A) an analysis of data collected by Federal agencies on contract awards to women-owned businesses;

"(B) a determination of the degree to which individual Federal agencies are in compliance with the 5 percent women-owned business procurement goal established by section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1));

"(C) a determination of the types and amounts of Federal contracts characteristically awarded to women-owned businesses; and

"(D) other relevant information relating to participation of women-owned businesses in Federal procurement.

"(2) SUBMISSION OF RESULTS.—Not later than 12 months after initiating the study under paragraph (1), the Council shall submit to the Committees on Small Business of the House of Representatives and the Senate, and to the President, the results of the study conducted under paragraph (1).

"(b) BEST PRACTICES REPORT.—Not later than 18 months after initiating the study under subsection (a)(1), the Council shall submit to the Committees on Small Business of the House of Representatives and the Senate, and to the President, a report, which shall include—

"(1) an analysis of the most successful practices in attracting women-owned businesses as prime contractors and subcontractors by—

"(A) Federal agencies (as supported by findings from the study required under subsection (a)(1)) in Federal procurement awards; and

"(B) the private sector; and

"(2) recommendations for policy changes in Federal procurement practices, including an increase in the Federal procurement goal for women-owned businesses, in order to maximize the number of women-owned businesses performing Federal contracts.

"(c) CONTRACT AUTHORITY.—In conducting any study or other research under this section, the Council may contract with 1 or more public or private entities.".

SEC. 307. STUDIES AND OTHER RESEARCH.

The Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended by inserting after section 409 (as added by section 306 of this title) the following:

"SEC. 410. STUDIES AND OTHER RESEARCH.

"(a) IN GENERAL.—To the extent that it does not delay submission of the report under section 409(b), the Council may also conduct such studies and other research relating to the award of Federal prime contracts and subcontracts to women-owned businesses, or to issues relating to access to credit and investment capital by women entrepreneurs, as the Council determines to be appropriate.

"(b) CONTRACT AUTHORITY.—In conducting any study or other research under this section, the Council may contract with 1 or more public or private entities.".

SEC. 308. WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended to read as follows:

"SEC. 29. WOMEN'S BUSINESS CENTER PROGRAM.

"(a) DEFINITIONS.—In this section—

"(1) the term 'Assistant Administrator' means the Assistant Administrator of the Office of Women's Business Ownership established under subsection (g);

"(2) the term 'small business concern owned and controlled by women', either startup or existing, includes any small business concern—

"(A) that is not less than 51 percent owned by 1 or more women; and

"(B) the management and daily business operations of which are controlled by 1 or more women; and

"(3) the term 'women's business center site' means the location of—

"(A) a women's business center; or

"(B) 1 or more women's business centers, established in conjunction with another women's business center in another location within a State or region—

"(i) that reach a distinct population that would otherwise not be served;

"(ii) whose services are targeted to women; and

"(iii) whose scope, function, and activities are similar to those of the primary women's business center or centers in conjunction with which it was established.

"(b) AUTHORITY.—The Administration may provide financial assistance to private organizations to conduct 5-year projects for the benefit of small business concerns owned and controlled by women. The projects shall provide—

"(1) financial assistance, including training and counseling in how to apply for and secure business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a business concern;

"(2) management assistance, including training and counseling in how to plan, organize, staff, direct, and control each major activity and function of a small business concern; and

"(3) marketing assistance, including training and counseling in identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and utilizing varying public relations and advertising techniques.

"(c) CONDITIONS OF PARTICIPATION.—

"(1) NON-FEDERAL CONTRIBUTIONS.—As a condition of receiving financial assistance authorized by this section, the recipient organization shall agree to obtain, after its application has been approved and notice of award has been issued, cash contributions from non-Federal sources as follows:

"(A) in the first and second years, 1 non-Federal dollar for each 2 Federal dollars;

"(B) in the third and fourth years, 1 non-Federal dollar for each Federal dollar; and

"(C) in the fifth year, 2 non-Federal dollars for each Federal dollar.

"(2) FORM OF NON-FEDERAL CONTRIBUTIONS.—Not more than one-half of the non-Federal sector matching assistance may be in the form of in-kind contributions that are budget line items only, including office equipment and office space.

"(3) FORM OF FEDERAL CONTRIBUTIONS.—The financial assistance authorized pursuant to this section may be made by grant, contract, or cooperative agreement and may contain such provision, as necessary, to provide for payments in lump sum or installments, and in advance or by way of reimbursement. The Administration may disburse up to 25 percent of each year's Federal share awarded to a recipient organization after notice of the award has been issued and before the non-Federal sector matching funds are obtained.

"(4) FAILURE TO OBTAIN NON-FEDERAL FUNDING.—If any recipient of assistance fails to obtain the required non-Federal contribution during any project, it shall not be eligible thereafter for advance disbursements pursuant to paragraph (3) during the remainder of that project, or for any other project for which it is or may be funded by the Administration, and prior to approving assistance to such organization for any other projects, the Administration shall specifically determine whether the Administration believes that the recipient will be able to obtain the requisite non-Federal funding and enter a written finding setting forth the reasons for making such determination.

"(d) CONTRACT AUTHORITY.—A women's business center may enter into a contract with a Federal department or agency to provide specific assistance to women and other underserved small business concerns. Performance of such contract should not hinder the women's business centers in carrying out the terms of the grant received by the women's business centers from the Administration.

"(e) SUBMISSION OF 5-YEAR PLAN.—Each applicant organization initially shall submit a 5-year plan to the Administration on proposed fundraising and training activities, and a recipient organization may receive financial assistance under this program for a maximum of 5 years per women's business center site.

"(f) CRITERIA.—The Administration shall evaluate and rank applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administration. The criteria shall include—

"(1) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of women business owners or potential owners;

"(2) the present ability of the applicant to commence a project within a minimum amount of time;

"(3) the ability of the applicant to provide training and services to a representative number of women who are both socially and economically disadvantaged; and

"(4) the location for the women's business center site proposed by the applicant.

"(g) OFFICE OF WOMEN'S BUSINESS OWNERSHIP.—

"(1) ESTABLISHMENT.—There is established within the Administration an Office of Women's Business Ownership, which shall be responsible for the administration of the Administration's programs for the development of women's business enterprises (as defined in section 408 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note)). The Office of Women's Business Ownership shall be administered by an Assistant Administrator, who shall be appointed by the Administrator.

"(2) ASSISTANT ADMINISTRATOR OF THE OFFICE OF WOMEN'S BUSINESS OWNERSHIP.—

"(A) QUALIFICATION.—The position of Assistant Administrator shall be a Senior Executive Service position under section 3132(a)(2) of title 5, United States Code. The Assistant Administrator shall serve as a noncareer appointee (as defined in section 3132(a)(7) of that title).

"(B) RESPONSIBILITIES AND DUTIES.—

"(i) RESPONSIBILITIES.—The responsibilities of the Assistant Administrator shall be to administer the programs and services of the Office of Women's Business Ownership established to assist women entrepreneurs in the areas of—

"(I) starting and operating a small business;

"(II) development of management and technical skills;

"(III) seeking Federal procurement opportunities; and

"(IV) increasing the opportunity for access to capital.

"(ii) DUTIES.—The Assistant Administrator shall—

"(I) administer and manage the Women's Business Center program;

"(II) recommend the annual administrative and program budgets for the Office of Women's Business Ownership (including the budget for the Women's Business Center program);

"(III) establish appropriate funding levels therefore;

"(IV) review the annual budgets submitted by each applicant for the Women's Business Center program;

"(V) select applicants to participate in the program under this section;

"(VI) implement this section;

"(VII) maintain a clearinghouse to provide for the dissemination and exchange of information between women's business centers;

"(VIII) serve as the vice chairperson of the Interagency Committee on Women's Business Enterprise;

"(IX) serve as liaison for the National Women's Business Council; and

"(X) advise the Administrator on appointments to the Women's Business Council.

"(C) CONSULTATION REQUIREMENTS.—In carrying out the responsibilities and duties described in this paragraph, the Assistant Administrator shall confer with and seek the advice of the Administration officials in areas served by the women's business centers.

"(h) PROGRAM EXAMINATION.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Small Business Reauthorization Act of 1997, the Administrator shall develop and implement an annual programmatic and financial examination of each women's business center established pursuant to this section.

"(2) EXTENSION OF CONTRACTS.—In extending or renewing a contract with a women's business center, the Administrator shall consider the results of the examination conducted under paragraph (1).

"(i) CONTRACT AUTHORITY.—The authority of the Administrator to enter into contracts shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts. After the Administrator has entered into a contract, either as a grant or a cooperative agreement, with any applicant under this section, it shall not suspend, terminate, or fail to renew or extend any such contract unless the Administrator provides the applicant with written notification setting forth the reasons therefore and affords the applicant an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

"(j) REPORT.—The Administrator shall prepare and submit an annual report to the Committees on Small Business of the House of Representatives and the Senate on the effectiveness of all projects conducted under the authority of this section. Such report shall provide information concerning—

"(1) the number of individuals receiving assistance;

"(2) the number of startup business concerns formed;

"(3) the gross receipts of assisted concerns;

"(4) increases or decreases in profits of assisted concerns; and

"(5) the employment increases or decreases of assisted concerns.

"(k) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated $8,000,000 for each fiscal year to carry out the projects authorized under this section, of which, for fiscal year 1998, not more than 5 percent may be used for administrative expenses related to the program under this section.

"(2) USE OF AMOUNTS.—Amounts made available under this subsection for fiscal year 1999, and each fiscal year thereafter, may only be used for grant awards and may not be used for costs incurred by the Administration in connection with the management and administration of the program under this section.

"(3) EXPEDITED ACQUISITION.—Notwithstanding any other provision of law, the Administrator, acting through the Assistant Administrator, may use such expedited acquisition methods as the Administrator determines to be appropriate to carry out this section, except that the Administrator shall ensure that all small business sources are provided a reasonable opportunity to submit proposals.".

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), any organization conducting a 3-year project under section 29 of the Small Business Act (15 U.S.C. 656) (as in effect on the day before the effective date of this Act) on September 30, 1997, may request an extension of the term of that project to a total term of 5 years. If such an extension is made, the organization shall receive financial assistance in accordance with section 29(c) of the Small Business Act (as amended by this section) subject to procedures established by the Administrator, in coordination with the Assistant Administrator of the Office of Women's Business Ownership established under section 29 of the Small Business Act (15 U.S.C. 656) (as amended by this section).

(2) TERMS OF ASSISTANCE FOR CERTAIN ORGANIZATIONS.—Any organization operating in the third year of a 3-year project under section 29 of the Small Business Act (15 U.S.C. 656) (as in effect on the day before the effective date of this Act) on September 30, 1997, may request an extension of the term of that project to a total term of 5 years. If such an extension is made, during the fourth and fifth years of the project, the organization shall receive financial assistance in accordance with section 29(c)(1)(C) of the Small Business Act (as amended by this section) subject to procedures established by the Administrator, in coordination with the Assistant Administrator of the Office of Women's Business Ownership established under section 29 of the Small Business Act (15 U.S.C. 656) (as amended by this section).

TITLE IV—COMPETITIVENESS PROGRAM AND PROCUREMENT OPPORTUNITIES

Subtitle A—Small Business Competitiveness Program

SEC. 401. PROGRAM TERM.

Section 711(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking ", and terminate on September 30, 1997".

SEC. 402. MONITORING AGENCY PERFORMANCE.

Section 712(d)(1) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended to read as follows:

"(1) Participating agencies shall monitor the attainment of their small business participation goals on an annual basis. An annual review by each participating agency shall be completed not later than January 31 of each year, based on the data for the preceding fiscal year, from October 1 through September 30.".

SEC. 403. REPORTS TO CONGRESS.

Section 716(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking "1996" and inserting "2000";

(2) by striking "for Federal Procurement Policy" and inserting "of the Small Business Administration"; and

(3) by striking "Government Operations" and inserting "Government Reform and Oversight".

SEC. 404. SMALL BUSINESS PARTICIPATION IN DREDGING.

Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking "and terminating on September 30, 1997".

SEC. 405. TECHNICAL AMENDMENTS.

Section 717 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by inserting "or North American Industrial Classification Code" after "standard industrial classification code" each place it appears; and

(2) by inserting "or North American Industrial Classification Codes" after "standard industrial classification codes" each place it appears.

Subtitle B—Small Business Procurement Opportunities Program

SEC. 411. CONTRACT BUNDLING.

Section 2 of the Small Business Act (15 U.S.C. 631) is amended by adding at the end the following:

"(j) CONTRACT BUNDLING.—In complying with the statement of congressional policy expressed in subsection (a), relating to fostering the participation of small business concerns in the contracting opportunities of the Government, each Federal agency, to the maximum extent practicable, shall—

"(1) comply with congressional intent to foster the participation of small business concerns as prime contractors, subcontractors, and suppliers;

"(2) structure its contracting requirements to facilitate competition by and among small business concerns, taking all reasonable steps to eliminate obstacles to their participation; and

"(3) avoid unnecessary and unjustified bundling of contract requirements that precludes small business participation in procurements as prime contractors.".

SEC. 412. DEFINITION OF CONTRACT BUNDLING.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

"(o) DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.—In this Act:

"(1) BUNDLED CONTRACT.—The term 'bundled contract' means a contract that is entered into to meet requirements that are consolidated in a bundling of contract requirements.

"(2) BUNDLING OF CONTRACT REQUIREMENTS.—The term 'bundling of contract requirements' means consolidating 2 or more procurement requirements for goods or services previously provided or performed under separate smaller contracts into a solicitation of offers for a single contract that is likely to be unsuitable for award to a small-business concern due to—

"(A) the diversity, size, or specialized nature of the elements of the performance specified;

"(B) the aggregate dollar value of the anticipated award;

"(C) the geographical dispersion of the contract performance sites; or

"(D) any combination of the factors described in subparagraphs (A), (B), and (C).

"(3) SEPARATE SMALLER CONTRACT.—The term 'separate smaller contract', with respect to a bundling of contract requirements, means a contract that has been performed by 1 or more small business concerns or was suitable for award to 1 or more small business concerns.".

SEC. 413. ASSESSING PROPOSED CONTRACT BUNDLING.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by inserting after subsection (d) the following:

"(e) PROCUREMENT STRATEGIES; CONTRACT BUNDLING.—

"(1) IN GENERAL.—To the maximum extent practicable, procurement strategies used by the various agencies having contracting authority shall facilitate the maximum participation of small business concerns as prime contractors, subcontractors, and suppliers.

"(2) MARKET RESEARCH.—

"(A) IN GENERAL.—Before proceeding with an acquisition strategy that could lead to a contract containing consolidated procurement requirements, the head of an agency shall conduct market research to determine whether consolidation of the requirements is necessary and justified.

"(B) FACTORS.—For purposes of subparagraph (A), consolidation of the requirements may be determined as being necessary and justified if, as compared to the benefits that would be derived from contracting to meet those requirements if not consolidated, the Federal Government would derive from the consolidation measurably substantial benefits, including any combination of benefits that, in combination, are measurably substantial. Benefits described in the preceding sentence may include the following:

"(i) Cost savings.

"(ii) Quality improvements.

"(iii) Reduction in acquisition cycle times.

"(iv) Better terms and conditions.

"(v) Any other benefits.

"(C) REDUCTION OF COSTS NOT DETERMINATIVE.—The reduction of administrative or personnel costs alone shall not be a justification for bundling of contract requirements unless the cost savings are expected to be substantial in relation to the dollar value of the procurement requirements to be consolidated.

"(3) STRATEGY SPECIFICATIONS.—If the head of a contracting agency determines that a proposed procurement strategy for a procurement involves a substantial bundling of contract requirements, the proposed procurement strategy shall—

"(A) identify specifically the benefits anticipated to be derived from the bundling of contract requirements;

"(B) set forth an assessment of the specific impediments to participation by small business concerns as prime contractors that result from the bundling of contract requirements and specify actions designed to maximize small business participation as subcontractors (including suppliers) at various tiers under the contract or contracts that are awarded to meet the requirements; and

"(C) include a specific determination that the anticipated benefits of the proposed bundled contract justify its use.

"(4) CONTRACT TEAMING.—In the case of a solicitation of offers for a bundled contract that is issued by the head of an agency, a small-business concern may submit an offer that provides for use of a particular team of subcontractors for the performance of the contract. The head of the agency shall evaluate the offer in the same manner as other offers, with due consideration to the capabilities of all of the proposed subcontractors. If a small business concern teams under this paragraph, it shall not affect its status as a small business concern for any other purpose.".

(b) ADMINISTRATION REVIEW.—Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended in the third sentence—

(1) by inserting "or the solicitation involves an unnecessary or unjustified bundling of contract requirements, as determined by the Administration," after "discrete construction projects,";

(2) by striking "or (4)" and inserting "(4)"; and

(3) by inserting before the period at the end of the sentence the following: ", or (5) why the agency has determined that the bundled contract (as defined in section 3(o)) is necessary and justified".

(c) RESPONSIBILITIES OF AGENCY SMALL BUSINESS ADVOCATES.—Section 15(k) of the Small Business Act (15 U.S.C. 644(k)) is amended—

(1) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), respectively; and

(2) by inserting after paragraph (4) the following:

"(5) identify proposed solicitations that involve significant bundling of contract requirements, and work with the agency acquisition officials and the Administration to revise the procurement strategies for such proposed solicitations where appropriate to increase the probability of participation by small businesses as prime contractors, or to facilitate small business participation as subcontractors and suppliers, if a solicitation for a bundled contract is to be issued;".

SEC. 414. REPORTING OF BUNDLED CONTRACT OPPORTUNITIES.

(a) DATA COLLECTION REQUIRED.—The Federal Procurement Data System described in section 6(d)(4)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4)(A)) shall be modified to collect data regarding bundling of contract requirements when the contracting officer anticipates that the resulting contract price, including all options, is expected to exceed $5,000,000. The data shall reflect a determination made by the contracting officer regarding whether a particular solicitation constitutes a contract bundling.

(b) DEFINITIONS.—In this section, the term "bundling of contract requirements" has the meaning given that term in section 3(o) of the Small Business Act (15 U.S.C. 632(o)) (as added by section 412 of this subtitle).

SEC. 415. EVALUATING SUBCONTRACT PARTICIPATION IN AWARDING CONTRACTS.

Section 8(d)(4) of the Small Business Act (15 U.S.C. 637(d)(4)) is amended by adding at the end the following:

"(G) The following factors shall be designated by the Federal agency as significant factors for purposes of evaluating offers for a bundled contract where the head of the agency determines that the contract offers a significant opportunity for subcontracting:

"(i) A factor that is based on the rate provided under the subcontracting plan for small business participation in the performance of the contract.

"(ii) For the evaluation of past performance of an offeror, a factor that is based on the extent to which the offeror attained applicable goals for small business participation in the performance of contracts.".

SEC. 416. IMPROVED NOTICE OF SUBCONTRACTING OPPORTUNITIES.

(a) USE OF THE COMMERCE BUSINESS DAILY AUTHORIZED.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

"(k) NOTICES OF SUBCONTRACTING OPPORTUNITIES.—

"(1) IN GENERAL.—Notices of subcontracting opportunities may be submitted for publication in the Commerce Business Daily by—

"(A) a business concern awarded a contract by an executive agency subject to subsection (e)(1)(C); and

"(B) a business concern that is a subcontractor or supplier (at any tier) to such contractor having a subcontracting opportunity in excess of $10,000.

"(2) CONTENT OF NOTICE.—The notice of a subcontracting opportunity shall include—

"(A) a description of the business opportunity that is comparable to the description specified in paragraphs (1), (2), (3), and (4) of subsection (f); and

"(B) the due date for receipt of offers.".

(b) REGULATIONS REQUIRED.—The Federal Acquisition Regulation shall be amended to provide uniform implementation of the amendments made by this section.

(c) CONFORMING AMENDMENT.—Section 8(e)(1)(C) of the Small Business Act (15 U.S.C. 637(e)(1)(C)) is amended by striking "$25,000" each place that term appears and inserting "$100,000".

SEC. 417. DEADLINES FOR ISSUANCE OF REGULATIONS.

(a) PROPOSED REGULATIONS.—Proposed amendments to the Federal Acquisition Regulation or proposed Small Business Administration regulations under this subtitle and the amendments made by this subtitle shall be published not later than 120 days after the date of enactment of this Act for the purpose of obtaining public comment pursuant to section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b), or chapter 5 of title 5, United States Code, as appropriate. The public shall be afforded not less than 60 days to submit comments.

(b) FINAL REGULATIONS.—Final regulations shall be published not later than 270 days after the date of enactment of this Act. The effective date for such final regulations shall be not less than 30 days after the date of publication.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.

(a) REQUIRED EXPENDITURES.—Section 9(n) of the Small Business Act (15 U.S.C. 638(n)) is amended by striking paragraph (1) and inserting the following:

"(1) REQUIRED EXPENDITURE AMOUNTS.—With respect to fiscal years 1998, 1999, 2000, and 2001, each Federal agency that has an extramural budget for research, or research and development, in excess of $1,000,000,000 for that fiscal year, is authorized to expend with small business concerns not less than 0.15 percent of that extramural budget specifically in connection with STTR programs that meet the requirements of this section and any policy directives and regulations issued under this section.".

(b) REPORTS AND OUTREACH.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(A) in subsection (o)—

(i) by redesignating paragraphs (8) through (11) as paragraphs (10) through (13), respectively; and

(ii) by inserting after paragraph (7) the following:

"(8) include, as part of its annual performance plan as required by subsections (a) and (b) of section 1115 of title 31, United States Code, a section on its STTR program, and shall submit such section to the Committee on Small Business of the Senate, and the Committee on Science and the Committee on Small Business of the House of Representatives;

"(9) collect such data from awardees as is necessary to assess STTR program outputs and outcomes;";

(B) in subsection (e)(4)(A), by striking "(ii)"; and

(C) by adding at the end the following:

"(s) OUTREACH.—

"(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term 'eligible State' means a State—

"(A) if the total value of contracts awarded to the State during fiscal year 1995 under this section was less than $5,000,000; and

"(B) that certifies to the Administration described in paragraph (2) that the State will, upon receipt of assistance under this subsection, provide matching funds from non-Federal sources in an amount that is not less than 50 percent of the amount provided under this subsection.

"(2) PROGRAM AUTHORITY.—Of amounts made available to carry out this section for fiscal year 1998, 1999, 2000, or 2001 the Administrator may expend with eligible States not more than $2,000,000 in each such fiscal year in order to increase the participation of small business concerns located in those States in the programs under this section.

"(3) AMOUNT OF ASSISTANCE.—The amount of assistance provided to an eligible State under this subsection in any fiscal year—

"(A) shall be equal to twice the total amount of matching funds from non-Federal sources provided by the State; and

"(B) shall not exceed $100,000.

"(4) USE OF ASSISTANCE.—Assistance provided to an eligible State under this subsection shall be used by the State, in consultation with State and local departments and agencies, for programs and activities to increase the participation of small business concerns located in the State in the programs under this section, including—

"(A) the establishment of quantifiable performance goals, including goals relating to—

"(i) the number of program awards under this section made to small business concerns in the State; and

"(ii) the total amount of Federal research and development contracts awarded to small business concerns in the State;

"(B) the provision of competition outreach support to small business concerns in the State that are involved in research and development; and

"(C) the development and dissemination of educational and promotional information relating to the programs under this section to small business concerns in the State.

"(t) INCLUSION IN STRATEGIC PLANS.—Program information relating to the SBIR and STTR programs shall be included by each Federal agency in any update or revision required of the Federal agency under section 306(b) of title 5, United States Code.".

(2) REPEAL.—Effective October 1, 2001, section 9(s) of the Small Business Act (as added by paragraph (1) of this subsection) is repealed.

SEC. 502. SMALL BUSINESS DEVELOPMENT CENTERS.

(a) IN GENERAL.—Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—

(1) in paragraph (1)—

(A) by inserting "any women's business center operating pursuant to section 29," after "credit or finance corporation,";

(B) by inserting "or a women's business center operating pursuant to section 29" after "other than an institution of higher education"; and

(C) by inserting "and women's business centers operating pursuant to section 29" after "utilize institutions of higher education";

(2) in paragraph (3)—

(A) by striking ", but with" and all that follows through "parties." and inserting the following: "for the delivery of programs and services to the small business community. Such programs and services shall be jointly developed, negotiated, and agreed upon, with full participation of both parties, pursuant to an executed cooperative agreement between the Small Business Development Center applicant and the Administration."; and

(B) by adding at the end the following:

"(C) On an annual basis, the Small Business Development Center shall review and coordinate public and private partnerships and cosponsorships with the Administration for the purpose of more efficiently leveraging available resources on a National and a State basis.";

(3) in paragraph (4)(C)—

(A) by striking clause (i) and inserting the following:

"(i) IN GENERAL.—

"(I) GRANT AMOUNT.—Subject to subclauses (II) and (III), the amount of a grant received by a State under this section shall be equal to the greater of $500,000, or the sum of—

"(aa) the State's pro rata share of the national program, based upon the population of the State as compared to the total population of the United States; and

"(bb) $300,000 in fiscal year 1998, $400,000 in fiscal year 1999, and $500,000 in each fiscal year thereafter.

"(II) PRO RATA REDUCTIONS.—If the amount made available to carry out this section for any fiscal year is insufficient to carry out subclause (I)(bb), the Administration shall make pro rata reductions in the amounts otherwise payable to States under subclause (I)(bb).

"(III) MATCHING REQUIREMENT.—The amount of a grant received by a State under this section shall not exceed the amount of matching funds from sources other than the Federal Government provided by the State under subparagraph (A)."; and

(B) in clause (iii), by striking "(iii)" and all that follows through "1997." and inserting the following:

"(iii) NATIONAL PROGRAM.—There are authorized to be appropriated to carry out the national program under this section—

"(I) $85,000,000 for fiscal year 1998;

"(II) $90,000,000 for fiscal year 1999; and

"(III) $95,000,000 for fiscal year 2000 and each fiscal year thereafter."; and

(4) in paragraph (6)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the comma at the end and inserting "; and"; and

(C) inserting after subparagraph (B) the following:

"(C) with outreach, development, and enhancement of minority-owned small business startups or expansions, HUBZone small business concerns, veteran-owned small business startups or expansions, and women-owned small business startups or expansions, in communities impacted by base closings or military or corporate downsizing, or in rural or underserved communities;".

(b) SBDC SERVICES.—Section 21(c) of the Small Business Act (15 U.S.C. 648(c)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking "businesses;" and inserting "businesses, including—

"(i) working with individuals to increase awareness of basic credit practices and credit requirements;

"(ii) working with individuals to development business plans, financial packages, credit applications, and contract proposals;

"(iii) working with the Administration to develop and provide informational tools for use in working with individuals on pre-business start-up planning, existing business expansion, and export planning; and

"(iv) working with individuals referred by the local offices of the Administration and Administration participating lenders;";

(B) in each of subparagraphs (B), (C), (D), (E), (F), (G), (M), (N), (O), (Q), and (R) by moving each margin 2 ems to the left; and

(C) in subparagraph (C), by inserting "and the Administration" after "Center";

(2) in paragraph (5)—

(A) by moving the margin 2 ems to the right;

(B) by striking "paragraph (a)(1)" and inserting "subsection (a)(1)";

(C) by striking "which ever" and inserting "whichever"; and

(D) by striking "last," and inserting "last,";

(3) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(4) in paragraph (3), in the undesignated material following subparagraph (R), by striking "A small" and inserting the following:

"(4) A small".

(c) COMPETITIVE AWARDS.—Section 21(l) of the Small Business Act (15 U.S.C. 648(l)) is amended by adding at the end the following: "If any contract or cooperative agreement under this section with an entity that is covered by this section is not renewed or extended, any award of a successor contract or cooperative agreement under this section to another entity shall be made on a competitive basis.".

(d) PROHIBITION ON CERTAIN FEES.—Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following:

"(m) PROHIBITION ON CERTAIN FEES.—A small business development center shall not impose or otherwise collect a fee or other compensation in connection with the provision of counseling services under this section.".

SEC. 503. PILOT PREFERRED SURETY BOND GUARANTEE PROGRAM EXTENSION.

Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking "September 30, 1997" and inserting "September 30, 2000".

SEC. 504. EXTENSION OF COSPONSORSHIP AUTHORITY.

Section 401(a)(2) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 637 note) is amended by striking "September 30, 1997" and inserting "September 30, 2000".

SEC. 505. ASSET SALES.

In connection with the Administration's implementation of a program to sell to the private sector loans and other assets held by the Administration, the Administration shall provide to the Committees a copy of the draft and final plans describing the sale and the anticipated benefits resulting from such sale.

SEC. 506. SMALL BUSINESS EXPORT PROMOTION.

(a) IN GENERAL.—Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (Q), by striking "and" at the end;

(2) in subparagraph (R), by striking the period at the end and inserting "; and"; and

(3) by inserting after subparagraph (R) the following:

"(S) providing small business owners with access to a wide variety of export-related information by establishing on-line computer linkages between small business development centers and an international trade data information network with ties to the Export Assistance Center program.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out section 21(c)(3)(S) of the Small Business Act (15 U.S.C. 648(c)(3)(S)), as added by this section, $1,500,000 for each fiscal years 1998 and 1999.

SEC. 507. DEFENSE LOAN AND TECHNICAL ASSISTANCE PROGRAM.

(a) DELTA PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Administrator may administer the Defense Loan and Technical Assistance program in accordance with the authority and requirements of this section.

(2) EXPIRATION OF AUTHORITY.—The authority of the Administrator to carry out the DELTA program under paragraph (1) shall terminate when the funds referred to in subsection (g)(1) have been expended.

(3) DELTA PROGRAM DEFINED.—In this section, the terms "Defense Loan and Technical Assistance program" and "DELTA program" mean the Defense Loan and Technical Assistance program that has been established by a memorandum of understanding entered into by the Administrator and the Secretary of Defense on June 26, 1995.

(b) ASSISTANCE.—

(1) AUTHORITY.—Under the DELTA program, the Administrator may assist small business concerns that are economically dependent on defense expenditures to acquire dual-use capabilities.

(2) FORMS OF ASSISTANCE.—Forms of assistance authorized under paragraph (1) are as follows:

(A) LOAN GUARANTEES.—Loan guarantees under the terms and conditions specified under this section and other applicable law.

(B) NONFINANCIAL ASSISTANCE.—Other forms of assistance that are not financial.

(c) ADMINISTRATION OF PROGRAM.—In the administration of the DELTA program under this section, the Administrator shall—

(1) process applications for DELTA program loan guarantees;

(2) guarantee repayment of the resulting loans in accordance with this section; and

(3) take such other actions as are necessary to administer the program.

(d) SELECTION AND ELIGIBILITY REQUIREMENTS FOR DELTA LOAN GUARANTEES.—

(1) IN GENERAL.—The selection criteria and eligibility requirements set forth in this subsection shall be applied in the selection of small business concerns to receive loan guarantees under the DELTA program.

(2) SELECTION CRITERIA.—The criteria used for the selection of a small business concern to receive a loan guarantee under this section are as follows:

(A) The selection criteria established under the memorandum of understanding referred to in subsection (a)(3).

(B) The extent to which the loans to be guaranteed would support the retention of defense workers whose employment would otherwise be permanently or temporarily terminated as a result of reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

(C) The extent to which the loans to be guaranteed would stimulate job creation and new economic activities in communities most adversely affected by reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

(D) The extent to which the loans to be guaranteed would be used to acquire (or permit the use of other funds to acquire) capital equipment to modernize or expand the facilities of the borrower to enable the borrower to remain in the national technology and industrial base available to the Department of Defense.

(3) ELIGIBILITY REQUIREMENTS.—To be eligible for a loan guarantee under the DELTA program, a borrower must demonstrate to the satisfaction of the Administrator that, during any 1 of the 5 preceding operating years of the borrower, not less than 25 percent of the value of the borrower's sales were derived from—

(A) contracts with the Department of Defense or the defense-related activities of the Department of Energy; or

(B) subcontracts in support of defense-related prime contracts.

(e) MAXIMUM AMOUNT OF LOAN PRINCIPAL.—With respect to each borrower, the maximum amount of loan principal for which the Administrator may provide a guarantee under this section during a fiscal year may not exceed $1,250,000.

(f) LOAN GUARANTY RATE.—The maximum allowable guarantee percentage for loans guaranteed under this section may not exceed 80 percent.

(g) FUNDING.—

(1) IN GENERAL.—The funds that have been made available for loan guarantees under the DELTA program and have been transferred from the Department of Defense to the Small Business Administration before the date of the enactment of this Act shall be used for carrying out the DELTA program under this section.

(2) CONTINUED AVAILABILITY OF EXISTING FUNDS.—The funds made available under the second proviso under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" in Public Law 103-335 (108 Stat. 2613) shall be available until expended—

(A) to cover the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued under this section; and

(B) to cover the reasonable costs of the administration of the loan guarantees.

SEC. 508. VERY SMALL BUSINESS CONCERNS.

Section 304(i) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 644 note) is amended by striking "September 30, 1998" and inserting "September 30, 2000".

SEC. 509. TRADE ASSISTANCE PROGRAM FOR SMALL BUSINESS CONCERNS ADVERSELY AFFECTED BY NAFTA.

The Administrator shall coordinate Federal assistance in order to provide counseling to small business concerns adversely affected by the North American Free Trade Agreement.

TITLE VI—HUBZONE PROGRAM

SEC. 601. SHORT TITLE.

This title may be cited as the "HUBZone Act of 1997".

SEC. 602. HISTORICALLY UNDERUTILIZED BUSINESS ZONES.

(a) DEFINITIONS.—Section 3 of the Small Business Act (15 U.S.C. 632) (as amended by section 412 of this Act) is amended by adding at the end the following:

"(p) DEFINITIONS RELATING TO HUBZONES.—In this Act:

"(1) HISTORICALLY UNDERUTILIZED BUSINESS ZONE.—The term 'historically underutilized business zone' means any area located within 1 or more—

"(A) qualified census tracts;

"(B) qualified nonmetropolitan counties; or

"(C) lands within the external boundaries of an Indian reservation.

"(2) HUBZONE.—The term 'HUBZone' means a historically underutilized business zone.

"(3) HUBZONE SMALL BUSINESS CONCERN.—The term 'HUBZone small business concern' means a small business concern—

"(A) that is owned and controlled by 1 or more persons, each of whom is a United States citizen; and

"(B) the principal office of which is located in a HUBZone; or

"(4) QUALIFIED AREAS.—

"(A) QUALIFIED CENSUS TRACT.—The term 'qualified census tract' has the meaning given that term in section 42(d)(5)(C)(ii)(I) of the Internal Revenue Code of 1986.

"(B) QUALIFIED NONMETROPOLITAN COUNTY.—The term 'qualified nonmetropolitan county' means any county—

"(i) that, based on the most recent data available from the Bureau of the Census of the Department of Commerce—

"(I) is not located in a metropolitan statistical area (as defined in section 143(k)(2)(B) of the Internal Revenue Code of 1986); and

"(II) in which the median household income is less than 80 percent of the nonmetropolitan State median household income; or

"(ii) that, based on the most recent data available from the Secretary of Labor, has an unemployment rate that is not less than 140 percent of the statewide average unemployment rate for the State in which the county is located.

"(5) QUALIFIED HUBZONE SMALL BUSINESS CONCERN.—

"(A) IN GENERAL.—A HUBZone small business concern is 'qualified', if—

"(i) the small business concern has certified in writing to the Administrator (or the Administrator otherwise determines, based on information submitted to the Administrator by the small business concern, or based on certification procedures, which shall be established by the Administration by regulation) that—

"(I) it is a HUBZone small business concern;

"(II) not less than 35 percent of the employees of the small business concern reside in a HUBZone, and the small business concern will attempt to maintain this employment percentage during the performance of any contract awarded to the small business concern on the basis of a preference provided under section 31(b); and

"(III) with respect to any subcontract entered into by the small business concern pursuant to a contract awarded to the small business concern under section 31, the small business concern will ensure that—

"(aa) in the case of a contract for services (except construction), not less than 50 percent of the cost of contract performance incurred for personnel will be expended for its employees or for employees of other HUBZone small business concerns; and

"(bb) in the case of a contract for procurement of supplies (other than procurement from a regular dealer in such supplies), not less than 50 percent of the cost of manufacturing the supplies (not including the cost of materials) will be incurred in connection with the performance of the contract in a HUBZone by 1 or more HUBZone small business concerns; and

"(ii) no certification made or information provided by the small business concern under clause (i) has been, in accordance with the procedures established under section 31(c)(1)—

"(I) successfully challenged by an interested party; or

"(II) otherwise determined by the Administrator to be materially false.

"(B) CHANGE IN PERCENTAGES.—The Administrator may utilize a percentage other than the percentage specified in under item (aa) or (bb) of subparagraph (A)(i)(III), if the Administrator determines that such action is necessary to reflect conventional industry practices among small business concerns that are below the numerical size standard for businesses in that industry category.

"(C) CONSTRUCTION AND OTHER CONTRACTS.—The Administrator shall promulgate final regulations imposing requirements that are similar to those specified in subclauses (IV) and (V) of subparagraph (A)(i) on contracts for general and specialty construction, and on contracts for any other industry category that would not otherwise be subject to those requirements. The percentage applicable to any such requirement shall be determined in accordance with subparagraph (B).

"(D) LIST OF QUALIFIED SMALL BUSINESS CONCERNS.—The Administrator shall establish and maintain a list of qualified HUBZone small business concerns, which list shall, to the extent practicable—

"(i) include the name, address, and type of business with respect to each such small business concern;

"(ii) be updated by the Administrator not less than annually; and

"(iii) be provided upon request to any Federal agency or other entity.".

(b) FEDERAL CONTRACTING.—

(1) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(A) by redesignating section 31 as section 32; and

(B) by inserting after section 30 the following:

"SEC. 31. HUBZONE PROGRAM.

"(a) IN GENERAL.—There is established within the Administration a program to be carried out by the Administrator to provide for Federal contracting assistance to qualified HUBZone small business concerns in accordance with this section.

"(b) ELIGIBLE CONTRACTS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'contracting officer' has the meaning given that term in section 27(f)(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(f)(5)); and

"(B) the term 'full and open competition' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

"(2) AUTHORITY OF CONTRACTING OFFICER.—Notwithstanding any other provision of law—

"(A) a contracting officer may award sole source contracts under this section to any qualified HUBZone small business concern, if—

"(i) the qualified HUBZone small business concern is determined to be a responsible contractor with respect to performance of such contract opportunity, and the contracting officer does not have a reasonable expectation that 2 or more qualified HUBZone small business concerns will submit offers for the contracting opportunity;

"(ii) the anticipated award price of the contract (including options) will not exceed—

"(I) $5,000,000, in the case of a contract opportunity assigned a standard industrial classification code for manufacturing; or

"(II) $3,000,000, in the case of all other contract opportunities; and

"(iii) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price;

"(B) a contract opportunity shall be awarded pursuant to this section on the basis of competition restricted to qualified HUBZone small business concerns if the contracting officer has a reasonable expectation that not less than 2 qualified HUBZone small business concerns will submit offers and that the award can be made at a fair market price; and

"(C) not later than 5 days from the date the Administration is notified of a procurement officer's decision not to award a contract opportunity under this section to a qualified HUBZone small business concern, the Administrator may notify the contracting officer of the intent to appeal the contracting officer's decision, and within 15 days of such date the Administrator may file a written request for reconsideration of the contracting officer's decision with the Secretary of the department or agency head.

"(3) PRICE EVALUATION PREFERENCE IN FULL AND OPEN COMPETITIONS.—In any case in which a contract is to be awarded on the basis of full and open competition, the price offered by a qualified HUBZone small business concern shall be deemed as being lower than the price offered by another offeror (other than another small business concern), if the price offered by the qualified HUBZone small business concern is not more than 10 percent higher than the price offered by the otherwise lowest, responsive, and responsible offeror.

"(4) RELATIONSHIP TO OTHER CONTRACTING PREFERENCES.—A procurement may not be made from a source on the basis of a preference provided in paragraph (2) or (3), if the procurement would otherwise be made from a different source under section 4124 or 4125 of title 18, United States Code, or the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

"(c) ENFORCEMENT; PENALTIES.—

"(1) VERIFICATION OF ELIGIBILITY.—In carrying out this section, the Administrator shall establish procedures relating to—

"(A) the filing, investigation, and disposition by the Administration of any challenge to the eligibility of a small business concern to receive assistance under this section (including a challenge, filed by an interested party, relating to the veracity of a certification made or information provided to the Administration by a small business concern under section 3(p)(5)); and

"(B) verification by the Administrator of the accuracy of any certification made or information provided to the Administration by a small business concern under section 3(p)(5).

"(2) EXAMINATIONS.—The procedures established under paragraph (1) may provide for program examinations (including random program examinations) by the Administrator of any small business concern making a certification or providing information to the Administrator under section 3(p)(5).

"(3) PROVISION OF DATA.—Upon the request of the Administrator, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Secretary of the Interior (or the Assistant Secretary for Indian Affairs), shall promptly provide to the Administrator such information as the Administrator determines to be necessary to carry out this subsection.

"(4) PENALTIES.—In addition to the penalties described in section 16(d), any small business concern that is determined by the Administrator to have misrepresented the status of that concern as a 'HUBZone small business concern' for purposes of this section, shall be subject to—

"(A) section 1001 of title 18, United States Code; and

"(B) sections 3729 through 3733 of title 31, United States Code.".

(2) INITIAL LIMITED APPLICABILITY.—During the period beginning on the date of enactment of this Act and ending on September 30, 2000, section 31 of the Small Business Act (as added by paragraph (1) of this subsection) shall apply only to procurements by—

(A) the Department of Defense;

(B) the Department of Agriculture;

(C) the Department of Health and Human Services;

(D) the Department of Transportation;

(E) the Department of Energy;

(F) the Department of Housing and Urban Development;

(G) the Environmental Protection Agency;

(H) the National Aeronautics and Space Administration;

(I) the General Services Administration; and

(J) the Department of Veterans Affairs.

SEC. 603. TECHNICAL AND CONFORMING AMENDMENTS TO THE SMALL BUSINESS ACT.

(a) PERFORMANCE OF CONTRACTS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ",, small business concerns owned and controlled by socially and economically disadvantaged individuals" and inserting ", qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals"; and

(B) in the second sentence, by inserting "qualified HUBZone small business concerns," after "small business concerns,";

(2) in paragraph (3)—

(A) by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears; and

(B) by adding at the end the following:

"(F) In this contract, the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act.";

(3) in paragraph (4)(E), by striking "small business concerns and" and inserting "small business concerns, qualified HUBZone small business concerns, and";

(4) in paragraph (6), by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears; and

(5) in paragraph (10), by inserting "qualified HUBZone small business concerns," after "small business concerns,".

(b) AWARDS OF CONTRACTS.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) in subsection (g)(1)—

(A) by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears;

(B) in the second sentence, by striking "20 percent" and inserting "23 percent"; and

(C) by inserting after the second sentence the following: "The Governmentwide goal for participation by qualified HUBZone small business concerns shall be established at not less than 1 percent of the total value of all prime contract awards for fiscal year 1999, not less than 1.5 percent of the total value of all prime contract awards for fiscal year 2000, not less than 2 percent of the total value of all prime contract awards for fiscal year 2001, not less than 2.5 percent of the total value of all prime contract awards for fiscal year 2002, and not less than 3 percent of the total value of all prime contract awards for fiscal year 2003 and each fiscal year thereafter.";

(2) in subsection (g)(2)—

(A) in the first sentence, by striking ",, by small business concerns owned and controlled by socially and economically disadvantaged individuals" and inserting ", by qualified HUBZone small business concerns, by small business concerns owned and controlled by socially and economically disadvantaged individuals";

(B) in the second sentence, by inserting "qualified HUBZone small business concerns," after "small business concerns,"; and

(C) in the fourth sentence, by striking "by small business concerns owned and controlled by socially and economically disadvantaged individuals and participation by small business concerns owned and controlled by women" and inserting "by qualified HUBZone small business concerns, by small business concerns owned and controlled by socially and economically disadvantaged individuals, and by small business concerns owned and controlled by women"; and

(3) in subsection (h), by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears.

(c) OFFENSES AND PENALTIES.—Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)(1)—

(A) by inserting ", a 'qualified HUBZone small business concern'," after "'small business concern',"; and

(B) in subparagraph (A), by striking "section 9 or 15" and inserting "section 9, 15, or 31"; and

(2) in subsection (e), by inserting ", a 'HUBZone small business concern'," after "'small business concern',".

SEC. 604. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Section 2323 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by inserting before the semicolon the following: ", and qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act)"; and

(2) in subsection (f)(1), by inserting "or as a qualified HUBZone small business concern (as defined in section 3(p) of the Small Business Act)" after "(as described in subsection (a))".

(b) FEDERAL HOME LOAN BANK ACT.—Section 21A(b)(13) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(13)) is amended—

(1) by striking "concerns and small" and inserting "concerns, small"; and

(2) by inserting ", and qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act)" after "disadvantaged individuals".

(c) SMALL BUSINESS ECONOMIC POLICY ACT OF 1980.—Section 303(e) of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631b(e)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) qualified HUBZone small business concern (as defined in section 3(p) of the Small Business Act).".

(d) SMALL BUSINESS INVESTMENT ACT OF 1958.—Section 411(c)(3)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(c)(3)(B)) is amended by inserting before the semicolon the following: ", or to a qualified HUBZone small business concern (as defined in section 3(p) of the Small Business Act)".

(e) TITLE 31, UNITED STATES CODE.—

(1) CONTRACTS FOR COLLECTION SERVICES.—Section 3718(b) of title 31, United States Code, is amended—

(A) in paragraph (1)(B), by inserting "and law firms that are qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act)" after "disadvantaged individuals"; and

(B) in paragraph (3)—

(i) in the first sentence, by inserting before the period "and law firms that are qualified HUBZone small business concerns";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act.".

(2) PAYMENTS TO LOCAL GOVERNMENTS.—Section 6701(f) of title 31, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) qualified HUBZone small business concerns."; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o)).".

(3) REGULATIONS.—Section 7505(c) of title 31, United States Code, is amended by striking "small business concerns and" and inserting "small business concerns, qualified HUBZone small business concerns, and".

(f) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—

(1) ENUMERATION OF INCLUDED FUNCTIONS.—Section 6(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)) is amended—

(A) in paragraph (11), by inserting "qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act)," after "small businesses,"; and

(B) in paragraph (12), by inserting "qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(o)),'' after "small businesses,".

(2) PROCUREMENT DATA.—Section 502 of the Women's Business Ownership Act of 1988 (41 U.S.C. 417a) is amended—

(A) in subsection (a)—

(i) in the first sentence, by inserting "the number of qualified HUBZone small business concerns," after "Procurement Policy"; and

(ii) by inserting a comma after "women"; and

(B) in subsection (b), by inserting after "section 204 of this Act" the following: ", and the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o)).".

(g) ENERGY POLICY ACT OF 1992.—Section 3021 of the Energy Policy Act of 1992 (42 U.S.C. 13556) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "or";

(B) in paragraph (3), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(4) qualified HUBZone small business concerns."; and

(2) in subsection (b), by adding at the end the following:

"(3) The term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o)).".

(h) TITLE 49, UNITED STATES CODE.—

(1) PROJECT GRANT APPLICATION APPROVAL CONDITIONED ON ASSURANCES ABOUT AIRPORT OPERATION.—Section 47107(e) of title 49, United States Code, is amended—

(A) in paragraph (1), by inserting before the period "or qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act)";

(B) in paragraph (4)(B), by inserting before the period "or as a qualified HUBZone small business concern (as defined in section 3(p) of the Small Business Act)"; and

(C) in paragraph (6), by inserting "or a qualified HUBZone small business concern (as defined in section 3(p) of the Small Business Act)" after "disadvantaged individual".

(2) MINORITY AND DISADVANTAGED BUSINESS PARTICIPATION.—Section 47113 of title 49, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking the period at the end and inserting a semicolon;

(ii) in paragraph (2), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(3) the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o)).''; and

(B) in subsection (b), by inserting before the period "or qualified HUBZone small business concerns".

SEC. 605. REGULATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register such final regulations as may be necessary to carry out this title and the amendments made by this title.

(b) FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date on which final regulations are published under subsection (a), the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation in order to ensure consistency between the Federal Acquisition Regulation, this title and the amendments made by this title, and the final regulations published under subsection (a).

SEC. 606. REPORT.

Not later than March 1, 2002, the Administrator shall submit to the Committees a report on the implementation of the HUBZone program established under section 31 of the Small Business Act (as added by section 602(b) of this title) and the degree to which the HUBZone program has resulted in increased employment opportunities and an increased level of investment in HUBZones (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as added by section 602(a) of this title).

SEC. 607. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) (as amended by section 101 of this Act) is amended—

(1) in subsection (c), by adding at the end the following:

"(3) HUBZONE PROGRAM.—There are authorized to be appropriated to the Administration to carry out the program under section 31, $5,000,000 for fiscal year 1998.";

(2) in subsection (d), by adding at the end the following:

"(3) HUBZONE PROGRAM.—There are authorized to be appropriated to the Administration to carry out the program under section 31, $5,000,000 for fiscal year 1999."; and

(3) in subsection (e), by adding at the end the following:

"(3) HUBZONE PROGRAM.—There are authorized to be appropriated to the Administration to carry out the program under section 31, $5,000,000 for fiscal year 2000.".

TITLE VII—SERVICE DISABLED VETERANS

SEC. 701. PURPOSES.

The purposes of this title are—

(1) to foster enhanced entrepreneurship among eligible veterans by providing increased opportunities;

(2) to vigorously promote the legitimate interests of small business concerns owned and controlled by eligible veterans; and

(3) to ensure that those concerns receive fair consideration in purchases made by the Federal Government.

SEC. 702. DEFINITIONS.

In this title:

(1) ELIGIBLE VETERAN.—The term "eligible veteran" means a disabled veteran (as defined in section 4211(3) of title 38, United States Code).

(2) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY ELIGIBLE VETERANS.—The term "small business concern owned and controlled by eligible veterans" means a small business concern (as defined in section 3 of the Small Business Act)—

(A) that is at least 51 percent owned by 1 or more eligible veterans, or in the case of a publicly owned business, at least 51 percent of the stock of which is owned by 1 or more eligible veterans; and

(B) whose management and daily business operations are controlled by eligible veterans.

SEC. 703. REPORT BY SMALL BUSINESS ADMINISTRATION.

(a) STUDY AND REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Administrator shall conduct a comprehensive study

and submit to the Committees a final report containing findings and recommendations of the Administrator on—

(A) the needs of small business concerns owned and controlled by eligible veterans;

(B) the availability and utilization of Administration programs by small business concerns owned and controlled by eligible veterans;

(C) the percentage, and dollar value, of Federal contracts awarded to small business concerns owned and controlled by eligible veterans in the preceding 5 fiscal years; and

(D) methods to improve Administration and other agency programs to serve the needs of small business concerns owned and controlled by eligible veterans.

(2) CONTENTS.—The report under paragraph (1) shall include recommendations to Congress concerning the need for legislation and recommendations to the Office of Management and Budget, relevant offices within the Administration, and the Department of Veterans Affairs.

(b) CONDUCT OF STUDY.—In carrying out subsection (a), the Administrator—

(1) may conduct surveys of small business concerns owned and controlled by eligible veterans and service disabled veterans, including those who have sought financial assistance or other services from the Administration;

(2) shall consult with the appropriate committees of Congress, relevant groups and organizations in the nonprofit sector, and Federal or State government agencies; and

(3) shall have access to any information within other Federal agencies that pertains to such veterans and their small businesses, unless such access is specifically prohibited by law.

SEC. 704. INFORMATION COLLECTION.

After the date of issuance of the report required by section 703(a), the Secretary of Veterans Affairs shall, in consultation with the Assistant Secretary for Veterans' Employment and Training and the Administrator, engage in efforts each fiscal year to identify small business concerns owned and controlled by eligible veterans in the United States. The Secretary shall inform each small business concern identified under this section that information on Federal procurement is available from the Administrator.

SEC. 705. STATE OF SMALL BUSINESS REPORT.

Section 303(b) of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631b(b)) is amended by striking "and female-owned businesses" and inserting ", female-owned, and veteran-owned businesses".

SEC. 706. LOANS TO VETERANS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by inserting after paragraph (7) the following:

"(8) The Administration may make loans under this subsection to small business concerns owned and controlled by disabled veterans (as defined in section 4211(3) of title 38, United States Code).".

SEC. 707. ENTREPRENEURIAL TRAINING, COUNSELING, AND MANAGEMENT ASSISTANCE.

The Administrator shall take such actions as may be necessary to ensure that small business concerns owned and controlled by eligible veterans have access to programs established under the Small Business Act that provide entrepreneurial training, business development assistance, counseling, and management assistance to small business concerns, including, among others, the Small Business Development Center program and the Service Corps of Retired Executives (SCORE) program.

SEC. 708. GRANTS FOR ELIGIBLE VETERANS' OUTREACH PROGRAMS.

Section 8(b) of the Small Business Act (15 U.S.C. 637(b)) is amended—

(1) in paragraph (15), by striking "and" at the end;

(2) in the first paragraph designated as paragraph (16), by striking the period at the end and inserting "; and"; and

(3) by striking the second paragraph designated as paragraph (16) and inserting the following:

"(17) to make grants to, and enter into contracts and cooperative agreements with, educational institutions, private businesses, veterans' nonprofit community-based organizations, and Federal, State, and local departments and agencies for the establishment and implementation of outreach programs for disabled veterans (as defined in section 4211(3) of title 38, United States Code).".

SEC. 709. OUTREACH FOR ELIGIBLE VETERANS.

The Administrator, the Secretary of Veterans Affairs, and the Assistant Secretary of Labor for Veterans' Employment and Training, shall develop and implement a program of comprehensive outreach to assist eligible veterans, which program shall include business training and management assistance, employment and relocation counseling, and dissemination of information on veterans' benefits and veterans' entitlements.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. TALENT] and the gentleman from New York [Mr. LAFALCE] each will control 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. TALENT].

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

Mr. Speaker, the primary purpose of this legislation is to reauthorize the Small Business Administration and the programs which that agency oversees pursuant to the Small Business Act and the Small Business Investment Act. This reauthorization covers fiscal years 1998, 1999 and 2000. Except for a couple of new provisions added by the other body, this legislation is identical to H.R. 2261, which this House passed under suspension of the rules by a vote of 397 to 17 just 6 weeks ago.

We regularly reauthorize the bulk of the programs contained in this legislation for 3-year periods. The programs contained in this legislation include the financial programs of the SBA, the 7(a) general business loan guarantee program, the section 504 Certified Development Company program, the Microloan program, and the Small Business Investment Company program.

This legislation also changes and improves various programs, specifically modifying the section 504 Preferred Certified Lender Program, the SBIC program, the Women's Business Center program and the SBDC program. The SBA also provides hundreds of millions of dollars in vital disaster assistance to small businesses and homeowners every year, and this legislation reauthorizes that assistance.

Title VII of the measure before us is the result of the collective work of multiple committees and individual Members. It contains a number of provisions which are designed to assist the Federal Government in better serving service-disabled veterans and small businesses owned by service-disabled veterans. These provisions are the products of bipartisan efforts by myself and the gentleman from New York [Mr. LAFALCE], our committee's ranking member, working together with the chairman of the Committee on Rules and the chairman of the Committee on Veterans' Affairs.

Section 501 of this legislation is also the product of a bipartisan and multi-committee effort both here and in the Senate. It contains most of the features of H.R. 2429, as reported by the Committee on Science, and is a 4-year reauthorization of the pilot Small Business Technology Transfer Program.

As I said earlier, Mr. Speaker, the legislation before us today has some additional components that were added since we passed it here in the House in late September. These additional elements have been added as a result of collaborative and bipartisan efforts between the House and the Senate and, in fact, have involved the collective work of multiple committees from both Houses working in conjunction with representatives of the administration.

Title VI of this legislation establishes the HUBZone program, which will provide incentives to businesses that locate in and employ residents from economically distressed areas, thereby targeting inner cities and rural communities that have low household incomes, high unemployment and whose communities have suffered from a lack of investment.

Subtitle (b) of title IV of this legislation is another component which was added to this legislation by the Senate and addresses the important small business procurement issue of contract bundling. This provision is the result of lengthy negotiations, involving several Senate and House committees and the administration.

Finally, section 507 of this legislation addresses the Defense Loan and Technical Assistance Program, or DELTA program, and is of great importance to numerous small businesses located in areas that have been adversely impacted as a result of the closing of military installations.

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

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

Mr. Speaker, I rise in support of S. 1139, the Small Business Reauthorization Act of 1997.

Mr. Speaker, this legislation includes the requisite authorization for programs administered by the Small Business Administration for fiscal year 1998 and the two ensuing years. It also includes important program changes for a number of the SBA programs.

Specifically, it includes proposals for women's business development, which I advocated in separate legislation, such as making the women's business development a permanent program and increasing it to 5 years in lieu of the existing 3-year program.

It also enhances the operation of the 504 program, also known as the certified development company or CDC program, which I authored in 1980. It makes needed improvements to allow implementation of the premier lenders program, which allows SBA to delegate loan making, servicing and liquidation functions to the best CDC's. Without this delegation of authority, which results in large reductions in SBA employee time demands, this program would grind to a halt, as would the 7(a) program without its similar delegation of authority, for SBA simply does not have sufficient personnel to make and service loans today. We depend on participating lenders to serve this function under SBA guidelines and oversight.

But I would be remiss in my responsibilities as the ranking Democrat on the Committee on Small Business if I did not point out that this bill is not without concern. At Senate insistence, it includes a new program to assist economically distressed areas by channeling Federal contracting to them. Under this laudable concept, the distressed areas, called HUBZones, would receive major amounts of Federal contract dollars if the small business contractors unemployment base includes 35 percent of its workforce from these HUBZones. Further, it would increase the small business contracting goal from 20 to 23 percent, a provision I strongly favor.

I am very pleased to note that we were able to secure a major, major change from the version originally passed by the other body. The earlier version would have permitted contracts to be taken from an existing program which assists minorities and women, the 8(a) program.

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We were successful in insisting that that provision be dropped totally. The Senate insisted on all the other provisions in the HUBZone title with very little change. I resisted that, too, until specifically prevailed upon by the Small Business Administration.

Inclusion of this HUBZone concept as a permanent program without the customary trial provisions and other safeguards caused a number of Members of Congress to raise strong concerns, particularly because of the possibility of adverse impact on the 8(a) contracting program. Now, this is the most important program operated by the Federal Government to facilitate the growth and development of minority small businesses. Any proposals which might place this program in jeopardy naturally cause concern to those Members who place a high priority on the development of minority small business.

We tried very hard to get a deletion of the entire HUBZone proposal even after they had deleted every single reference to 8(a). The HUBZone proposal is still maintained in the bill, but fortunately it confers considerable discretion on the Administrator of the SBA who will implement. After extensive discussions with Administrator Aida Alvarez, she sent me a very forceful letter explaining the administration's support for the reauthorization bill now under consideration and pledging that SBA will not permit the implementation of the HUBZone's program to negatively affect the 8(a) program. I will include Miss Alvarez' strong letter of support for the authorization bill in the RECORD for any Member who is interested.

The letter referred to is as follows:

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, D.C., November 8, 1997.

Hon. JOHN J. LAFALCE,
U.S. House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE LAFALCE: The Administration supports realization of the programs of the Small Business Administration and supports House passage of S. 1139. The bill reauthorizes small business loans which assist tens of thousands of small businesses each year and contribute to the vitality of economy. This bill recognizes the importance of women and service disabled veteran entrepreneurs. And, it makes permanent SBA's Microloan Program which helps those entrepreneurs who need very small amounts of credit. We need this legislation to ensure that we can continue to properly serve our small business customers.

Some Members have raised concerns about the HUBZones provisions in the authorization bill. Please note that unlike earlier versions of the reauthorization bill, the new version of the bill before the House has removed the harmful provisions that would have affected the current preference for 8(a) in the Defense Federal Acquisition Regulations (DFAR), and my ability to appeal contracting actions that might affect 8(a).

I can assure you that SBA will not permit the implementation of the HUBZones program to negatively affect the 8(a) program. As you know, I am a strong supporter of the 8(a) program.

Moreover, the bill will increase the federal procurement goal for small business from 20 to 23 percent—increasing opportunities for all small businesses including 8(a). With this overall increase in federal contracting dollars for small businesses there will be room for an increase in 8(a) contracts and I intend to pursue increases in 8(a) contracts aggressively.

In the SBA's strategic plan I have committed to increasing overall procurement for small disadvantaged businesses from 5.5 percent to 7 percent of all federal procurement by the year 2000. Enactment of HUBZones will not affect these goals.

It is my intention to increase 8(a) procurement as a percentage of total federal procurement. Presently, 3.2 percent of all federal procurement dollars go to the 8(a) program. Recently proposed rule changes will allow increased flexibility in small business teaming and joint ventures, and create a new mentor-protégé program. I also intend to increase 8(a) contracts through a more aggressive goaling posture with other federal agencies and through the full implementation of the new on-line PRO-Net procurement system. Enactment of HUBZones will not affect these strategies.

The bill allows federal contractors to utilize a sole source contracting vehicle to access HUBZones companies. However, we do not believe that this provision will necessarily affect 8(a) firms. In fact, federal contracting officers may be more likely to shift competitive contracting dollars to HUBZones because of the relative ease in a sole source vehicle rather than to shift these contracts from 8(a), where the ease of procurement is already in place. In fact, 8(a) firms are exactly the kinds of firms that would most likely take advantage of the new HUBZones sole source authority—especially after they have left the 8(a) program. However, I can assure the Members of the Small Business Committee that we will take whatever steps are necessary in the rulemaking process to ensure that the new sole source provisions for HUBZones do not negatively affect 8(a). And, I will closely monitor the sole source authority when used for HUBZones. Should it be determined that there is a negative effect on 8(a), I will use my authority to appeal contracts to protect 8(a) firms.

I share your concern that SBA may not have sufficient resources to implement the HUBZones over the next several years. While the final appropriations bill has not yet been enacted, we anticipate that the appropriations bill will include enough resources to write the regulations and implement the program in the first year. As presently proposed, the SBA does not have adequate resources for full implementation of the HUBZones program. I will not increase our risks nor sacrifice the effectiveness of SBA's other programs by shifting resources from these programs to HUBZones. We will evaluate future resource needs after we have analyzed the full on-going costs of the program and provide the Congress with an estimate of these needs in our budget submission.

I will keep the Small Business Committees informed of any issues that may arise during the rulemaking process and provide the Committees with quarterly reports until the program is fully implemented. We will also continue to consult closely with the 8(a) business community during this period. After implementation, I will monitor federal procurement contracting patterns and the use of the sole source provisions for HUBZones. I will report to the Small Business Committees on a semi-annual basis about trends in federal procurement activity for small businesses and on the use of sole source contracts. As we monitor HUBZones implementation, SBA will also pursue regulatory changes within the Administration to further protect 8(a) if necessary. You also have my firm commitment that I will seek legislative changes if we identify any adverse impact on the 8(a) program as a result of this monitoring.

Finally, because the bill retains my appeal authority on behalf of 8(a), I will continue to intervene in the future, if there are any specific instances of a federal agency trying to move a contract from the 8(a) program to HUBZones.

Thank you for your consideration.

Sincerely,

AIDA ALVAREZ,
Administrator.

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

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Speaker, I thank the gentleman from Missouri [Mr. TALENT] for yielding me time.

I rise today in strong support of S. 1139, the Small Business Programs Reauthorization and Amendments Act of

1997. This important legislation will reauthorize the lending programs of the SBA, allowing our Nation's small businesses to continue access to capital.

We are all aware of the important role that small businesses play in maintaining the economic strength of the United States. They create the vast majority of new jobs, provide countless new technological innovations, and drive economic growth in our country, and unfortunately there is often insufficient capital available for entrepreneurs to use to start up new businesses or for current small business owners to expand existing ones. This is the void that the Small Business Administration's loan guarantee programs often fill. Without passage of this important legislation, this valuable service would be threatened. Our Nation's small businesses, and indeed our economy, would suffer as a result.

The gentleman from Missouri [Mr. TALENT] and the gentleman from New York [Mr. LAFALCE] have worked very closely to put together a bipartisan bill that deserves the backing of every Member of this House. I urge my colleagues to support the small business community and support S. 1139.

Mr. LAFALCE. Mr. Speaker, I yield 3¼ minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Speaker, today we will pass this Small Business Administration reauthorization bill which provides valuable resources to a number of vital programs. While I have worked hard in support of those programs, I rise today to address some elements of the bill that I believe require further discussion.

The House Committee on Small Business, under the effective leadership of the gentleman from Missouri [Mr. TALENT] and the ranking Democrat, the gentleman from New York [Mr. LAFALCE], worked very hard to report out a bill that would have helped small business. Unfortunately we are not considering the product of our committee's work today. Instead we are considering a bill from the other body that creates a multibillion-dollar, I repeat multibillion-dollar, contracting program.

This proposal called HUBZones was never introduced in the House. This unstudied and untested program has not even had one hearing, not in the Committee on Small Business, the Committee on Banking and Financial Services, the Committee on Education and the Workforce, or the Committee on National Security, all of which would have jurisdiction over the HUB's provisions. Because of this failure to properly examine this program, I have my concerns about this proposal.

This program raises many serious questions. How will HUBZones work? What kind of jobs will it create? What kind of small businesses will it benefit? How will we measure its effectiveness? How will it work with already established programs such as empowerment zones and enterprise community? The effect of this legislation will be felt by the entire small business community.

As the ranking member of the Subcommittee on Empowerment of the Committee on Small Business, I have a responsibility to bring community and economic development to our disadvantaged areas. I represent one of the first districts in this country. I know the barriers that entrepreneurs from my district and others like it must overcome. SBA already addresses these needs through a variety of programs, which raises the question of why we need another program when funding is so scarce. If the SBA is forced to spread out its resources to implement HUBZones, it will jeopardize the operations of many successful small business assistance programs.

Mr. Speaker, at this point I yield to the gentleman from New York [Mr. LAFALCE], the ranking member, and the chairman of the committee, the gentleman from Missouri [Mr. TALENT], to provide assurances that the 8(a) program will not be harmed by these new HUBZone proposals.

Mr. LAFALCE. First of all, I want to praise the gentlewoman for the outstanding work she has done on the Committee on Small Business, particularly as the ranking Democrat on the Subcommittee on Empowerment, and for the work she has done in refining the perspective of the Small Business Administration on this.

As the gentlewoman knows, the bill as originally passed by the Senate would have adversely impacted the 8(a) program as it would have changed existing law to reduce the authority of the SBA over placement of contracts within the program. That was stricken at our absolute insistence.

I have also received a very strong letter in support of the bill from Administrator Alvarez. Her letter, which I have inserted in the RECORD, provides assurance that SBA will not permit the implementation of the HUBZones Program to negatively affect the 8(a) program based upon the continuation of current 8(a) authority unchanged and the administrator's assurances. I believe the HUBZone Program can and will be implemented in a manner that will not harm 8(a) and actually might help those firms and other minority firms.

The SPEAKER pro tempore. The time of the gentlewoman from New York [Ms. VELÁZQUEZ] has expired.

Mr. TALENT. Mr. Speaker, I yield myself 30 seconds in which just to say that that is also my understanding, and I have said from the beginning, that I did not want this bill to affect the 8(a) program, and as far as I am concerned, it is out of this bill, it is not mentioned in this bill; and that the HUBZone bill is designed to provide a little bit of an additional boost to procurement to businesses that locate in these disadvantaged areas and hire these individuals.

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. ENGLISH], a member of the committee.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, this legislation before the House today provides valuable support for a growing American economy. The programs that are reauthorized under Senate bill 1139 play a limited, but beneficial, role in promoting the most dynamic sector of the American economy, and that is small business.

Mr. Speaker, recent experience with domestic job creation is consistent. Two-thirds of the new jobs created in America are created by small employers. Small business is a critical source of economic expansion across the country whether in inner cities, developing suburbs, or rural areas. The entrepreneurship of small employers is a critical source of economic opportunity and growth in communities throughout America. Today millions of small firms and risk-taking individuals are building the economy of the next century, the economy that our children will inherit and will provide their link to the American dream.

The programs under the Small Business Administration that we are reauthorizing today will not by themselves create the American economy of the future; however by linking small businesses to sources of credit and technical assistance, the SBA has the potential to nurture entrepreneurship and promote more successful business starts and expansions.

Mr. Speaker, I strongly support the enactment of this legislation. While this Congress continues to have an aggressive agenda of encouraging small business growth through regulatory reform and tax relief, this legislation guarantees the continuation of limited, targeted, programmatic support for small businesses by the Federal Government.

As a member of the Committee on Small Business, I am acutely aware that the SBA still has a long way to go to realize its potential as a strong advocate and clearinghouse for the small business community. Nevertheless, it is important that we continue the agency's successful programs, such as the Small Business Development Centers in order to encourage job creation and job retention in the most dynamic and competitive sector of America's economy.

Mr. LAFALCE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Virginia [Mr. SISISKY], the next most senior member on the Democratic side of the aisle of the Committee on Small Business.

Mr. SISISKY. Mr. Speaker, I rise in support of S. 1139.

Mr. Speaker, I am pleased to be able to support this reauthorization bill.

Along with other Members, I did have serious concerns about some of its provisions. But those concerns have now been addressed, at least to my satisfaction.

The legislation we have before us may have some flaws, but overall it is a very good bill and I believe it must be passed.

Many Members had legitimate concerns and strong feelings about the HUB Zones Program, in particular.

The bill passed by the House a little over month ago contained absolutely no reference to HUB Zones. The Small Business Committee held no hearings on HUB Zones. We had no chance to examine this concept closely, let alone make improvements.

The House had no role at all in the design of this program. This troubles me, and I don't think it's a very good way to legislate.

But on the whole, this is a very good bill. It reauthorizes the SBA loan programs that are the life blood of many small businesses in this country.

We know there is tremendous demand from small business for these programs.

We know that this financing meets a need that would otherwise go unmet. And we know how important financing is to small businesses, who make such an enormous contribution to economic growth and to job creation in this country.

For this reason alone, I think we have little choice but to pass this authorization bill.

S. 1139 also reauthorizes other successful programs and makes a number of program improvements that cannot be put off any longer.

I won't go into all the details, but there are several I'd like to single out. This bill makes permanent the Microloan Program, which assists the smallest of small businesses. It recognizes the importance of disabled veteran entrepreneurs.

The provisions on contract bundling should help small businesses better compete for Federal procurement opportunities. And one of SBA's most successful programs—the Women's Business Centers—is expanded.

I strongly urge my colleagues to vote for this bill. We need to work on both sides of the aisle—and with the administration—to see that it is implemented in a way that meets the needs of America's small business.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Speaker, let me begin by thanking the chairman and the ranking member of the committee for their hard work on this bill and also for addressing the potential conflict with respect to the 8(a) program and the HUBZone program. I am assured based on their comments that the 8(a) program remains intact and is not threatened by this new program.

I am very pleased to support S. 1139 because I think it is critical to the advancement of small business. Small business, as is often stated, is the engine for growth in this country. It generates over 50 percent of the gross national product. It generates more than half of all new jobs. Small businesses also account for the employment of minorities and women and our young people. We need to promote the advancement of small business.

I am particularly impressed with this bill because it contains language that restricts the practice of bundling. I had legislation on this issue because it arose out of the White House Conference on Small Business in which small businessmen said bundling, that is, the consolidation of Federal contracts, represents a threat to our survival. Right now eight major companies get more Federal Government business than all small businesses combined. The Federal Government does about $200 billion in contracting, so my colleagues can see this is a very important matter. This bill has language which would restrict the practice of bundling, require Government agencies to justify the use of this type of consolidation.

The bill has also other attractive features. I think it is very important that this bill continues the microlending program. Now, $50,000 or $100,000 or $25,000 might not seem like a lot, but to a small businessman just starting out, to an entrepreneur, that is very important. We need to continue this program. The bill does that.

It also increases the goal for small business contracting from 20 percent to 23 percent. That is not a tremendous amount, but it is a significant amount. That could result in additional $4 billion in Government contracts available to the small business community. This, too, is an important improvement in the bill.

I believe the bill addresses our concerns about HUBZones, creates new programs and maintains important programs for our small business community. I urge its adoption.

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I thank the gentleman, the chairman of the Committee on Small Business, for yielding the time to me, and, Mr. Speaker, I rise in support of S. 1139, the Small Business Administration reauthorization.

□ 1645

Included in this bill is the majority of H.R. 2429, the Small Business Technology Transfer Program Reauthorization Act, which was reported out of the Committee on Science's Subcommittee on Technology as well as the full Committee on Science. My comments will focus on that aspect of the bill, although the bill in its totality is very meritorious.

STTR is an important tech transfer program that has made over 800 awards totaling over $115 million since its inception in 1994. Nearly $5 million of those have gone to Maryland small businesses, just as an example. The STTR program expired on September 30 of this year, and this bill will reauthorize STTR at its current set-aside level to fiscal year 2001.

In addition, S. 1139 makes the following changes to the STTR program. First, the bill requires agencies participating in STTR to include STTR in their annual performance plans, as required by the Results Act. This provision will ensure that each agency defines its goals along with providing metrics to assist in evaluating those goals.

In concert with the performance plan, the bill requires each agency participating in the STTR and SBIR programs to include those programs in their strategic plan updates also required under the Results Act.

Second, S. 1139 contains an outreach program for States which receive less than $5 million in awards in fiscal year 1995. This outreach program is designed to increase participation among small businesses in States that have traditionally received few STTR and SBIR awards. It is not meant to mandate that States previously underrepresented by the programs receive an increase in the number of dollar value awards, but, instead, the provision should simply increase the number and quality of applications for STTR and SBIR.

Third, S. 1139 requires agencies to collect data that will provide Congress with information on the STTR program to assist in the measurement of the program outputs and outcomes. Like the Results Act language, this provision should help ensure the program is performing in the most effective manner possible.

I want to thank the gentleman from Wisconsin [Mr. SENSENBRENNER]; the ranking member, the gentleman from California [Mr. BROWN]; and the ranking member of my subcommittee, the Subcommittee on Technology, the gentleman from Tennessee [Mr. GORDON], for their support; and, indeed, my hearty commendation and thanks to the Committee on Small Business chairman, the gentleman from Missouri [Mr. TALENT], and the ranking member, the gentleman from New York [Mr. LAFALCE]; and the gentleman from Maryland [Mr. BARTLETT], who serves on both committees.

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, DC, November 6, 1997.

Hon. F. JAMES SENSENBRENNER,
Chairman, Committee on Science, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Section 9(b)(7) of the Small Business Act requires that the Administrator of the Small Business Administration report to the House and Senate Small Business Committees at least annually on the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs of the Federal agencies. Because of your interest in small business participation in the Nation's research and development efforts, I am happy

to send this report to the House Committee on Science when I furnish it to the Committee on Small Business.

I appreciate your interest in small business research and development and look forward to any comments you may have on our report.

Sincerely,

AIDA ALVAREZ,
Administrator.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. POSHARD].

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

Mr. Speaker, I rise today to support this legislation to reauthorize programs of the Small Business Administration, but with some reluctance. While I firmly believe in the mission of the SBA, certain provisions in this bill are somewhat contentious.

Funding for HUBZones is one such issue. While I certainly support the concept of spurring economic development in depressed urban and rural areas, I agree with the gentleman from New York [Mr. LAFALCE] that it would be better to have a clearer idea about the ramifications of this multibillion-dollar contracting program before it is approved.

However, I will support this package, because we should not hold up funding for other important activities of the SBA, and the gradual phase-in approach which was planned for HUBZone implementation should allow for sufficient monitoring of its effectiveness and impact on other SBA initiatives.

The goal of the SBA is to help small business owners reach their potential by providing various resources, such as loans and training. This assistance is especially important to rural communities, such as those in my congressional district, that have seen severe economic downturns over the last decade. A failure to fund these activities could reverse many positive trends.

Recent years have seen a dramatic increase in the success of women and minority-owned small businesses, and the SBA has had a significant role in this development. Failure to pass this bill would adversely affect the National Women's Business Council and would eliminate funding for 18 women's business centers, preventing thousands of women from getting necessary business training.

The Small Business Technology Transfer Program, which directs Federal R&D money to researchers, inventors, and small business people to develop the best ideas at our universities and research centers, this successful program not only gives necessary help to small businesses but helps university personnel have a hand in further developing their ideas while remaining on campus. It also would not be reauthorized.

The Preferred Surety Bond Program, which provides hundreds of millions of dollars in surety bonds to small construction companies, would also cease to operate.

For these reasons and others, we must act now to ensure that the good work of the SBA is not impeded. I urge my colleagues to vote for this legislation.

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. FORBES].

Mr. FORBES. Mr. Speaker, I rise today in support of the Small Business Reauthorization Act of 1997 and to commend the gentleman from Missouri [Mr. TALENT] and former chairman and now ranking member, the gentleman from New York [Mr. LAFALCE], for their devotion to the small business community and this bill.

This bill, obviously, is the underpinning on which many of the Small Business Administration programs are reauthorized. I would like the opportunity to talk at great length about many of the wonderful programs at SBA, but I will limit my remarks to the extension of the Defense Loan and Technical Assistance Program, which is commonly referred to as DELTA.

An important program that dealt with the unfortunate loss of business for many defense-dependent businesses over the last decade, the DELTA program is an important undertaking. I appreciate that the committee has sought to reauthorize not only the DELTA program, but to expand it, so that the many small businesses that could benefit, because they have had at least 25 percent of their earnings in the last 5 years dependent on defense business, as they seek to make the transition from defense-dependent businesses to other commercial applications, the DELTA program is instrumental in helping them make that kind of a transition.

It is important to understand also that the Small Business Administration is one of the few agencies or departments in the Government that almost pays for itself, helping budding entrepreneurs and small businessmen and women, who are the underpinning of the American economy. This agency does a tremendous job, and I appreciate the committee's special attention to this DELTA program.

As a former SBA regional administrator, I saw firsthand the important work that is undertaken by SBA. I appreciate the committee's work in making sure that this is a bipartisan bill, one that seeks to enhance the good work done by the Small Business Administration.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. DAVIS], an extremely valuable contributor to the Committee on Small Business and the formation of this bill.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of the reauthorization of the SBA bill, but I also want to commend and congratulate the gentleman from Missouri, Chairman TALENT, and the gentleman from New York, Mr. LAFALCE, the ranking member, for their exemplary leadership in bringing this legislation to the floor.

I also want to acknowledge the strong presence of the gentlewoman from New York [Ms. VELÁZQUEZ] in making sure that the 8(a) procurement program is protected at all costs.

I also would extend my appreciation to Administrator Alvarez for her sensitivity and professionalism and hard work to make sure that areas of conflict were worked out.

But I am most pleased because this legislation, in addition to all of those excellent programs that we have already heard about, the micro lending program, the 8(a) program, the 504 program, all of them are excellent. But in addition, we now have a new concept, something called HUBZones, which are designed to bring additional resources to hard-pressed, severely depressed urban and rural communities throughout America, areas that, no matter what is said, none of the other programs has been able to do as much as there is that is needed to be done.

So I am hoping that with this new addition, we will see additional improvements, additional resources. It is a great program, and I am very pleased to lend my support to it and ask that all Members vote in favor of it.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to one of the most distinguished freshmen members of the Committee on Small Business, the gentleman from Rhode Island [Mr. WEYGAND].

Mr. WEYGAND. Mr. Speaker, I want to thank the gentleman from New York, our ranking member [Mr. LAFALCE], for his generosity and our chairman for the great work the two of them have done. I think if anyone could look at our committee and what they do, they would see this great bipartisan effort that I think really does serve not only the Members very well, but also the people of the country.

I am here to support Senate version 1139 because I think this is good for my State of Rhode Island, the small State of Rhode Island, but also good for other businesses throughout this country.

This bill authorizes SBA and its programs which will provide access to capital and services that might not be available to many of the small businesses throughout this great country.

I am a former small business owner, and I remember when I started my business in the basement of my house 15 years ago. I went down to the SBA because I knew I was a good landscape architect, I knew I could provide the services that were necessary, but I thought maybe I could extend my market area into maybe some Federal programs.

So I went down there 15 years ago, and when I came back, they had piled me down with literature and propaganda that most small business owners cannot even take the time to read, and I immediately threw it in the basket. My first impression of the SBA was a very negative one.

That is not so today. Today in Rhode Island, the SBA has done tremendous deeds to improve the small business climate of our State. Just over the last 3 years, they have more than doubled the number of loans in the 504 and the 7(a) program. Indeed, they have also done some things that we did not think were possible. Loans and assistance to minorities and to veterans and to women have more than doubled and tripled. Indeed, over one-third of all the loans given out in the State of Rhode Island are to these three groups.

The impact of small business to Rhode Island's economy cannot be overstated. In our State, over 97 percent of all the businesses are small businesses. Along with the loan programs, though, SBA provides services to assist business owners in becoming or remaining successful.

Once a loan has been given to a business, they make sure and follow through like caseworkers to be sure that businesses are fulfilling their obligation and doing well.

I also want to raise some concern that my colleagues have raised already about the HUB program. The HUBZone program is very similar to what we in many States call enterprise zones.

HUBZones and enterprise zones can have a very dark side. People can play shell games within enterprise zones, and in our State of Rhode Island they did just that. Businesses from outside of the enterprise zone moved in. They simply laid off other workers and hired them back and got the tax benefits and the contracts that were provided for people within the enterprise zone.

My concern is that under this provision of HUBZone, that we may indeed have the same kind of problems that we in Rhode Island had. Continued oversight and vigilance about this HUBZone program is extremely necessary. I know all of my colleagues are looking to Administrator Alvarez to be sure that she does not diminish the 8(a) program and sacrifice moneys because of the HUB program. I support this legislation and ask my colleagues to do the same.

Mr. Speaker, I rise in support of S. 1139, a bill to reauthorize small business programs. First, I would like to thank Chairman TALENT and Mr. LAFALCE for their leadership and for producing a bill that will undoubtedly benefit all small businesses. This bill reauthorizes the Small Business Administration and its programs which provide access to capital and services that might not otherwise be available to small business owners.

To highlight the SBA's importance, I would like to showcase what the SBA is doing in my district, in Rhode Island. Over the past 4 years there have been significant increases in the number of Small Business Administration loans awarded. In fact, the number of loans has more than doubled. In 1993, there were 115 approved loans totaling $32.6 million, in 1996, there were 292 loans totaling $53.3 million.

In particular, there have been dramatic improvements in access to capital for women, minorities, and veterans in my district. In 1993, there were 8 loans to minorities, 17 to women and 14 to veterans. In 1996, we had 16 loans to minorities, 40 to women and 46 to veterans. Nearly 35 percent of all approved SBA loans in Rhode Island, are going to these three groups.

I must express some concern over one provision in this bill. The HUBZone provision included in this bill did not come before the House Small Business committee, and we did not have the opportunity to hold hearings or study the program and its potential impact on small businesses in our districts. I am concerned that there may be the unintended consequence of negatively impacting minority small businesses and 8(a) firms. It is my hope that we will be able to work with the SBA and small business groups to ensure that we continue to expand opportunities for minorities.

I cannot overstate the importance of small business on Rhode Island's economy. Approximately 97 percent of all businesses in Rhode Island are classified as small businesses. These companies employ thousands of Rhode Islanders and provide the economic foundation of my State and our country. Small businesses play a vital role in job creation and provide endless opportunities for our citizens.

Along with the financial programs, the SBA provides services to assist business owners in becoming or remaining successful. Once a business has a loan we must make sure that the business stays healthy and profitable enough to repay that loan. Services provided by programs such as Small Business Development Centers, Service Corps of Retired Entrepreneurs, Business Information Centers, Minority Enterprise Development program, and Women's Business Enterprise program supply information and counseling services to business owners. These services are invaluable to the smallest businesses who do not have the budgets to hire high-priced consultants.

We, as leaders, must do all we can to foster and encourage the development and growth of small businesses and this bill moves us in that direction. This bill will allow us to continue to support existing small businesses and encourage the development of new ones, both in Rhode Island and across the country. I urge my colleagues to support it.

Mr. TALENT. Mr. Speaker, I am happy to yield 3 minutes to our last speaker on this side of the aisle, the gentleman from Montana [Mr. HILL], an outstanding member of the committee.

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

Mr. Speaker, I rise today in strong support of Senate bill 1139, the Small Business Reauthorization Act of 1997, and I would like to first thank the gentleman from Missouri Chairman TALENT and the gentleman from New York Ranking Member LAFALCE, and especially the staff for their hard work in getting this important legislation to the floor and getting it passed. Without their tireless dedication and commitment to America's small businesses and the people who work in those small businesses, this vital authorization would not today be a reality.

Mr. Speaker, small businesses fuel our Nation's economy, and the role of Congress is an appropriate role, should be to support and encourage entrepreneurship.

□ 1700

I believe that this bill achieves this objective. We must continue to promote our economic growth throughout States like mine, Montana, by helping make them more competitive within markets and outside the United States.

I do want to point out two provisions in this bill that are extremely important to Montana. The first is the Small Business Technology Transfer program that earlier speakers talked about. I was especially pleased to see that my amendment was in the final bill. This provision will assist those 23 States that together receive fewer total SBA small business innovation research awards than the fifth-ranking State by itself. It will help our States receive more awards.

States like Montana have large numbers of small research and development businesses, and many of these businesses lack the resources for competing for small business innovation research grants. With my amendment, the playing field will be leveled by giving assistance to these businesses in applying for these awards while establishing performance goals to them.

Second is a provision in the Small Business Investment Company that addresses underserved areas like Montana. Montana is one of the few States that has never had a licensed Small Business Investment Company. With this provision, it will enable Montana to apply and hopefully qualify for this much-needed license. Approximately 98 percent of Montana's businesses are considered small businesses by definition. As a matter of fact, Mr. Speaker, 95 percent of the people in Montana work for a business that employs less than 50 employees. An SBAC license in the State of Montana will provide the necessary capital to fuel Montana's small business and small business growth.

Mr. Speaker, I urge my colleagues to vote for this bill.

Mr. Speaker, I rise today in strong support of S. 1139, the Small Business Reauthorization Act of 1997. I first would like to thank Chairman TALENT, Ranking Member LAFALCE and especially the staff, for their hard work in getting this very important legislation to the floor. Without their tireless dedication and commitment to America's small businesses,

this vital authorization would not have become a reality.

Mr. Speaker, small businesses fuel our Nation's economy. The role of Congress should be to support and encourage entrepreneurship. And I believe that this bill achieves this objective. We must continue to promote economic growth throughout States like Montana, making them competitive in markets within and outside the United States.

I would like to point out two provisions in the bill that are extremely important to Montana. First is the Small Business Technology Transfer program. I was especially pleased to see that my amendment was in the final bill. This provision will assist those 23 States that together receive fewer total Small Business Innovation Research [SBIR] awards than the fifth ranking State by itself. States like Montana have large numbers of small Research and Development businesses, and many of these businesses lack the resources to compete for SBIR awards. With my amendment, the playing field will be leveled by giving assistance to these businesses in applying for the awards, while establishing performance goals.

Second is a provision in the Small Business Investment Company [SBIC] that addresses underserved areas like Montana. Montana is one of the few States that have never had a licensed SBIC. With this provision, it will enable Montana to apply and hopefully qualify for this much needed license. Approximately 98 percent of Montana's businesses are considered small businesses by definition, and an SBIC in the State will provide the necessary capital to fuel Montana's small businesses.

Mr. Speaker, I urge my colleagues to vote for the bill.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. BENTSEN], perhaps the House's most knowledgeable Member on questions of securitization.

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

Mr. Speaker, it is late in the session. We are talking about the SBA reauthorization. It is like the great American philosopher who said it is deja vu all over again, and now we are once again trying to get to the issue of what is going to happen with securitization.

It was a year ago that the Committee on Small Business in both the House and the other body attempted to deal with this issue. We saw some language that was never passed, and now we have the Small Business Administration also trying to deal with this issue.

This all began in part because of an attempt on the part of both committees to try and level the playing field between banks and nonbanks in the securitization of the unguaranteed portion of 7(a) loans, which I think all of us support and does create capital. But there have been attempts, I think, to rigidly try and define the structure of that securitization which could, in fact, reduce the amount of capital that is available. I would like to engage in a brief colloquy with the ranking member and the chairman, if I might.

It is my understanding that the current bill we are considering today includes no language instructing SBA on how to define any credit test to securitization. My concern continues to be that the SBA may come up with a definition which is too rigid, on the one hand, which tries to have a one-size-fits-all for both banks and nonbanks, and confuses market concentration with creditworthiness, which is what I believe both the ranking member and the chairman's intent was when we looked at this issue in the last Congress.

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

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

Mr. LAFALCE. I concur with the remarks of the gentleman from Texas completely.

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

Mr. BENTSEN. I yield to the gentleman from Missouri.

Mr. TALENT. Mr. Speaker, I do also, and certainly would hope that the agency will move toward as much securitization as financial soundness permits. That is what the committee has been working to accomplish.

Mr. BENTSEN. Mr. Speaker, I thank the chairman and ranking member.

I rise in support of the bill, and I appreciate the hard work that they have done.

Mr. LAFALCE. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member and the chairman for the very strong support of small businesses.

Let me say that I rise to support this authorization act because of the Microloan Program, the supporting of the National Women's Business Council Program, and as well the fact that we are not disturbing the 8(a) programs that help create jobs in America. Let me compliment my own small business regional office and Mr. Wilson, and I hope that we will continue to stand on the side of small businesses.

Mr. TALENT. Mr. Speaker, I would be happy to yield if the gentleman wants a little more time. I yield 1 minute to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, I would like to take this time to thank the chairman of our committee, the gentleman from Missouri [Mr. TALENT], for all of the kindnesses that he has shown me in his position. He has proven himself to be an excellent chairman, certainly one that has been a pleasure for me to work with. He has the ability to be both gentle, cooperative and firm all at the same time, and I am sure that he is going to go on to great things in life, not only in the House of Representatives, but perhaps even higher.

I also want to extol our staff. My tremendous staff, both Tom Powers, Jeanne Roslanowick and others, but also the majority staff. They have tremendous expertise and dedication; they have worked together as one staff in order to produce the best possible bill, regardless of politics, regardless of partisanship. So it has been a pleasure for me to work with all of them on this reauthorization bill.

Mr. TALENT. Mr. Speaker, in closing, I yield myself such time as I may consume.

I want to echo the remarks of the gentleman from New York [Mr. LAFALCE], except in reverse. It has been a great pleasure this year to work with him. We all know that the gentleman knows how to be firm; he also does know how to be, and has been consistently, cooperative, and I have been very grateful to him for that.

Also, I want to recognize the great depth of his knowledge in this field. We are passing, I hope and believe today, yet another reauthorization bill, and it will reflect yet again his great influence and his great expertise in this area.

I want to thank also the members on both sides of the committee. The House has heard many of them today, and I am proud to chair a committee with so many committed and dedicated individuals.

Mr. Speaker, this legislation is the product of bipartisan and bicameral efforts to reauthorize the Small Business Administration through fiscal year 2000. It reflects the efforts of many individuals and committees and their staffs. I would like to thank the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman of the Committee on Science; and the gentleman from California [Mr. BROWN], his ranking member, for their work on H.R. 2429, which has in large part become section 501 of this legislation. I would also like to express my appreciation to their staff who worked on this.

I would also like to thank the gentleman from Arizona [Mr. STUMP], the chairman of the Committee on Veterans' Affairs, and the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, along with their staffs, for their help in working on title VII of this legislation. As I have already said, I want to extend my thanks and appreciation to the gentleman from New York [Mr. LAFALCE], the committee's ranking member, for his help in crafting this legislation.

Finally, I would like to acknowledge the Committee on Small Business staff who worked on this bill: Emily Murphy, Mary McKenzie, Kiki Kless, Paul Denham, Charles "Tee" Rowe, and Harry Katrichis for the majority, and Jeanne Roslanowick, Steve McSpadden and Tom Powers for the minority.

I urge my colleagues, in closing, to vote for this important piece of legislation.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to express my concerns regarding S.

1139, the Small Business Authorization Act. I will vote for this bill because it is essential for the continuation of programs which assist small businesses in this country. However, I have serious concerns regarding a specific provision included by the Senate, which could impact the current 8(a) program for minority- and women-owned businesses.

S. 1139 establishes a new program to increase access to Federal contracts for small businesses in economically distressed areas. While the goal of this new HUBZone program seems laudable enough, I have strong reservations regarding its potential impact on the existing and successful 8(a) program for minority- and women-owned businesses.

It is no secret that many in the majority want to get rid of the 8(a) program and other forms of affirmative action. I fear that the establishment of these HUBZones is a backdoor attempt to weaken 8(a) and affirmative action.

The 8(a) program is specifically targeted to assist businesses owned by minorities and women, which have historically had difficulty in obtaining contracts and subcontracts from the Federal Government. The new HUBZone program would be open to all small businesses within these zones, not just those which are disadvantaged in any way. And these businesses within the HUBZones will compete with the 8(a) businesses for the limited number of Federal contracts.

Also of concern is that under this provision Federal agencies would be allowed to use sole-source contracts in HUBZones which cuts out the competitive nature of Federal contracting altogether, and further erodes opportunities for 8(a) businesses.

The Senate has failed to provide enough funding for the administration of this new program. The Congressional Budget Office estimates that $12 million is needed annually to implement the HUBZone program. The bill provides only $1.2 million. This raises concerns regarding adequate oversight and evaluation of this new program. If we are to accurately assess whether this new program is affecting the 8(a) program we need to have the appropriate monitoring systems in place. The lack of funding causes concerns in this regard.

Mr. Speaker, I have discussed these concerns with the Administrator of the Small Business Administration, who assured me that the Administration will closely monitor this new program and its impact on the 8(a) program. She also indicated that in administering the HUBZone program, they would take steps necessary to assure that 8(a) was not adversely impacted.

Mr. Speaker, had this bill come up under regular order, and not under the expedited suspension procedures we would have had the opportunity to address many of our concerns through the amendment process. As we are in the last 2 days of the congressional session this year, I understand the need to utilize expedited procedures to assure that critical small business programs are funded.

Therefore, I will support this bill. I note for the RECORD that I will watch closely the development of this program and monitor its impact on the 8(a) minority- and women-owned business program.

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

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Missouri [Mr. TALENT] that the House suspend the rules and concur in the Senate amendment to the House amendment to S. 1139.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TALENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1139, the bill just considered.

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

There was no objection.

MICROCREDIT FOR SELF-RELIANCE ACT OF 1997

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1129) to establish a program to provide assistance for programs of credit and other assistance for microenterprises in developing countries, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1129

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 "Microcredit for Self-Reliance Act of 1997".

SEC. 2. FINDINGS AND DECLARATIONS OF POLICY.

The Congress makes the following findings and declarations:

(1) More than 1,000,000,000 people in the developing world are living in severe poverty.

(2) According to the United Nations Children's Fund (UNICEF), mortality for children under the age of 5 averages 100 child deaths per thousand for all developing countries, with nearly double that rate in the poorest countries.

(3) Nearly 35,000 children die each day from largely preventable malnutrition and disease.

(4)(A) Women in poverty generally have larger work loads, and less access to educational and economic opportunities than their male counterparts.

(B) Directly aiding the poorest of the poor, especially women, in the developing world has a positive effect not only on family incomes, but also on child nutrition, health and education, as women in particular reinvest income in their families.

(5)(A) The poor in the developing world, particularly women, generally lack stable employment and social safety nets.

(B) Many turn to self-employment to generate a substantial portion of their livelihood.

(C) These poor entrepreneurs are often trapped in poverty because they cannot obtain credit at reasonable rates to build their asset base or expand their otherwise viable self-employment activities.

(D) Many of the poor are forced to pay interest rates as high as 10 percent per day to money lenders.

(6)(A) On February 2-4, 1997, a global microcredit summit was held in Washington, District of Columbia, to launch a plan to expand access to credit for self-employment and other financial and business services to 100,000,000 of the world's poorest families, especially the women of those families, by 2005.

(B) With five to a family, achieving this goal will mean that the benefits of microcredit will thereby reach nearly half of the world's more than 1,000,000,000 absolute poor.

(7)(A) The poor are able to expand their incomes and their businesses dramatically when they can access loans at reasonable interest rates.

(B) Through the development of self-sustaining microcredit programs, poor people themselves can lead the fight against hunger and poverty.

(8)(A) Nongovernmental organizations such as the Grameen Bank, Accion International, and the Foundation for International Community Assistance (FINCA) have been successful in lending directly to the very poor.

(B) These institutions generate repayment rates averaging 95 percent or higher, demonstrating the bankability of the poorest.

(C) International organizations such as the International Fund for Agricultural Development (IFAD) and the United Nations Development Program (UNDP) have demonstrated success in supporting microcredit programs.

(9)(A) Microcredit institutions not only reduce poverty, but also reduce the dependency on foreign assistance.

(B) Interest income on a credit portfolio can be used to pay recurring institutional costs, assuring the long-term sustainability of development assistance.

(10) Microcredit institutions leverage foreign assistance resources because loans are recycled, generating new benefits to program participants.

(11) The development of sustainable microcredit institutions which provide credit and training, and mobilize domestic savings, are critical components to a global strategy of poverty reduction and broad based economic development.

(12)(A) In 1994, the United States Agency for International Development launched a microenterprise initiative in partnership with the Congress.

(B) The initiative committed to expanding funding for the microenterprise programs of the Agency, and set a goal that, by the end of fiscal year 1996, half of all microenterprise resources would support programs and institutions providing credit to the poorest, with loans under $300.

(C) In order to achieve the goal of the microcredit summit, increased investment in microcredit institutions serving the poorest will be critical.

(13) Providing the United States share of the global investment needed to achieve the goal of the microcredit summit will require only a small increase in United States funding for international microcredit programs, with an increased focus on institutions serving the poorest.

(14)(A) In order to reach tens of millions of the poorest with microcredit, it is crucial to expand and replicate successful microcredit institutions.

(B) These institutions need assistance in developing their institutional capacity to expand their services and tap commercial sources of capital.

(15) Nongovernmental organizations have demonstrated competence in developing networks of local microcredit institutions so that they reach large numbers of the very poor, and achieve financial sustainability.

(16) Recognizing that the United States Agency for International Development has developed very effective partnerships with nongovernmental organizations, and that the Agency will have fewer missions to carry out its work, the Agency should place priority on investing in these nongovernmental network institutions through the central funding mechanisms of the Agency.

(17) By expanding and replicating successful microcredit institutions, it should be possible to create a global infrastructure to provide financial services to the world's poorest families.

(18)(A) The United States Agency for International Development can provide leadership to other bilateral and multilateral development agencies as such agencies expand their support to the microenterprise sector.

(B) The United States Agency for International Development should seek to improve coordination of donor efforts at the operational level to promote the use of best practices in the provision of financial services to the poor and to ensure that adequate institutional capacity is developed.

(19) Through expanded support for microcredit, especially credit for the poorest, the United States Agency for International Development can continue to play a leadership role in the global effort to expand financial services and opportunity to 100,000,000 of the poorest families on the planet.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to provide for the continuation and expansion of the commitment of the United States Agency for International Development to the development of microenterprise institutions;

(2) to make microenterprise development the centerpiece of the overall economic growth strategy of the United States Agency for International Development;

(3) to support and develop the capacity of United States and indigenous nongovernmental organization intermediaries to provide credit, savings, and training services to microentrepreneurs;

(4) to increase the amount of assistance devoted to credit activities designed to reach the poorest sector in developing countries, and to improve the access of the poorest, particularly women, to microenterprise credit in developing countries; and

(5) to encourage the United States Agency for International Development to provide global leadership in promoting microenterprise for the poorest among bilateral and multilateral donors.

SEC. 4. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

Section 108 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f) is amended to read as follows:

"SEC. 108. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

"(a) FINDINGS AND POLICY.—The Congress finds and declares that—

"(1) the development of micro- and small enterprise, including cooperatives, is a vital factor in the stable growth of developing countries and in the development and stability of a free, open, and equitable international economic system;

"(2) it is, therefore, in the best interests of the United States to assist the development of the private sector in developing countries and to engage the United States private sector in that process;

"(3) the support of private enterprise can be served by programs providing credit, training, and technical assistance for the benefit of micro- and small enterprises; and

"(4) programs that provide credit, training, and technical assistance to private institutions can serve as a valuable complement to grant assistance provided for the purpose of benefiting micro- and small private enterprise.

"(b) PROGRAM.—To carry out the policy set forth in subsection (a), the President is authorized to provide assistance to increase the availability of credit to micro- and small enterprises lacking full access to credit, including through—

"(1) loans and guarantees to credit institutions for the purpose of expanding the availability of credit to micro- and small enterprises;

"(2) training programs for lenders in order to enable them to better meet the credit needs of micro- and small entrepreneurs; and

"(3) training programs for micro- and small entrepreneurs in order to enable them to make better use of credit and to better manage their enterprises.

"(c) ELIGIBILITY CRITERIA.—The Administrator of the United States Agency for International Development shall establish criteria for determining which entities described in subsection (b) are eligible to carry out activities, with respect to microenterprises, assisted under this section. Such criteria may include the following:

"(1) The extent to which the recipients of credit from the entity do not have access to the local formal financial sector.

"(2) The extent to which the recipients of credit from the entity are among the poorest people in the country.

"(3) The extent to which the entity is oriented toward working directly with poor women.

"(4) The extent to which the entity recovers its cost of lending to the poor.

"(5) The extent to which the entity implements a plan to become financially sustainable.".

SEC. 5. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

"SEC. 129. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

"(a) AUTHORIZATION.—(1) In carrying out this part, the Administrator of the United States Agency for International Development is authorized to provide grant assistance for programs of credit and other assistance for microenterprises in developing countries.

"(2) Assistance authorized under paragraph (1) shall be provided through organizations that have a capacity to develop and implement microenterprise programs, including particularly—

"(A) United States and indigenous private and voluntary organizations;

"(B) United States and indigenous credit unions and cooperative organizations; or

"(C) other indigenous governmental and nongovernmental organizations.

"(3) Approximately one-half of the credit assistance authorized under paragraph (1) shall be used for poverty lending programs, including the poverty lending portion of mixed programs. Such programs—

"(A) shall meet the needs of the very poor members of society, particularly poor women; and

"(B) should provide loans of $300 or less in 1995 United States dollars to such poor members of society.

"(4) The Administrator should continue support for mechanisms that—

"(A) provide technical support for field missions;

"(B) strengthen the institutional development of the intermediary organizations described in paragraph (2); and

"(C) share information relating to the provision of assistance authorized under paragraph (1) between such field missions and intermediary organizations.

"(b) MONITORING SYSTEM.—In order to maximize the sustainable development impact of the assistance authorized under subsection (a)(1), the Administrator shall establish a monitoring system that—

"(1) establishes performance goals for such assistance and expresses such goals in an objective and quantifiable form, to the extent feasible;

"(2) establishes performance indicators to be used in measuring or assessing the achievement of the goals and objectives of such assistance; and

"(3) provides a basis for recommendations for adjustments to such assistance to enhance the sustainable development impact of such assistance, particularly the impact of such assistance on the very poor, particularly poor women.".

SEC. 6. MULTILATERAL COOPERATION WITH THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT.

(a) FINDINGS.—The Congress finds the following:

(1)(A) The International Fund for Agricultural Development ("IFAD") has as its mission serving the poorest of the poor in rural areas.

(B) IFAD has had two decades of experience in assisting the economic development of the rural poor.

(2) IFAD has been a significant supporter of microenterprise and other microfinance activities for the rural poor almost since its inception and it was the first international institution to assist the Grameen Bank.

(3) IFAD can make a significant contribution to developing a global network of sustainable microenterprise and other microfinance institutions which serve the very poor through support for nongovernmental organizations and other community-based microcredit institutions.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the United States Agency for International Development, in carrying out sections 108 and 129 of the Foreign Assistance Act of 1961, as added by sections 4 and 5 of this Act, respectively, shall seek to cooperate with IFAD in order to compliment and expand the activities of IFAD, especially with respect to institutional development; and

(2) the United States should continue to support and contribute to the activities of IFAD, especially activities related to microenterprise and microfinance, including the Microfinance Capacity Building Grant Initiative.

SEC. 7. UNITED NATIONS DEVELOPMENT PROGRAM'S MICROSTART PROGRAM.

It is the sense of the Congress that—

(1) the Microstart Program established by the United Nations Development Program (UNDP) represents an important new initiative; and

(2) the President should instruct the United States representative to the United Nations to use the voice and vote of the United States to support the Microstart Program of the United Nations Development Program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Connecticut [Mr. GEJDENSON] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 1129, the Microcredit for Self-Reliance Act of 1997, was introduced last March by a distinguished member of our committee, the gentleman from New York [Mr. HOUGHTON], along with the gentleman from Ohio [Mr. HALL]. The bill is an impressive work that has gained over 90 cosponsors from both sides of the aisle. I want to thank the gentleman from New York [Mr. HOUGHTON] and the gentleman from Ohio [Mr. HALL] for their work on this important issue. They have become the best allies of my colleague from Connecticut [Mr. GEJDENSON] and myself on our work to promote microenterprise development.

Mr. Speaker, over the years many of us have become aware of Dr. Yunus's Grameen Bank and the 98 percent repayment rate that his bank has received for loans to the poorest of the poor who never had any prior access to credit. Microenterprise lending has now become widespread throughout the world, helping people lift themselves out of poverty. This example has now hit home where microcredit activities are lifting Americans out of poverty in cities such as Boston, New York, and Los Angeles. I especially commend the gentlewoman from Florida [Ms. ROS-LEHTINEN] for her work on this issue.

Two years ago the gentleman from Connecticut [Mr. GEJDENSON] and I joined together to pass the Microenterprise Act. After weeks of negotiations, we were finally able to hammer out an agreement acceptable to the administration, to Congress, and to outside groups, including Results and the Microenterprise Coalition. That bill passed the House with flying colors, but regrettably was held up in the Senate by 1 Senator who linked the bill to extraneous issues.

Today the gentleman from Connecticut [Mr. GEJDENSON] and I are asking the House to pass this bill once again and to work with our colleagues in the Senate to seek its adoption in the other body.

In committee, we amended the initial bill to delete any earmarks and inserted the text of the Microenterprise Act that enjoys the support of both the administration and the Senate Committee on Foreign Affairs, and while the gentleman from Connecticut [Mr. GEJDENSON] and I would want AID to spend more money on microenterprise activities, we recognize at this late date that we have to work with the administration in order to get a bill hotlined in the Senate and signed by the President. We were pleased to welcome the First Lady to our Committee on International Relations just this past summer to rededicate ourselves to AID's microenterprise initiative.

In summary, the bill before us does a number of important things. It underscores microenterprise activities as one of the most important parts of our development assistance programs. It rewrites a long defunct section of the Foreign Assistance Act to govern microenterprise credits. These credits should focus on the poor, especially on women. It adds a section to the Foreign Assistance Act governing microenterprise grants. It clearly states that one-half of the credit assistance should be provided in loans of $300 or less and requires AID to report back to us on just how they are reaching the poorest of the poor.

Finally, it commends other leading micro-finance organizations like the International Fund for Agricultural Development and the United Nations Development Program for taking the multilateral lead in the microcredit world. Earlier this year, we came together at the Microcredit Summit in Washington, the first summit ever organized by an NGO. At that time, we dedicated ourselves to providing credit to half the world's poor in the next decade. AID's funding for microcredit is currently falling short of that goal, and we are hoping that this bill will help reenergize their efforts and ours to foster this important program.

In sum, I urge the adoption of this measure.

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

Mr. GEJDENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. HALL], the author of the legislation, a gentleman who has put in a great effort, not just here today, but through the years in the area of the poor and the needy.

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Connecticut [Mr. GEJDENSON], for his very kind remarks and certainly his leadership on the committee and his work on microenterprise; the gentleman from New York [Mr. GILMAN], for his work for many years now; and the gentleman from Tennessee [Mr. CLEMENT] for his great support, the gentlewoman from Florida [Mrs. ROS-LETHINEN] for her tremendous support on the subcommittee, and certainly the gentleman from New York [Mr. HOUGHTON], the chief sponsor of the bill. He has shown great leadership on the bill. He is a real fighter for programs, as all of these Members of Congress are. They are certainly fighters that help the poor to help themselves, and there is no better example of such assistance than microcredit programs.

I am a firm believer that if we invest in the poor through programs such as microcredit and basic education, child survival types of activities and rural development, if we help the poor to gain access to the marketplace and share in the benefits of economic growth, the returns will justify such investments many times over. In terms of political, economic and social stability, they will reap the benefits.

□ 1715

The bill before us today represents a significant compromise from our original proposal. It is certainly not everything we wanted, and in my view, we have much more work to do.

The initial purpose of H.R. 1129 was to show support for a firm U.S. commitment to the 1997 microcredit summit goal of reaching 100 million of the world's poorest families, especially the women of those families. The goal is widely supported by the administration, the World Bank and other financial institutions, and many, many world leaders who pledged their support at the microcredit summit.

Not long ago the First Lady came up to the Hill to help kick off USAID's renewed commitment to its microenterprise initiative. In that spirit our bill called for a greater investment of our foreign aid dollars in microcredit projects. The unfortunate irony is that despite all of this broad, resounding support, funding is being cut in this area. Only $120 million was requested for microcredit programs in fiscal year 1998, down from $140 million in 1997.

I fully understand that cuts in development assistance have made tough choices necessary, but many of us have fought hard against further cuts in development assistance. I would hope that we have reached a point where such cuts have finally bottomed out.

I would also emphasize that during the period from fiscal year 1988 through fiscal year 1991, we had a legislative earmark for microcredit programs in place. In my view, if an earmark is what it takes to maintain adequate funding levels for this important program, and the evidence clearly supports that position in this case, then it ought to be reinstated.

I also regret that provisions calling for stronger U.S. support for rural microcredit programs implemented by IFAD were dropped from the bill. IFAD

is a small but effective agency focused uniquely on combatting rural poverty and hunger at the grassroots level.

Despite its shortcomings this bill does, nonetheless, lay important groundwork for future strengthening of these programs. It retains small but important gains for microcredit programs. So even though I think we can and should be doing more in this area, this bill marks an important step forward for microcredit programs.

I certainly urge my colleagues to support it, and I want to thank the committee for moving on this bill.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York [Mr. HOUGHTON], a member of our committee.

Mr. HOUGHTON. Mr. Speaker, I would like to stand in strong support of H.R. 1129. It is the right bill, it is the right time. It is not enough money, but it is as good as we could possibly do under the circumstances. I think the direction is absolutely solid, right on. It complements the USAID program. I do not think there is any question about that. I believe there is no opposition to that.

Mr. Speaker I would like to, if I could, just mention several names of people: Obviously, the gentleman from Ohio, Mr. HALL, has been a tremendous sponsor of this; and the gentleman from Connecticut, Mr. GEJDENSON, and my chairman; the gentleman from New York, Mr. GILMAN, the gentleman from Indiana, LEE HAMILTON, the gentlewoman from Florida, Ms. ILEANA ROS-LEHTINEN, the gentleman from Texas, Mr. DICK ARMEY, for letting us bring this thing to the floor.

I would also like to mention several other individuals: The gentleman from Colorado Mr. DAN SCHAEFER, the gentleman from California, Mr. ESTEBAN TORRES, the gentleman from New York, Mr. JIM WALSH, the gentleman from Hawaii, Mr. NEIL ABERCROMBIE, the gentleman from North Carolina, Mr. MEL WATT, the gentleman from Kentucky, Mr. RON LEWIS, the gentleman from Michigan, Mr. DAVE BONIOR, the gentleman from Alaska, Mr. DON YOUNG, the gentleman from Washington, Mr. JIM MCDERMOTT, the gentleman from Ohio, Mr. STEVE CHABOT, the gentleman from Vermont, Mr. BERNIE SANDERS. Members can see we have a real spectrum of people in support here.

Also there is an important outside group called RESULTS, particularly Jo Ann Carter and Leila Nimatallah, who really have promoted this bill along and have had a great deal to do with the microcredit summit.

Mr. Speaker, very briefly, this original bill increased the amount of money for USAID. That was not possible because of the budget restrictions. It was pared down. Now we have a lesser amount of money. The new version of the bill does not provide any additional funds for this program.

But what the bill does is to instruct the people at USAID to the best of their ability to ensure that half of these moneys go to people who are requiring $300 or less, think of it, $300 or less, to start little businesses; really, the poorest of the poor, as the chairman has mentioned. It is an absolutely great idea.

The concept that Mr. Yousef in Bangladesh started is something I think that really could have enormous impact in the rest of the world. We also have monitoring positions here, and we are going to watch the implementation of the program so it does not get out of hand.

So very briefly, Mr. Speaker, since so much already has been said about this, I urge my colleagues to support this bill today. It is a truly bipartisan measure.

Mr. GEJDENSON. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Speaker, I thank the gentleman from Connecticut for yielding time to me.

Mr. Speaker, I rise in strong support of H.R. 1129, the Microcredit for Self-Reliance Act of 1997. In particular, I would like to thank my friends and colleagues, the gentleman from New York, Mr. AMO HOUGHTON, and also the gentleman from Ohio, Mr. TONY HALL, for seeing that the issue of microfinance and microcredit receives congressional attention. I am a cosponsor of this bill, and very supportive of microcredit and the aim of thoughtfully assisting the poor who wish to help themselves.

Microcredit is a responsible and effective tool in fighting poverty. I have heard a number of stories that tell of the successes of microcredit. One of many examples is that of a woman in Bangladesh whose husband had died. Without any income, she was forced to sell all of her possessions to feed her little girl. She was forced to go from shack to shack, begging to sleep on the dirt floors of those who were barely better off than she.

A microcredit representative came to her village and told her that she could get a loan to help her improve her position; imagine that, a woman who had lost her husband, lost all of her possessions, so poor that she was forced to beg to live on floors of her neighbors.

This woman is told that she can have a loan; not a big loan, a loan that was under $40. How powerful and empowering is someone saying, I have faith in you and we are going to give you a chance. The microcredit representative in her community helped her develop a business plan. She purchased a hen. She would keep some of the eggs for her daughter and herself, and sell the rest. Soon she was able to pay off the loan and buy some goats. Now she has a small farm and home, all of this from a $40 loan. She was begging to live on dirt floors, and because someone was willing to give her a small loan, she was able to become a strong contributing member of her society.

There are many stories like this that have been shared by others already today. How can we not feel good and want to encourage programs such as this? In hearings on this issue, my colleagues on the Committee on International Relations were very accepting and positive in their discussions of the Houghton-Hall bill.

Ironically, USAID assistance to microcredit for fiscal year 1998 is $20 million less than it was in fiscal year 1994, despite the effectiveness of microcredit programs, with loan repayments of over 90 percent. It seems that the logical step would be an increase, rather than a decrease, of our earmarks for microcredit. We must work to guarantee that these recommendations be understood as a legislative distinction intended to reach those at the very bottom of the economic ladder, thereby ensuring we sufficiently reach those with the greatest need.

Having said that, I will support the Gilman compromise bill, noting that it is a beginning. More needs to be done to expand and protect effective microcredit funding. I look forward to working with my colleagues in microcredit initiatives as we work to creatively find ways to assist those with the greatest need.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER], the chairman of our committee.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from New York for yielding me the time.

Mr. Speaker, I want to speak in strong support of the Houghton resolution. I think it is very important in many ways. I know I first became familiar with the kind of microenterprise work when FINCA came to the Hill and talked about their work in the Central Andes countries. We knew, of course, about the Gramine Bank and its wonderful work.

The amount of money that really makes a difference, a very small loan, usually very rapidly repaid, can really turn around a person and a family's life. I think we ought to be spending more of our resources here. It is a big bargain.

I commend the gentleman for his effort, and all of the people who have supported this legislation which the gentleman from New York [Mr. HOUGHTON] generously listed, and the many Members who are very supportive of this legislation. I urge its strong support.

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

Mr. Speaker, I would like to say a few words myself, obviously to commend the participants, the chairman of the committee, the gentleman from

New York [Mr. HOUGHTON] and the gentleman from Ohio [Mr. HALL], and others who have been involved in this; also, the First Lady, for coming here to renew our commitment to microenterprise loans, and clearly Mr. Atwood, who has done a spectacular job with this program. Without Mr. Atwood's help on this and leadership, we would not be where we are today.

I would like to take one moment to tell a family story. My family came to this country in 1950. My parents had survived Hitler and Stalin. I was born in a refugee camp run by the United Nations in Germany. We got to New York in October 1949. My father spent a little time in New York and in Boston, the family did, and he wanted to work for himself.

There was an organization called the Gmeeloos Hessed that gave no-interest loans under the assumption that when you made it, you paid it back and kicked in a little for the next folks. That enabled us to buy the dairy farm that my family still lives on.

When we look around globally, there is probably no program that this country has ever been involved in that has really had the kind of positive impact in so many ways, not just for the individuals who get the loan, but what we find is many of these loans, like from the Gramine Bank, end up going to women, with a repayment rate far higher than loans that go to people in very high incomes. The repayment rate here is above 90 percent.

What we find is oftentimes these women end up bringing their husbands into the business because they need assistance, and as a result of that they end up decreasing the surplus of day laborers, which means everybody in the village does a little better.

So again, Mr. Speaker, I would say to the gentleman from Nebraska [Mr. BEREUTER], the gentleman from New York [Mr. HOUGHTON], and all our friends on both sides of the aisle, this is a great program. It is something that we as Americans can be very proud of that we continue to do this.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the kind gentleman from Connecticut for yielding time to me. I know his passion. I appreciate the leadership of the chairman of the committee, the gentleman from New York [Mr. GILMAN], on this issue as well.

Mr. Speaker, let me talk from personal experience, for I think today being a day that many Americans gather to worship, there is a parable, if you will, that is somewhat similar to a discussion that many have about how we help those who help themselves. Certainly there is the issue of how Jesus fed the multitude at the mountain, taking a couple of fishes and loaves of bread and multiplying it into serving a multitude of people.

There is also a phenomenon that says, it is better to teach someone how to fish than to give them the fish.

□ 1730

This is what this program represents. These microloans are a statement of self-reliance. They are, in fact, a strong response to individuals in the international arena being able to help themselves. In particular, I have seen these loans work in places like Africa, where the women, who have traditionally been the market women in Africa, have used a lot of these microloans to in fact engage in enhancing and encouraging their business.

Microenterprises are very small, informally organized businesses. Other than those that grow crops, often microenterprises employ just one person, the owner-operator, or microentrepreneur. In some lower income countries, however, microenterprises employ a third or more of the labor. The Microenterprise Program is targeted at businesses run by employing the poor, and it helps them by increasing their income and their assets. It raises their skills and productivity, and it helps them form organizations.

It is interesting, the kinds of businesses around which these microenterprises can actually exist. They can sell, for example, one product. They can be a soda selling entity in a little booth with cups and sodas, and out of that they can raise and help to build their families. It only takes one particular product that they might be selling.

In so doing, let me say that we help to have an impact on the foreign aid we have to give. We help to have an impact on the growing economies of these countries. We also help to have an impact on their self-reliance and their feeling about themselves. The programs receiving USAID funding incorporate the following principles: The commitment of significant outreach of services, continued focus on women and the very poor, the very backbone of these nations. Many of these women are heads of households and also are the basic structure of the family. The microcredit does erase poverty. And for those who are aware of the hunger around the world, we recognize that that is one the best solutions, is to provide the independence that is needed.

I want to compliment this program, as well, for what it provides to women, the access to credit. And as well as it gives them access to credit, it helps them educate women in nations like India, in nations like Southeast Asia, as well as those in Africa and other parts of the world.

It has been well documented that educated women have fewer children and more time between births and, therefore, fewer health problems and healthier children. I would certainly say that this is a right direction.

I thank my colleagues for their leadership, and I urge my colleagues as well to vote for H.R. 1129.

Mr. Speaker, I rise today in strong support of H.R. 1129, the Microcredit for Self-Reliance Act. H.R. 1129 grants express authority to the United States Agency for International Development [USAID] to provide grants and loans in support of microenterprise programs in developing countries. The legislation directs that approximately one-half of the grant assistance provided under the USAID's program be used by poverty lending programs to the very poor, particularly poor women, under which loans of $300 or less are provided. I especially would like to thank Mr. Hall of Ohio for his authorship and leadership on this very important bill.

Microenterprises are very small, informally organized businesses, other than those that grow crops. Often microenterprises employ just one person, the owner-operator or "microentrepreneur." In some lower-income countries, however, microenterprises employ a third or more of the labor force.

Importantly, the Microenterprise program is targeted at businesses run by and employing the poor. The Microcredit programs seeks to help the poor increase their income and assets, raise their skills and productivity, and form organizations that facilitate their more effective participation in society. In so doing, programs receiving USAID funding incorporate the following principles: a commitment to significant outreach of services, a continued focus on women and the very poor, a striving for sustainability and financial self-sufficiency, an adherence to rigorous performance standards, a sharing of information on best practices, and a fostering of innovation in programs.

Microcredit is a poverty eradication program. It is a program that provides opportunity and independence to the poor and to impoverished women in particular. In fact, more then 90 percent of microcredit loans have gone to women. Providing women access to microcredit enables them to open their own businesses and in so doing helps to build independence in male-dominated cultures.

Access to microcredit helps to educate women. It raises their income and, thus, that of their families. It has been well-documented that educated women have fewer children, have more time between births, and, therefore, have fewer health problems and have healthier children.

I urge my colleagues to vote for H.R. 1129 and in so doing, signal their support for this important program that does so much to empower women and improve the quality of life for impoverished families around the world.

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

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

The SPEAKER pro tempore (Mr. LATHAM). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and pass the bill, H.R. 1129, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SENSE OF CONGRESS WITH RESPECT TO GERMAN GOVERNMENT'S DISCRIMINATION AGAINST MEMBERS OF MINORITY RELIGIOUS GROUPS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 22) expressing the sense of the Congress with respect to the discrimination by the German Government against members of minority religious groups, particularly the continued and increasing discrimination by the German Government against performers, entertainers, and other artists from the United States associated with Scientology, as amended.

The Clerk read as follows:

H. CON. RES. 22

Whereas since World War II, Germany has been a friend and ally of the United States;

Whereas German government discrimination against members of minority religious groups, particularly against United States citizens, has the potential to harm the relationship between Germany and the United States;

Whereas artists from the United States associated with certain religious minorities have been denied the opportunity to perform, have been the subjects of boycotts, and have been the victims of a widespread and well-documented pattern and practice of discrimination by German Federal, State, local, and party officials;

Whereas the 1993, 1994, 1995, and 1996 United States Department of State Country Reports on Human Rights in Germany all noted government discrimination against members of the Church of Scientology in Germany;

Whereas the German State of Baden-Wuerttemberg barred Chic Corea, the Grammy Award-winning American jazz pianist, from performing his music during the World Athletics Championship in 1993, and in 1996 the State of Bavaria declared its intention to bar Mr. Corea from all future performances at State sponsored events solely because he is a member of the Church of Scientology;

Whereas the Young Union of the Christian Democratic Union and the Social Democratic Party orchestrated boycotts of the movies "Phenomenon" and "Mission Impossible" solely because the lead actors, Americans John Travolta and Tom Cruise, are members of the Church of Scientology;

Whereas members of the Young Union of the Christian Democratic Union disrupted a 1993 performance by the American folk music group Golden Bough by storming the stage solely because the musicians are members of the Church of Scientology;

Whereas the Evangelical Christian Church of Cologne, led by an American clergyman, Dr. Terry Jones, had its tax-exempt status revoked by the German government with the reason being that the church benefits to society were of "no spiritual, cultural, or material value";

Whereas the German government is constitutionally obligated to remain neutral on religious matters, yet has violated this neutrality by supporting and distributing information to the general public that gives the impression that "sect-experts", who are only critical of all but the major churches, are in a position to provide the public with fair, objective, and politically neutral information about minority religions;

Whereas the Jehovah's Witnesses' application for recognition as a corporation under public law, which would have put them on equal legal status with the Catholic and Protestant churches, was denied by the Federal Administrative Court because the church's doctrine of political neutrality was considered to be antidemocratic;

Whereas government officials and "sect-experts" are using the decision denying the Jehovah's Witnesses recognition as a corporation under public law as a justification for discriminatory acts against the Jehovah's Witnesses, despite the fact that a constitutional complaint is still pending before the German Constitutional Court;

Whereas adherents of the Muslim faith have reported that they are routinely subject to police violence and intimidation because of their ethnic and religious affiliation;

Whereas the 1994 and 1995 Reports to the Human Rights Commission of the United Nations on the application of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief by the Special Rapporteur for Religious Intolerance criticized Germany for restricting the religious liberty of certain minority religious groups;

Whereas Germany, as a signatory to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Accords, is obliged to refrain from religious discrimination and to foster a climate of tolerance; and

Whereas Germany's policy of discrimination against minority religions violates German obligations under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Accords: Now, therefore, be it

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

(1) continues to hold Germany responsible for protecting the rights of United States citizens who are living, performing, doing business, or traveling in Germany, in a manner consistent with Germany's obligations under international agreements to which Germany is a signatory;

(2) deplores the actions and statements of Federal, State, local, and party officials in Germany which have fostered an atmosphere of intolerance toward certain minority religious groups;

(3) expresses concern that artists from the United States who are members of minority religious groups continue to experience German government discrimination;

(4) urges the German government to take the action necessary to protect the rights guaranteed to members of minority religious groups by international covenants to which Germany is a signatory; and

(5) calls upon the President of the United States—

(A) to assert the concern of the United States Government regarding German government discrimination against members of minority religious groups;

(B) to emphasize that the United States regards the human rights practices of the Government of Germany, particularly its treatment of American citizens who are living, performing, doing business, or traveling in Germany, as a significant factor in the United States Government's relations with the Government of Germany; and

(C) to encourage other governments to appeal to the Government of Germany, and to cooperate with other governments and international organizations, including the United Nations and its agencies, in efforts to protect the rights of foreign citizens and members of minority religious groups in Germany.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from New Jersey [Mr. PAYNE] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

PARLIAMENTARY INQUIRY

Mr. BEREUTER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BEREUTER. Mr. Speaker, I would like to inquire whether the gentleman from New Jersey [Mr. PAYNE] is in opposition to the resolution.

The SPEAKER pro tempore. Is the gentleman from New Jersey [Mr. PAYNE] in opposition to the resolution?

Mr. PAYNE. Mr. Speaker, I am in support of the resolution.

Mr. BEREUTER. Then, Mr. Speaker, I would claim the time in opposition to the resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and gentleman from Nebraska [Mr. BEREUTER] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

PARLIAMENTARY INQUIRY

Mr. PAYNE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PAYNE. Mr. Speaker, my inquiry is if Mr. GILMAN would give half of his time for those who are in favor of the amendment.

Mr. GILMAN. Mr. Speaker, I will be pleased to yield appropriate time to the gentleman from New Jersey.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey [Mr. PAYNE] will control 10 minutes.

There was no objection.

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this measure and include extraneous materials.

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

There was no objection.

Mr. GILMAN. Mr. Speaker, while I do not take pleasure in bringing this resolution to the floor criticizing Germany,

we must be frank with our friends. And when repeated treaties have failed and the matter is serious enough, we must not hesitate in speaking frankly and on the record.

Mr. Speaker, the fact is that the German public officials have displayed an unfortunate record of speech and action against minority religions, action that, in my opinion, amounts to discrimination and violation of German obligations under international law.

This resolution calls attention of the public to those actions, calls upon Germany to change its behavior, and asks the President to take appropriate action. I will not belabor these issues and will provide a longer statement under leave to revise and extend my remarks.

Mr. Speaker, the gentleman from New Jersey [Mr. PAYNE] is sponsor to this resolution, as well as the gentleman from Arizona [Mr. SALMON] and the gentleman from Ohio [Mr. NEY], each of whom has taken a great interest in this legislation and are deserving of our commendation. The resolution has been considerably broadened and softened in the course of its consideration in the committee. And Members may refer to the amendment now at the desk, copies of which are available on the floor.

Mr. GILMAN. Mr. Speaker, I first became aware of the problem of religious minorities in Germany well over a year ago when I had the opportunity to visit with American citizens about the problems that their coreligionists had in Germany.

I have had the opportunity to discuss this on several occasions with German Government officials. I have raised this issue in the context of my profound respect for Germany as a friend of the United States. More than a friend, it has become an especially close ally and, in addition, a country that has done a great deal in recent years to protect and uphold human rights around the world. This matter may distress our German friends. But we must be frank with friends.

The German Government perceives Scientology and certain other religious minorities as dangerous or not valuable to their society and as not having the right to the same privileges as other religions. I am sympathetic with German concerns that its history requires that its society be vigilantly protected against totalitarianism. We are all too familiar with how small organizations can grow into important threats to human rights and world peace.

Let me be clear. I have criticized some of the tactics of the Church of Scientology in its public relations campaign against Germany. The use of Nazi imagery by the church or its supporters to characterize the present Government of Germany is improper and unacceptable. But we cannot allow our distaste for some of the tactics of Scientology's supporters to undermine our concern about individual rights if we believe they are violated.

The fact is that healthy democracies such as Germany have potent weapons against groups when they take actions that actually threaten their societies. Democracies need not and ought not to discriminate against people based on matters of conscience or affiliation.

I am particularly concerned when discrimination against individuals on religious ground is encouraged. While some public officials may have an honest belief in the truth of their accusations, the political process can encourage politicians to engage in scapegoating and playing to public prejudices for partisan gain. This can, as we know—as Germans above all know—end in tragedy.

In this connection, I am dismayed with regard to some of the remarks that have been reported to have been uttered by German officials responsible for the protection of the Constitution.

For example, in the course of an interview printed on October 13 of this year in Die Welt, ostensibly devoted to discussing anti-Western, extremist trends within Islam, Peter Frisch, head of the German Federal Office of the Protection of the Constitution, stated that "there are several tens of thousands of Muslims in Germany who are converts from Christianity. There is one Islamic center that has expressly issued instructions to marry German women. The women would then convert to Islam and their children should be brought up accordingly." This sort of irrelevant, hatemongering rhetoric is unbecoming of an official charged with safeguarding human rights. This is the same official, by the way, who is today investigating Scientology.

During the period leading up to the consideration of this resolution in committee, and thereafter, there have been accusations that the German Government has been denied the opportunity to make its case. I would note that it is not the normal practice of our committee to call foreign ambassadors as witnesses and there was no request from the German Ambassador to be heard. I moreover note that I have discussed Scientology with the German Ambassador; the sponsors of this resolution may wish to address the accusation by the German Ambassador that they are unwilling to meet with him. Such an accusation was denied on the record at our committee markup.

Further, I note that the German Ambassador was invited by Senator D'AMATO from New York to appear or send a representative of the German Government to a hearing of the Commission on Security and Cooperation in Europe, which he chairs. The German Ambassador declined because a German Government official could not in principle appear before the Commission. I will include in the RECORD a copy of Senator D'AMATO's letter dated November 6, to me on this issue, and the German Ambassador's letter to me on the resolution, dated September 16, 1997.

The Department of State has worked on the problems of Scientologists and other minority religions in Germany and has done a good job in fostering the American perspective. But this dialog has gone on for some time and has had few positive results.

We hope that adopting this resolution, which has been modified considerably since its introduction, would indicate to our German friends that there is widespread support for the position that the Department has been taking and would spur a reconsideration in Germany of the policies that the resolution addresses.

Mr. Speaker, I urge my colleagues to support the amended resolution.

THE AMBASSADOR OF THE
FEDERAL REPUBLIC OF GERMANY,
October 29, 1997.

Hon. BENJAMIN GILMAN,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing you about H. Con. Res. 22 concerning alleged discrimination by the German Government against members of minority religious groups. The draft resolution I have seen contains allegations against the German federal and state governments which are entirely unfounded and absurd, and I emphatically reject them.

As you know, Germany is a free country in which religious freedom is guaranteed under the constitution and thus sacrosanct. Indeed, this fact was clearly confirmed in the latest United States Department of State Country Report on Human Rights. Furthermore, I would like to add that no artist from the United States associated with certain religious minorities has been denied the right to perform in Germany.

I have enclosed information about the Scientology organization and the Cologne Christian Community, which speaks for itself. If you review it carefully, you will find that the German authorities have not disturbed the practice of religious freedom. Rather, on the contrary, there are increasing indications that the Scientology organization uses totalitarian and thus unconstitutional means to oppress its members and their families.

Germany is a close and trusted U.S. ally. If the current draft resolution were to come before your committee and to the floor of the House of Representatives for a vote, such a move would be incomprehensible to my government, the German Parliament, and the German public. Moreover, it would be inconsistent with the excellent status of our bilateral relations and, indeed, could harm them.

I would be very grateful if you could take these concerns into account in deciding how to proceed. In the past months, I have attempted several times to arrange an appointment with the co-sponsors of an earlier draft of this resolution in order to explain the German position on the Scientology organization.

Regrettably, the Congressional members did not wish to meet with me on this matter. It therefore goes without saying that I would be happy to discuss this matter with you anytime.

I will send a copy of this letter to the House ranking minority member on the International Relations Committee, Congressman Lee Hamilton.

Sincerely,

JÜRGAN CHROBOG.

NONPAPER

It cannot be said that the *Christliche Gemeinde Köln*—the Cologne Christian Community—is being persecuted or discriminated against by public institutions. Freedom of belief is fully and unconditionally guaranteed in Germany. The members of the *Christliche Gemeinde Köln* also are free to practice their belief.

NONPROFIT STATUS

As in the United States, religious communities in Germany must supply specific proof that they are nonprofit organizations in order to become tax exempt. After a thorough review of the *Christliche Gemeinde Köln*, the German tax authorities have found that the conditions under which the sect was originally recognized as a nonprofit organization no longer exist. For this reason, the

Christliche Gemeinde Köln will be assessed from now on, as are other noncharitable organizations.

The *Christliche Gemeinde Köln* has appealed this decision. A judgment by the Tax Court is still pending in this appeal.

DISMISSALS OF MEMBERS OF THE CHRISTLICHE GEMEINDE KÖLN

The German Government does not yet have any relevant information concerning the legal background of the dismissals. It therefore cannot take a position on the discrimination charges at this time.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
November 6, 1997.

Hon. BENJAMIN A. GILMAN,
Chairman, Committee on International Relations, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Following your Committee's mark-up of H. Con. Res. 22 concerning German discrimination against individuals holding minority religions or beliefs, I noted that the German Federal Minister for Foreign Affairs, Klaus Kinkel, has reportedly said that the German Ambassador to the United States, Jürgen Chrobog, has offered to explain the German position to Congress, but ". . . he has had no chance to do this." ("Kinkel Rejects American Critique: 'No Persecution of Religious Minorities in Germany,'" in the Frankfurter Allgemeine Zeitung (National), November 3, 1997.) This assertion is false.

I have attached for your information a copy of a letter of invitation sent to Ambassador Chrobog on August 25, 1997. The relevant portion of the letter reads as follows: "I write today to invite a representative of the Federal Republic of Germany to testify at a public hearing of the Commission to be held at 10:00 a.m. on Thursday, September 18, 1997, in room SDG–50 of the Dirksen Senate Office Building. The subject of the hearing will be 'Emerging Intolerance in the Federal Republic of Germany.' It will focus on official policies and actions directed at members of minority ethnic groups and minority religions and beliefs contrary to the Federal Republic's international obligations."

Commission staff engaged in repeated telephonic conversations with officials at the Embassy of the Federal Republic of Germany to ascertain whether the German government would provide a witness at the hearing. At no time did any German official indicate that a witness would be provided.

After reviewing the problem of religious intolerance, I decided to broaden the scope of the hearing and accordingly changed its title to "Religious Intolerance in Europe Today," so that the Commission could better address the Europe-wide nature of the problem. On September 9, 1997 my Chief of Staff sent Ambassador Chrobog's deputy, Mr. Thomas Matussek, a note explaining the change in scope and indicating that no official German witness was needed.

On September 16, 1997, Ambassador Chrobog wrote to the Commission saying that ". . . an official representative of Germany cannot, on principle, testify before the Commission." Since the Commission is an independent agency of the United States government, duly authorized by law, a clarification of the principle invoked by Ambassador Chrobog would be in order to determine if it would be possible for an official of the Federal Republic of Germany to speak on the record in public before any U.S. government body.

The Ambassador's letter enclosed a background paper outlining the German government's official position on the subject. By telephone, the Embassy asked that this paper be made available to Commissioners. I agreed to do that and copies of the Ambassador's letter and attached information were placed on the dais at the hearing for the use of Commissioners.

In addition, the German Embassy requested that the paper enclosed with the Ambassador's letter be included in the hearing record. I have also agreed to do that. When the hearing record is published, it will contain all of the documents I have attached to this letter.

I provide you with this detailed record of the Commission's interactions with the Federal Republic of Germany's official representatives so that you may accurately respond to the allegation that official German views have not had the opportunity to be presented to the House or Senate on this subject. The opportunity was offered, and, unlike the ambassadors and official representatives of candidate NATO member states who appeared, testified, and responded to questions at Commission hearings on that subject during the spring of 1997, the German position was that they would not provide a witness. I have responded positively to their request that their written views be made available. In addition, staff level contacts have continued as the Commission seeks information.

Without attempting to discuss all of the problems in the official German position on this issue, I want to highlight the fact that Principle VII of the Final Act of the Conference on Security and Cooperation in Europe (the "Helsinki Accords," to which the Federal Republic of Germany is a party), provides, in pertinent part, that ". . . the participating States will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience." The repeatedly asserted official German position that Scientology is not a "religion" does not meet Germany's international human rights obligations. Whether or not Scientology is a religion is irrelevant in this case, because "belief" is a broader term than "religion," and Germany's official policy toward Scientology ignores the fact that "belief" is a protected category under the Helsinki Accords. Note that Principle VII is phrased in the disjunctive, religion or belief, and that Germany's policy toward Scientology is, we believe, in violation of this critically important principle.

I appreciate this opportunity to assist you in dealing with this matter, and look forward to continuing to work with you on issues of mutual concern.

Sincerely,

ALFONSE D'AMATO, U.S.S.,
Chairman.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
August 25, 1997.

His Excellency JÜRGEN CHROBOG,
Ambassador, Embassy of the Federal Republic of Germany, Washington, DC.

DEAR MR. AMBASSADOR: I write today to invite a representative of the Federal Republic of Germany to testify at a public hearing of the Commission to be held at 10:00 am on Thursday, September 18, 1997, in room SDG–50 of the Dirksen Senate Office Building. The subject of the hearing will be "Emerging Intolerance in the Federal Republic of Germany." It will focus on official policies and actions directed at members of minority ethnic groups and minority religions and beliefs contrary to the Federal Republic's international obligations.

The Commission is also inviting an official witness from the Executive Branch to present the official United States position on these matters as reflected in the Department of State's "Country Reports on Human Rights Practices for 1996," and other official statements.

While detailed plans for the hearing's organization are not yet final, I anticipate having three panels of witnesses; a first panel of official witnesses; a second panel of non-governmental organization and academic experts; and a third panel of publicly prominent Scientologists who have had experience with German policies on the Church of Scientology and its adherents. The third panel is occasioned in particular because of the Council of Ministers' decision to place the Church of Scientology "under observation" by the Federal Office for the Protection of the Constitution and coordinate state bodies.

I appreciate your kind attention to this request and express the hope that you or someone else who can speak with authority and credibility on Germany's approach to these problems can testify to present the Federal Republic's official position with the accuracy and clarity it deserves.

In order to help Members prepare for the hearing, the Commission requests that you provide 75 copies of your written testimony at least one day prior to the hearing. Oral presentations should be approximately 7–10 minutes in length. If your desire, you may provide additional written material for inclusion in the hearing record.

I look forward to working with you on this and other issues of common concern.

Sincerely,

ALFONSE D'AMATO, U.S.S.,
Chairman.

THE AMBASSADOR OF THE FEDERAL REPUBLIC OF GERMANY,
September 16, 1997.

Senator ALFONSE D'AMATO,
Chairman, Commission on Security and Cooperation in Europe, Washington, DC.

DEAR SENATOR D'AMATO: Thank you very much for your letter dated August 25, inviting a representative of the Federal Republic of Germany to testify at the public hearing "Emerging Intolerance in the Federal Republic of Germany," to be held by the Commission on Security and Cooperation in Europe on September 18. I am also aware that my deputy, Mr. Thomas Matussek, has received a letter, dated September 9, from Mr. Hathaway, Chief of Staff of the Commission on Security and Cooperation in Europe, explaining that the scope of the hearing has now been changed.

Please understand that an official representative of Germany cannot, on principle, testify before the Commission. As you may know, I have proposed on several occasions to meet individually with various Members of Congress to explain Germany's approach to the Scientology organization. While none of your colleagues expressed an interest in an exchange of views, I would be glad to renew my offer.

In the meantime, I enclose a background paper outlining the German position on the Scientology organization. The Commission staff has already been supplied with a copy.

Sincerely,

JÜRGEN CHROBOG.

SCIENTOLOGY AND GERMANY

Since October 1996 the Church of Scientology has waged an aggressive campaign

against Germany. Using full-page ads in the New York Times and the Washington Post, the Scientology organization has compared the treatment of Scientologists in present-day Germany with that of the Jews under the Nazi regime. This is not only a distortion of the facts, but also an insult to the victims of the Holocaust. Officials in Germany and the U.S. have repeatedly spoken out against this blatant misuse of the Holocaust. Ignatz Bubis, Germany's top Jewish leader, denounced the comparison as "false" and most recently, State Department spokesman Nicholas Burns at a press briefing on June 6, 1997 said:

"Germany needs to be protected, the German Government and the German leadership need to be protected from this wild charge made by the Church of Scientology in the U.S. that somehow the treatment of Scientology in Germany can or should be compared to the treatment of Jews who had to live, and who ultimately perished, under Nazi rule in the 1930s. This wildly inaccurate comparison is most unfair to Chancellor Kohl and to his government and to regional governments and city governments throughout Germany. It has been made consistently by supporters of Scientology here in the United States, and by Scientologists themselves. I do want to disassociate the U.S. Government from this campaign. We reject this campaign. It is most unfair to Germany and to Germans in general".

After having conducted thorough studies on the Scientology organization, the Federal Government has come to the conclusion that the organization's pseudo-scientific courses can seriously jeopardize individuals' mental and physical health and that it exploits its members. Expert testimony and credible reports have confirmed that membership can lead to psychological and physical dependency, to financial ruin and even to suicide.

In addition, there are indications that Scientology poses a threat to Germany's basic political principles.

Because of its experiences during the Nazi regime, Germany feels a special responsibility to monitor the development of any extreme group within its borders. German society is particularly alert towards radicalism of any kind and has set stiff standards for itself when dealing with aggressive, extreme groups—even when the groups are small in number.

Every citizen in Germany has the right to challenge the legality of government decisions which affect him or her, in an independent court. The Scientology organization has made ample use of its right to go to court in Germany and will continue to do so. Up until now, no court has found that the basic and human rights of Scientology members have been violated.

IS SCIENTOLOGY A THREAT?

According to a decision of March 22, 1995, by the Federal Labor Court, Scientology utilizes "inhuman and totalitarian practices." Often members are separated from their families and friends. The organization is structured so as to make the individual psychologically and financially dependent on a Scientology system. There are cases of the Scientology organization using this system of control and assertion of absolute authority to exercise undue influence in certain economic sectors—particularly in personnel and management training—causing serious harm to some individuals.

In response to the growing number of letters from concerned parents and family members, particularly from those with relatives in Scientology, the German Parliament (Bundestag) established an investigative commission which will present a report on the activities of "sects and psychocults" in the course of the year 1997.

In the United States, two legal cases involving Scientology support the German Federal Government's concerns about the organization. In the early 1980s, 11 top Scientologists were convicted in the United States for plotting to plant spies in federal agencies, break into government offices and bug at least one IRS meeting. Referring to Scientology's battle with the IRS for tax-exempt status, The New York Times in a front-page article published March 9, 1997 "found that the (tax) exemption followed a series of unusual internal IRS actions that came after an extraordinary campaign orchestrated by Scientology against the agency and people who work there. Among the findings . . . were these: Scientology's lawyers hired private investigators to dig into the private lives of IRS officials and to conduct surveillance operations to uncover potential vulnerabilities." In 1994, the U.S. Supreme Court upheld a California court's finding of substantial evidence that Scientology practices took place in a coercive environment and rejected Scientology's claims that the practices were protected under religious freedom guaranties.

In other countries, too, the Scientology organization is increasingly seen with great concern. In France, a government commission led by Prime Minister Juppé, and charged with monitoring the activities of sects, convened its first meeting in mid-November 1996. On November 22, 1996, in Lyon, several leading Scientologists were found guilty of involuntary manslaughter and fraud in a case where methods taught by Scientology were found to have driven a person to suicide.

In Italy during December 1996, an Italian court ordered jail terms for 29 Scientologists found guilty of "criminal association."

In Greece, a judge declared in January 1997 that an Athens Scientology group was illegal after ruling that the group had used false pretenses to obtain an operating license.

IS SCIENTOLOGY A BONA-FIDE RELIGION?

In its ads and writings, the Scientology organization claims it is internationally recognized as a religion, except in Germany. This is false.

Among the countries that do not consider Scientology a religion are Belgium, France, Germany, Great Britain, Ireland, Italy, Luxembourg, and Spain, as well as Israel and Mexico.

In the United States, the Scientology organization did in fact receive tax-exempt status as a religious congregation in 1993—after a decades-long, contentious battle with the IRS.

In Germany, it is possible for organizations undertaking non-profit activities to be exempt from taxation. Up until now, attempts by the Scientology organization to obtain such status have failed. Two of the highest German courts recently dealt with cases involving the Scientology organization. The Federal Labor Court (Bundesarbeitsgericht) in its above mentioned decision on March 22, 1995, also ruled, that the Scientology branch in Hamburg was not a religious congregation, but clearly a commercial enterprise. In its decision, the court quotes one of L. Ron Hubbard's instructions "make money, make more money—make other people produce so as to make money" and concludes that Scientology purports to be a "church" merely as a cover to pursue its economic interests.

The Federal Administrative Court (Bundesverwaltungsgericht) confirmed decisions by lower administrative courts that the Scientology organization has to register its economic activities as a business with the relevant authorities (decision of February 16, 1995).

Also in France, the Scientology organization is neither a religion nor a non-profit institution. The organization's Paris head office was closed in early 1996 for not paying back taxes.

In Great Britain, the Scientology organization has been rebuffed repeatedly by the Charity Commission which insisted as recently as 1995 that the organization could not be considered a religion under British law and could, therefore, not enjoy any tax-exempt status.

FEDERAL AND REGIONAL ACTION TAKEN AGAINST THE SCIENTOLOGISTS IN GERMANY

On June 6, 1997, Federal and State Ministers of the Interior agreed to place the Scientology organization under surveillance. The Ministers have established that several activities of the Scientology organization may operate contrary to democratic principles and therefore warrants a formal investigation by the Office for the Protection of the Constitution (Verfassungschutz). The investigation will focus on the structure of the organization and not on individual members. Concrete details regarding the extent of the investigation are not available at this time, but more information will be disclosed following the investigation's first year. Referring to the investigation, Manfred Kanther, Federal Minister of the Interior, said on June 6, 1997: "The year's surveillance will establish whether the organization is simply an unpleasant group, a criminal organization or an association with anti-constitutional aims."

Some of the German states have taken steps to protect their citizens against Scientology:

As of November 1, 1996, all applicants for admission to Bavarian public service and Bavarian public service employees must indicate whether they belong to the Scientology organization. Membership in Scientology alone does not automatically exclude individuals from public service.

THE SCIENTOLOGY PUBLIC RELATIONS CAMPAIGN AGAINST GERMANY

The Scientology organization has financed several highly visible public relations campaigns directed against the Federal Republic of Germany in American publications. Among the papers that have carried full-page ads in the last couple of years are the New York Times, the Washington Post and the International Herald Tribune. In addition, the International Herald Tribune published a controversial open letter to German Chancellor Helmut Kohl.

The Scientology organization has also distributed pamphlets such as "The Rise of Hatred and Violence in Germany," reiterating its allegations.

The open letter to Chancellor Kohl, written by a Hollywood lawyer with famous Scientology clients, appeared in early 1997 in the International Herald Tribune. The letter repeated Scientology organization assertions against Germany and was signed by 34 American celebrities. "Disgraceful and irresponsible" is how Michel Friedman, a member of the Central Council of Jews in Germany, described the letter. He added: "It's totally off the mark. Today, we have a democracy and a state based on the rule of law."

Following the letter, the U.S. State Department again criticized the Scientologists'

public relations campaign, saying, "we have advised the Scientology community not to run those ads because the German government is a democratic government and it governs a free people. And it is simply outrageous to compare the current Germany leadership to the Nazi-era leadership. We've told the Scientologists this, and in this sense we share the outrage of many Germans to see their government compared to the Nazis."

ARE THE CASES IN THE ADS TRUE?

The Scientologists' repeated allegations that artists belonging to Scientology are being discriminated against in Germany are false. Freedom of artistic expression is guaranteed in Article 5(3) of the German Basic Law (Germany's Constitution), thus artists are free to perform or exhibit in Germany anywhere they please.

Jazz pianist Chick Corea performed in Germany as recently as March 24, 1996, during the 27th International Jazz Week held in Burghausen, an event which received approximately $10,000 in funding from the Bavarian Ministry of Culture.

"Mission Impossible," starring Tom Cruise, was a hit in Germany, grossing $23.6 million.

Likewise, the Scientologists' claim that a teacher who taught near the city of Hannover was fired for her beliefs is untrue. The woman was not fired, though she repeatedly violated school regulations by using the classroom to recruit students and their parents to Scientology. After multiple warnings, the woman was transferred from classroom to administrative duties to prevent further violations.

Contrary to allegations that Scientologists' children have been prevented from attending school, all children in Germany, including Scientologists', are legally required to attend school. If a Scientologist's child is not enrolled in a German school, it can only be that the parent has pulled the child out.

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

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume and rise in strong opposition to the legislation.

Mr. Speaker, this legislation came to the House Committee on International Relations with very little notice. It was on the agenda one morning. We have no Europe and Middle East subcommittee, and this legislation is one more argument why we should have so that bad and defective legislation, which in my judgment this is, can be vetted by the subcommittee, reworked, or stopped at that point before it comes to the House floor.

I think this legislation, if the Members of the body were fully familiar with it, would be voted down. We are taking it up in the last hours of the Congress. I am very concerned about the kind of message that it will send.

What we do on this body does matter when it comes to statements on foreign policy. We may consider it to be a very lightly relevant issue at times. But I will tell my colleagues, across the oceans when other countries look at what we do, they take it very seriously. So we have to be very careful.

The Ambassador from Germany to the United States has weighed in with about as strong a letter as I have seen, refuting some of the arguments that have been made by proponents of the legislation. He contends he did not have an opportunity to meet with the Members who were sponsoring it. That has been argued about in the committee, as I understand it.

But I think one important point would be this: This comes down, as I understand it, to a matter of taxation with respect to what we would say in English would be the Cologne Christian community, because they, in Germany, do not consider Scientology to be a religion. Therefore, they tax it. But Germany is not alone in that respect. So does Belgium, France, the United Kingdom, Ireland, Italy, Luxembourg, Spain, and Europe, plus Israel and Mexico. And those are just the countries that I know about.

So it seems to me to bring this legislation here aiming it at Germany, which was at first at least almost exclusively a Scientology-oriented legislation, now been broadened with an amendment to change it, I think is inappropriate. It is unbalanced. It is damaging to our relations with Germany. And there is no real cause for us to be considering this kind of legislation.

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

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

Mr. Speaker, as a sponsor of this bill expressing disapproval of religious discrimination by the German Government, I want to thank my colleagues on both sides of the aisle who have joined in supporting a very basic, democratic right, freedom of religion.

This bipartisan resolution was approved by the full Committee on International Relations after performing artists associated with religious minorities were denied the opportunity to perform in Germany and were also kept out of the political process. As our resolution states, the German Government is constitutionally obligated to remain neutral on religious matters, but it has violated this neutrality.

The United States, as the leader of the free world and champion of democracy around the globe, has an obligation to take a stand whenever we see basic religious rights being restricted, whether their religious affiliation is Muslim, Christian, Jewish, or any other faith. Performing artists from the United States have been denied the right to perform in Germany based on their personal spiritual beliefs.

When our citizens visit and work abroad, they should be able to live in peace without the fear of religious intolerance or mistreatment by the host government. In turn, when individuals visit the United States or decide to live here, they have a right to be able to worship freely and join any organization or group they choose to. These are good-faith gestures. Discrimination against a person because of his or her personal beliefs is always objectionable.

Congress should stand up and say that we strongly disprove of religious intolerance. Germany is a friend, has been a friend for some time, an ally of the United States, and we want that relationship to remain strong and mutually beneficial. That is why we are calling on the German Government to respect the fundamental rights of every citizen of a democracy, the right to enjoy religious freedom.

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

Mr. BEREUTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia [Mr. PICKETT].

Mr. PICKETT. Mr. Speaker, I thank the gentleman from Nebraska [Mr. BEREUTER] for yielding me the time.

I rise in strong opposition to this resolution. This resolution was acted upon without a public hearing and without a committee report and should, at the very least, be further considered by the committee. The sweeping allegations in the resolution are based upon a handful of alleged events that in no way support the allegations. This is serious business.

Germany is one of our Nation's staunchest and most dependable allies. The only purpose this resolution will serve is to create ill will and less friendly relations with a steadfast friend. America needs the full and enthusiastic support of strong and dependable nations like Germany. If it is to be successful in carrying out its mandate of world leadership, we should not be petty and elevate every issue to embarrassing confrontation.

When folks on one side of the street start throwing rocks, it is not long before folks on the other side start throwing them back. This resolution is bad for our country. I urge Members to reject it.

Mr. GILMAN. Mr. Speaker, can you tell me how much time we have consumed?

The SPEAKER pro tempore. The gentleman from New York [Mr. GILMAN] has 8½ minutes remaining. The gentleman from Nebraska [Mr. BEREUTER] has 16½ minutes remaining. The gentleman from New Jersey [Mr. PAYNE] has 8 minutes remaining.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. SALMON], a member of our committee.

Mr. SALMON. Mr. Speaker, this is a wonderful opportunity for us to reaffirm what we stand for here in this country, whether or not we stand for the ability of Americans, wherever they live, whether it be in this country, whether it be Germany, Italy, wherever, to worship according to the dictates of their own conscience.

I have heard my colleagues say that this was not given an adequate hearing. Let me tell them that I serve on

the committee dealing with security and cooperation in Eastern Europe. We had a full day of testimony and hearings regarding incident after incident of persecution in Germany of minority religions.

I have heard it also referred to as the Scientology bill. Let me tell my colleagues, Mr. Speaker, it is much broader than that. I had folks from the Jehovah's Witness religion, folks from other Christian religions, Muslims, come into my office and tell me some of the horrors that they have had to endure regarding religious persecution in Germany. It is much more than just a taxation issue.

□ 1745

When we talk about American citizens being blacklisted or blackballed and boycotted simply because of their religion, not allowed to go abroad and perform simply because of their religious persuasion, that is something that ought to give us great concern. Furthermore, I have heard some of my colleagues on this floor in a whisper, I do not think anybody wants to go forth publicly and say anything this ludicrous, but I have heard some Members say behind the scenes, "Wait a minute, this is Scientology, they aren't Christian, or they aren't one of the mainstream religions." I doubt anybody would say something that foolish in the light of day because frankly, Mr. Speaker, that is what this country began about, it was about religious freedom, religious tolerance. That is why a band of people came to this country initially, so that they could flee religious persecution. If we do not stand for the protection of that, regardless of whether or not it is a minority religion, then we stand for nothing. Let me also point out that virtually every religion, yes, even Christianity, which I am proud to be a believer in, started as a minority religion.

From that time on, people were persecuted for their beliefs. Whether they are killed, whether they are blackballed, whether they are thrown out of the country, whatever persecution exists, we have a responsibility in our Government to stand up and be counted. If we cannot do that, if we cannot speak harshly to our allies who are our friends, if we cannot be plain spoken and honest with them, how can we be plain spoken and honest with our enemies?

Last week we debated 8 bills decrying China for its violations on human rights. I have heard some say that, "Gosh, we didn't have any officials from Germany come and testify before our committee. Therefore, how can we give this serious credence?" I have served on the Committee on International Relations for 3 years and I do not recall a public official from any of the governments that we have done resolutions on ever coming in and testifying before that committee.

Frankly, this is all a smoke screen. Let us stand up and be counted. Let us stand for what we profess to believe in, that is, religious tolerance.

Mr. BEREUTER. Mr. Speaker, just for clarification I would indicate that the Committee on International Relations did not have hearings on this. The Helsinki Commission organization in this body did, but not the Committee on International Relations.

Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. CAMPBELL], a member of the committee.

Mr. CAMPBELL. Mr. Speaker, how quick we are to condemn and how quick we are to neglect the advice of scripture to be sure about what may be in our own eye before we go and criticize what we find in another's. But this is particularly difficult when the criticism is against a friend and when we have not given that friend the opportunity to be heard.

Let me be very explicit. We, the House of Representatives, the Committee on International Relations, has not given Germany the opportunity to be heard. There is an allegation that Senator D'AMATO might have invited German witnesses, they might have refused. I understand that is a give and take in that particular context. I understand that at one point Senator D'AMATO's chief of staff said that a German witness was not going to be needed after all. But the point about our committee and our House is that we are today condemning a friend, an ally of the United States and we have not had the common courtesy to ask Germany to send a representative to our committee to answer the charges. That is no way to treat a friend and ally.

These are very strong charges. Let me quote from the resolution. We believe that Germany has "fostered an atmosphere of intolerance toward certain minority religious groups."

Given the history of Germany, these are very painful words. These are words that we should not be saying lightly. Yet we do without having heard from our friends. We claim that the German Government has engaged in discrimination and we use the word several times in the resolution.

First of all, the pain and the process are emphasized in my remarks, the pain that we inflict on a friend and the imprecision of the process. But note as well that this really does not deal with the high concerns that the sponsors wish to suggest. It seems to concern itself at least as much with tax-exempt status in Germany, as to which we would not welcome German interference in our country.

I conclude by saying this: To the German Government and to our friends around the world who watch what we do today, please understand this is not the overwhelming majority. Understand what we do today in the final minutes of a session coming to a conclusion is not the thoughtful expression of a majority of this House, in my view. It was a voice vote in the committee. It will probably be a voice vote again. Please note that we are not addressing you in the terms that this resolution appears to say, that we are better friends than that.

Mr. PAYNE. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time.

Mr. Speaker, House Concurrent Resolution 22 is about preserving religious freedom, plain and simple. I learned the depth of this problem when I was introduced to the hardships faced by scientologists in Germany. Early in my congressional career about 5 years ago, I met with Chick Corea the renowned jazz pianist and learned that he had been barred from public performances in Germany. He was set to go, he had performances all lined up. All of a sudden he was not granted a visa to go into Germany even though most of his performances had already been for the most part sold out. At the time I was able to work with a number of my colleagues and we put letters together and sent them off to the German government protesting such actions.

Back in 1941, President Franklin D. Roosevelt said in the future days which we seek to make secure, we look forward to a world founded upon 4 essential human freedoms. Those freedoms he listed were freedom of speech, of expression, of being free from want, and freedom from fear. He also told us of the freedom of every person to worship God in his own way everywhere in the world. I mention that because just yesterday, if Members read the New York Times, there was an article that said a Federal immigration court judge in Tampa, Florida, granted asylum to a German citizen who was a member of the Church of Scientology. Her asylum claim was based on the fact that she would be subjected to religious persecution had she returned to Germany.

Many of my constituents, as I suspect many of your constituents, are members of religious minority groups like the Church of Scientology. This resolution calls for protecting their rights if and when they spend time in Germany. They deserve this protection. German citizens themselves who are members of minority religious groups deserve religious freedom as well.

As Members cast their vote on House Concurrent Resolution 22, remember the words of President Roosevelt listing religious freedom as one of the four essential human freedoms. As he said, freedom of every person to worship God

in his own way everywhere in the world. Today is one of those future days that President Roosevelt spoke of. Today we should be standing together to say aye to House Concurrent Resolution 22.

Mr. BEREUTER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. HOUGHTON], a member of the committee.

Mr. HOUGHTON. Mr. Speaker, I feel very uncomfortable supporting this measure. I do not know whether the actions of the German Government in relationship to the Church of Scientology are right or wrong. I have a sense, and this is probably presumptuous for me to say, had I been given the decision to make, I might have made it a little differently. But that is not the issue. The issue is whether we do not look just a bit pompous sitting back here with all our many moral problems in this country, to pass judgment on a nation, our friend, which is wrestling with something which we ourselves and other nations of this world are wrestling with. This is not a Martin Niemoller issue. Please let us withhold judgment. I would not support this measure.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Speaker, I rise in support of this resolution, as amended, and ask for bipartisan support. This issue is something pretty basic for all Americans, about basic American principles and values of freedom and religion. I think we all wonder sometimes and think back to why the Founding Fathers and Mothers came to our Nation. One of the reasons was and is because we practice tolerance and freedom of religion, and they came here, our ancestors, to avoid religious persecution. It is a pretty basic value for all of us. Germany is our ally. It is a first world country. It should be leading the way in religious tolerance. But unfortunately, American citizens today are being denied the ability to do business in Germany because of their religious faith. Whether Members agree with the values and the teachings of Islam, or Jehovah's Witnesses, or Charismatic Christians or the Church of Scientology, these individuals are being persecuted today. That is why this resolution is important. The President should be discussing this issue because he should be speaking in behalf of Americans who are suffering persecution. Congress must speak. I ask for bipartisan support. I urge a "yes" vote.

Mr. BEREUTER. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I rise in strong opposition to this resolution. If there is discrimination then it should be pointed out, but it should be pointed out in all the places it might occur. But here efforts are being made to single out Germany. I rise in opposition because there are differing views about some of the specific allegations. One of the performers that has been mentioned here has played in Germany as recently as last year at a function that received funding from the State of Bavaria. The movies that have supposedly been boycotted indeed have been shown and have been hits in Germany, financial successes.

I rise in opposition because if we are talking about the Church of Scientology. Our own country did not grant tax-exempt status to that church until 1993. Indeed, there is a long list of nations, Belgium, France, Germany, Great Britain, Ireland, Israel, Italy, Luxembourg, Mexico, Spain that presently decline to grant that same status.

I rise in opposition because France, Italy, and Greece recently have taken actions which could be considered as discrimination in the sense they had made rulings against this Church of Scientology, and yet this resolution does not mention them.

Finally, because in a statement by Michael Friedman of the Central Council of Jews in Germany, responding to many of the charges made, he writes, "They are totally off the mark. Today we have a democracy in Germany and a state based on rule of law."

The sponsors have heightened awareness about alleged discrimination in many places, but let us not single out an ally with relatively unsubstantiated charges. Instead, let us engage and talk to each other as the true friends we are. There are American men and women in Bosnia today side by side with German men and women holding up an important part of our European responsibilities. Germany works with us in so many different ways. Let us recognize that and vote this resolution down, at the same time urging that discrimination everywhere be pointed out and that we deal with it together.

Mr. PAYNE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support for religious freedom and ask my colleagues to support House Concurrent Resolution 22.

Mr. Speaker, I rise in support of House Concurrent Resolution 22, which declares that the Congress holds Germany responsible for protecting the rights of United States citizens who are living, doing business, or traveling in Germany and deplores the actions of certain government officials in Germany which have fostered an atmosphere of intolerance toward certain minority religious groups.

This country was founded on the principles of freedom of religion, and in over 200 years of history we have not only survived but thrived.

This resolutions calls for the President to assert the concern of the United States Government against such discrimination; to emphasize that the United States regards the human rights practices of the German Government as a significant factor in the relationship between the two countries; and to encourage other governments to appeal to the Government of Germany in efforts to protect the rights of foreign citizens and members of minority religious groups in Germany.

Germany is a signatory to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki accords, and is therefore obliged to refrain from religious discrimination and to foster a climate of tolerance.

It is important for the Congress to make its views known with regards to human rights by our adversaries, but especially by our allies. Religious freedom should be a basic right of all people regardless of their faith or nationality.

I would hope that the people of Germany will take note of the peaceful diverse religious community that exists here in this country and would reframe from discouraging religious diversity in their own nation.

I urge my colleagues to join me in support of this resolution.

Thank you.

Mr. PAYNE. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. PASTOR].

Mr. PASTOR. Mr. Speaker, when I first came to this Congress in October of 1991, I was approached about trying to do something with this issue. I have to tell Members since then to today, things have gotten worse for the people not only who are in Germany but also for the Americans that travel to Germany.

Mr. Speaker, the issue is, if you are for human rights, you should be for this resolution. If you are against religious persecution, you should be for this resolution. If you are against the persecution of Christians in China, you should be for this resolution. Mr. Speaker, there is concern for many of us in this country and we are supporting this resolution in a bilingual nature, because we want to show our concern that we do not want history to repeat itself in Germany.

Mr. PAYNE. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding me the time.

Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. LATHAM). The gentleman from New York [Mr. GILMAN] has 9 minutes remaining and the gentleman from Nebraska [Mr. BEREUTER] has 11 minutes remaining.

Mr. BEREUTER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I am troubled and puzzled and disappointed that the House tonight has decided to take up this resolution with regard to the Church of Scientology in Germany when the House has decided not to

bring up the Freedom from Religious Persecution Act, a bill that I sponsored along with 96 other Members of the House. While we are debating this resolution tonight, millions of Christians in Tibet, Buddhists in Tibet, Buddhists, Ahmadis in other countries, the Baha'is in Iran, Muslims in China and people of other faith are being brutalized, killed, raped, tortured and maimed because of their beliefs, and yet the House does not deal with this issue and they deal with this issue with regard to this resolution.

□ 1800

There is real life slavery. In Sudan tonight they are going into slave markets and taking people out, and the House does not deal with that issue, but yet it deals with this issue.

In Egypt Coptic Christians are being persecuted today as we now speak. The House does not deal with that issue, but it deals with this issue.

In closing, I am troubled and puzzled and very disappointed. If we are going to take up this resolution tonight, we basically are saying these other issues should be taken care of, and they are not being taken care of.

Mr. Speaker, I am troubled and disappointed that the House of Representatives has decided to take up the resolution on the Scientologists in Germany when the House has decided not to bring up the Freedom from Religious Persecution Act, a bill I sponsored with Senator ARLEN SPECTER.

The Freedom from Religious Persecution Act has over 96 bipartisan cosponsors and deals with persecution against people of all faiths in all countries around the world.

While we are debating this resolution today, millions of Christians, Tibetan Buddhists, Ahmadis, Bahai's, Muslims and other people of faith are being brutalized—killed, raped, tortured, and maimed—because of their religious belief and practice. Why won't the House speak out for them in this first session of the 105th Congress.

In China, Catholic bishops and priests are in jail and being tortured. Protestant pastors and laypeople are in jail and being tortured. Tibetan Buddhist monks and nuns are in jail and being tortured and killed. In Xinjiang Province in Northwest China, Muslim Uighurs are being persecuted.

In Sudan, 1.2 million people from the South, who are predominately Christians and animists, have died in the decade-old conflict. There is crucifixion taking place in the Nuba Mountains. Christian women and children are kidnapped and sold into slavery.

I have submitted for the record excerpts from a recent trip report of Christian Solidarity International, an international humanitarian organization with vast experience in Sudan. On their recent trip, CSI representative talked to dozens of women and children and heard of their ordeal. They talked with slave traders and visited slave markets.

One woman, a 20-year old mother, told of her ordeal when she was enslaved in May, 1997. She told CSI

I was sitting in my compound early in the morning when armed men on horseback surrounded my home. they came without warning. I did not try to run away because there was no escape. One of the raiders lashed me and took me away with my child. As we left, I could see the raiders looting everything I owned, and setting my home on fire. I was taken to another village for some hours and was then forced to carry sorghum on my head. When I could walk no further, my captor, took my child and tied her on a horse. [My captor] often insulted me, calling me "slave" and he would beat me with a stick. He accused me of being lazy and refusing to obey orders. He used me as a concubine.

Real life slavery of Christians in Sudan. 1.2 million people have died. But the House of Representatives will not speak out for them today.

In Egypt, Coptic Christians are killed, forced to pay "protection money" to local thugs, harassed and sometimes imprisoned.

In Pakistan, Christian villages have been burned, devastating the lives of tens of thousands. Ahmadi Muslims are being persecuted.

In Vietnam, Christians and Buddhists are being persecuted.

And there are many other examples around the world. Why will this Congress not take up the Freedom from Religious Persecution Act—a bill that would cut off foreign aid to governments that kill, rape, torture, enslave or engage in other gross acts of violence against religious believers. We should speak out for these religious believers today.

There was a promise by the speaker to 40 religious leaders in August that the bill would be a "must do" item. He said "this is one of the top priorities of this Republican Congress."

Why take up this resolution to help Scientologists in Germany, *but not* bring up a bill that would help millions of people of faith in dozens of other countries around the world?

The Freedom from Religious Persecution Act is supported by the groups representing the vast majority of America's religious believers. It is supported by the Southern Baptist Convention, the National Association of Evangelicals, the Union of American Hebrew Congregations, the U.S. Catholic Bishop's Conference and the International Campaign for Tibet among others.

It is also supported by the American Coptic Association, the Assyrian National Congress, the Catholic Alliance, Christian Coalition, Evangelicals for Social Action, Family Research Council, Iranian Christians International, National Jewish Coalition, Union of American Hebrew Congregations, Pakistani-American Christian Association, World Lebanese Organization, World Maronite Union-USA, and the South Sudan Community of the U.S.

In May, over 90 religious leaders wrote to House leadership endorsing the measure and I submit that letter in the record. I also submit recent letters from the U.S. Catholic Bishops Conference and Rabbi David Saperstein, Director of the Religious Action Center for Reform Judaism in support of the bill.

When he met with the religious leaders in August, Speaker Gingrich said "As Speaker of the House, I will continue to use my bully pulpit to speak out for those who are unable to speak for themselves." Mr. Speaker, please use that bully pulpit and your extraordinary power as Speaker of the House to bring up the Freedom from Religious Persecution Act early in the next session.

It's puzzling and it's disappointing that this resolution is being brought up but the Freedom from Religious Persecution Act is not.

DRAFT PRELIMINARY REPORT: VISIT TO NORTH-EASTERN BAHR EL GHAZAL, SUDAN

OCTOBER 8–12, 1997

Slavery in Sudan

The primary objective of this visit was to develop CSI's work to combat contemporary slavery in Sudan.

CSI had received various unconfirmed reports of the practice of slavery on early visits to Sudan. But it was not until we visited Nyamlell in Aweil West County briefly in May 1995 that we discovered slavery as a flourishing and widespread institution. We learnt that on March 25 1995 the Popular Defense Forces (PDF) of Sudan's ruling National Islamic Front (NIF) regime attacked Nyamlell, killing 82 civilians, enslaving 282 women and children; burning dwellings and looting cattle and grain.

Since then, CSI has returned 8 times to this area and has visited other locations in northern Bahr El Ghazal, such as Malwal Akon in Aweil East County and Turalei in Gogrial County, to obtain further data on slavery. During these fact-finding missions, we have interviewed slaves, slave traders, PDF officers and the families of people who are still enslaved. We have accumulated an abundance of evidence to prove beyond doubt that chattel slavery thrives in these parts of Sudan and that the NIF regime actively encourages it. See reports of CSI visits to Sudan: May–June 1995; August 1995; October 1995; April–May 1996; June 1996, October–November 1996, March 1997 and June 1997. The evidence obtained during this visit amplifies our previous findings about the pattern of the slave trade.

Interviews with some of the newly redeemed slaves give an indication of their experiences during enslavement.

(i) Ayen Deng Ding from Akek Rot near Marial Bai. Her village was attacked 4 years ago. When the raiders came, she was in her home with her 10-year old daughter Ajok Garang. She saw the horses coming and started to run but she and her little girl were caught by a horseman. She was beaten (she showed us scars on her arms), tied with a rope and taken North to Abu Matarik, where she was handed over to another man. She was separated from her daughter, but they were nearby. When the trader came to negotiate her release, she told him about her daughter and he managed to secure her release also.

During her 4 years of slavery, she was treated very badly: subjected to beatings while caring for the cattle; she also had to cook, fetch water, carry firewood, wash clothes and work in the garden. She was not given enough food—only leftovers—and was constantly hungry.

She saw other slaves being beaten, 4 of whom died—3 men and 1 woman. She was raped repeatedly on the forced march north, but her owner only raped her once.

I lost hope I would ever see my home again, but I just prayed to God. I was so happy when I saw the trader coming, I began to dare to hope. But many other slaves are still left behind.

She now has only her daughter left; her husband was killed in the raid. She has gone to live with relatives, but she also lives with the fear that the raiders will come again. She asked us to convey this message:

We are so happy now we are feeling free. Thank you for what you have done for us.

The problem remains and there are still people left behind as slaves, but we are comforted because when we saw you we felt you care for us very much. When we arrived here, we were so relieved and happy we could meet in a secure environment, to engage in politically legitimate activities which are banned by the NIF in the North.

Expectations had been raised during previous visits of Umma Party representatives and disappointment was expressed over the delay in fulfilling them.

Several more Arabs expressed similar sentiments, which can be summarized in the words of two of their spokesmen:

We are the supporters of the Umma Party. We are Ansars, not NIF. We are rivals of the NIF, but the leaders of the Umma Party have been unseen and unheard for a long time. This has enabled the NIF to recruit our people.

NIF Recruitment Policies: Another spokesman claimed that the training and arming of Arab citizens by the NIF over 4 or 5 years has been very intensive. But after receiving the messages from the Umma Party leadership, this has slowed down, although there are still bad elements in society who are tempted by greed still to participate in the raids. Because of their difficulty in recruiting raiders, the NIF are now recruiting school children from about 15 years of age to fight in the PDF. So-called "co-ordinators" from the regular Army are used to round up children from schools. There are many children now at the military headquarters at Daien. Airplanes come to take the children away and they are never seen again. All tribes in Darfur are affected. It is Omer El Bashir who gives orders for the rounding up of children. The ones who actually do it are the Security forces and the police, but they are just obeying orders.

Living Conditions in Darfur: These are very, very bad in Nyala, Daien and other towns. We have no choice but to migrate. Nomads and everyone else are badly affected. A 20-litre barrel of fresh drinking water is £3,000 (Sudanese pounds), a portion of bread is £250 (SP), 2cc of penicillin cost £4,000 (SP), while the maximum pay a labourer or clerk is £20–25,000 (SP) per month. A consultation with a doctor, just for diagnoses, not for treatment costs £20,000 (SP).

Here is proof that life in Darfur is unbearable: I am an old man and I had to walk through water for 7 days carrying heavy loads to trade with the Dinka—this shows just how bad conditions are in Darfur.

The meeting concluded with a final message from Ali Mahmoud Dudein: Recruitment to the PDF has diminished, because of CSI's work to promote peace and reconciliation. The NIF can still recruit, but not like before.

We camped overnight at Manyiel.

FRIDAY, OCTOBER 10

We walked on from Manyiel to Majak Bai, the village we visited in June, shortly after it had suffered from a major raid (CSI field trip report of June 1997). During that raid, the school was burnt to the ground. On this occasion we met the headteacher again, Aguek Manjok. He described the situation: there had been 300 children in the school but some disappeared as a result of the raid. During the attack, everything was burnt: the building, all the books and every piece of equipment: there was absolutely nothing left.

They now urgently need teaching resources for their curriculum of English, Maths, Geography, History, Science, Hygiene and Religious Education, with text books to cover levels P1–8. At present, he said, we can only teach what is in our minds and that is not enough.

There is also a need for help to send people for teacher training. There is a centre for Aweil West County in Majong Akon.

NB. The need for professional education/updating was repeated many times. One specific request, which we would support, was made by Simon Kuot, the nurse/medical coordinator based at Nyamlell. We have seen him at work and been very impressed by the standard of professional competence he displays (e.g. treating the serious casualties from the raids). His area of responsibility is very large and makes many professional demands. We hope it will be possible for to dance. Although we were beaten and humiliated and though there are still problems here, like shortages of medicines, these are not real problems—we can cope with those. We are so happy to be back.

(ii) Abuk Atak from Panlang near Marial Bai. 3 years ago her village was attacked and she was beaten by an Arab with a gun during the raid. She had her 18-month old daughter with her, but lost her in the raid and has never seen her again. After being taken North, she was sold to Anur Mohammed in Abu Matarik in Southern Darfur. She was raped every day, sometimes many times, by different people; if she did not submit voluntarily, she was beaten. Clearly embarrassed by talking about her ordeals, fidgeting anxiously with dead leaves, she said she had been subjected to circumcision. But she would talk about it because "I can't deny the facts. We were subjected to torture and suffering and I can't deny our humiliation."

She never thought she would be able to come home again and during those 3 years she lost all hope. But now she is home, she said: We were left with nothing after the raids; we lost our homes, our crops were burnt, our cattle stolen, we have not even any clothes . . . but there is no problem which we cannot endure.

(iii) Acol Bak, aged 12 from Panlang, who assured us at the outset that she was not afraid to talk about her experiences. 4 years ago she was at home in the early morning; Arabs suddenly appeared and she was surrounded by horses. He mother managed to escape but she and her elder brother were caught and taken to Gross near Abu Matarik. She doesn't know what happened to her brother. On the walk North she was forced to carry looted property on her head; they were given no water and could only drink from muddy puddles; neither were they given any food during the 3-day forced march. She was beaten and her right arm was broken. She was forced to do housework from morning until night and beaten by all the family if she ever complained of tiredness. She had to sleep outside with no bedding, just trying to keep warm by a fire. One month after her arrival in her owner's home, an old woman came to circumcise her. She was told that unless she was circumcised she would not be a human being; she would be just "like a dog". She knew other girls who had also been circumcised.

She said she was very, very happy to be home again and for the people who brought her back. She is living only with her mother as her father had been killed in the raid and her brother has not been found.

(iv) Acol Anei Bak from Panlang was caught by surprise when the enemy attacked her village 4 years ago, when she was about 8 years old. Her brother, aged about 12, was caught at the same time and she does not know what happened to him. She was taken to Pielel, near Nyala, where she was sold to a man called Amsal Abrahaman. She was forced to help to care for the 5 children in the family, especially with washing them, and to look after cattle and horses. The children were very unfriendly and would not speak to her. She was circumcised, and told that this was being done to her because the owner wanted her to be an Arab.

(v) Ayen Ding Yel from Akek Rot near Marial Bai was captured in May this year. She showed us her foot which was injured when a horse trod on it during the raid; she was also shot and showed us the scar caused by the bullet which injured her left knee. She was initially left behind, after she was injured, but then another Arab put her on his horse and took her to Abu Matarik. She was badly treated and beaten whenever she asked for food. Her owner asked her why she needed food—saying she did not deserve food. She said she never dreamt that she would be free again and that her mother was overjoyed to see her yesterday.

(vi) Nyibol Yel Akuei is a 20-year old mother. Three of her children have starved to death. Her only surviving child is a one-year-old daughter, Abuk. The mother and daughter were enslaved during the PDF raid on Majak Bai on May 16, 1997. Nyibol explained what had happened to them: I was sitting in my compound early in the morning when armed men on horseback surrounded my home. They came without any warning. I did not try to run away because there was no escape. One of the raiders lashed me and took me away with my child. As we left, I could see the raiders looting everything I owned, and setting my home on fire. I was taken to another village for some hours and then was forced to carry sorghum on my head. When I got tired and could not walk further, my captor, Mahmoud Abaker, took my child and tied her on a horse. I walked for seven days to Abu Matarik. There, I had to work from 6:00 a.m. to 6:00 pm. My jobs were to carry water from the pump, clean the compound and wash clothing. Mahoud Abaker often insulted me, calling me "slave" and he would beat me with a stick. He accused me of being lazy and refusing to obey orders. He also used me as a concubine. Mahmoud Abaker told me that I should practice Muslim prayers. I had trouble praying in Arabic, so they gave me some training. Abuk was renamed Miriam. I was not allowed to go far from the compound. Mahmoud Abaker may have had other slaves at his cattle camp, but I never saw them. He had no other slaves in the compound. One day, I was told to leave the compound with a trader. I was afraid to go. They told me I would go back to southern Sudan. I didn't believe them, but went anyway. I was very happy to see you and to find that you spoke nicely to us and are not going to do something terrible to us. My husband is now away trying to find food. When he comes back we will find a new place to live.

(vii) 11-year-old War Weng is also from Majak Bai. He was enslaved in 1994 when he was fishing with his father. A group of raiders came and snatched him, while his father managed to run away. He recalled his life as both the chattel slave of a master and a inmate in a radical Islamic youth indoctrination centre: I was taken to Daien by Musa Osman. My jobs there were to clear cattle dung and take the calves to the river. I received only left-overs to eat and sour milk to drink. After a year or so, I was taken from Musa Osman to a big camp in the town where you can see the light even at night. There were big lights over the compound. There were a lot of boys in this compound.

All of them were Dinka boys. We all were given uniforms. This compound was run by the Salsabil organisation. (War Weng was wearing a uniform with the Salsabil logo). Every morning we would wake up early and gather in one place to pray. Then we were taught the Koran for the rest of the morning. At about mid-day we were given food and allowed to rest. From 3:00 until the evening there was more learning. The most important teacher there was Abdel Rahman. None of us were allowed to speak Dinka. We had to speak Arabic all the time. I was beaten for speaking Dinka with my friends. One day, one of the teachers told me and three others to go to the river with a man and his horses. I thought he was going to take us to a new master. Instead he brought us back home. I did not like the camp. It is very good to be back here. Now I am not beaten. I expect to go back to my father. He has already visited me one and given me some food.

(viii) Atoc Diing is about 11 or 12 years old. She was enslaved during the raid on Majak Bai last May. She recounted:

We heard gunfire early in the morning. My Mother said run quickly. We ran towards the river. When we got there, we found Arabs all around us. We couldn't run anymore. My Mother stopped and started to cry. One of the raiders came towards us and beat my mother. She fell down. I was taken away and put on horseback. I was taken from place to place before we reached Abu Matarik. There, my captor, Ali Abdullah sold me to another. After four days, I was sold again to another man. His name was Mohammed. He took me to his home in the small village of Gumbilai, near Abu Matarik. I had to fetch water and firewood, and clean. They gave me milk to drink everyday, but some days they gave me no food at all. The young sons of Mohammed were very rough with me. They would beat me, and they tried to have sex with me. But they did not succeed. Mohammed has many slaves. Most of them were in the cattle camp. He has three female slaves at his house. Now that I am back, I will go to live with my sister. My father is dead, and my mother went North to look for me and has not yet returned.

Interview with casualty of the PDF's May 1997 raid on Majak Bai, the 28-year-old mother, Adel Lake. She was evacuated by CSI to the ICRC hospital in Lokichokio in Kenya last June. The ICRC was not able to evacuate her because the NIF regime has suspended its operations inside Sudan since November 1996. This has meant that thousands of casualties have died slowly, painfully and needlessly from easily treatable wounds. Adel Lake returned to Bahr El Ghazal with her health restored while we were there. She told us:

When the enemy came we were in our tukul. We heard gunshots. I picked up my twin one-month-old babies and ran away to hide. I could not also carry my three-year-old son, Wek Wol, and he was left behind. I hid in the bushes together with my sister-in-law and some other people. The Arab soldiers spotted us and started firing their guns. Everything was in a mess and confused. I was shot in the leg and lost consciousness. When I regained consciousness, I could not walk. The bullet had badly fractured my thigh. I was horrified to find that my tukul had been burnt down, and that my son, who had remained inside, had been burnt alive. I also discovered that my sister-in-law had been shot dead. I was weak and sick for many weeks after being shot. I was in a lot of pain and could not look after my babies by myself. I did not believe that help would come. I thought I would never get better. When you came and found me in my bed I felt very happy and believed that you would do something to help me. At the hospital, they made my leg better. The wound and fracture is healed, but I still feel some pain. Please give my greetings to all of those who helped me.

SATURDAY, OCTOBER 11, DEPARTED NYAMLELL AND ARRIVED IN MALWAL AKON; INTERVIEWS WITH EX-SLAVES

(i) Mabior Aguik Deng From Kurwech, near Warawar, aged about 12, was taken when he was much younger and sold to an owner called Mohammed. He was forced to work as a cattle herder; given very little food; had to sleep under a plastic sheet at night. The worst thing about being a slave was being taken away from his family and not seeing them for such a long time. He was saved by a trader and returned to his home in September.

(ii) Mahid Kuot Mou from the village of Kurwech. When the PDF came with their horses, he tried to hide but was caught and bound and forced to go 'footing' for many days, during which they were given very little food and water. He was sold to another owner whose name was Abdullah. He was forced to look after cattle, and lashed if he made any mistakes. He had to sleep under a plastic sheet at night and given only sorghum to eat. He was beaten with bamboo sticks which was very painful. He was given the name of Mohammed. He also had to collect the water. When he went out to collect the water, the local boys were very cruel to him. They used to force him to crawl and rode on his back, calling him a horse. When he was returned by the trader, some relatives recognized him and took him home. They were very, very happy to see him and celebrated his return by killing a chicken.

(iii) Yak Mawien Yak from the village of Rum Marial. When he heard the enemy coming, he ran away to hid with his father but his father was killed. Looking down at the ground, he spoke reluctantly about this:

The enemy slaughtered my father with knives. They took me to the horses after beating me. During the beating they asked me where other people were and I said there was only my father around. We spent two days walking to the Arab area and the owner of the horses kept me and made me work for him.

The raider who killed his father and took him with him said: I am now you father and now you are my enemy; so if you do not take my advice and come with me I will kill you; otherwise you can become my son.

He slept in the same shelters as the goats and sheep, he was only given uncooked sorghum to eat; one day another local boy attacked him with a knife and wounded him (he showed us his scar); a small girl came to help him. If his owner shouted for him and he did not hear him, the owner would beat him with a stick, calling him stupid. He was forced to walk long distances to collect water and to pound grain. He was given the name of Mahmoud after being forced to pray in a mosque. All slaves are forced to go and pray in a mosque, he said. He was away from home for seven years and almost forgot about his own family. But, he said, with a very big smile, he is very, very happy to be back with them.

(iv) Yak Deng Yak from the village of Warawar. His family's original herd of cattle had been stolen by Arab raiders, and the family was in such difficult circumstances that he was going with his mother to seek help from the UN in Meiram. On the Meiram. On the way they were captured in an ambush by Arab raiders. He was separated from his mother and taken to an Arab village. A girl used to steal 'good food' for him. When the people saw that the girl was friendly with him they sent him to work in the field where he had to cultivate ground nuts and to sleep on his own. He was given sorghum and water and some days he was beaten with a stick. His owner was called Ibrahim, who forced him to attend the mosque; if he did not 'do properly' in the mosque he was beaten. He has been away from home for four years until an Arab came and bought him. His mother was also in the same area and recruiting our men into the PDF. But that was now over one year ago. We want to have more frequent contact with our leaders in the Umma Party. Please convey our warmest greetings to Sayeed Sadiq El Mahdi and Mubarak El Fadil.

INTERNATIONAL CAMPAIGN FOR TIBET,
May 6, 1997.

Hon. ARLEN SPECTER,
Hon. FRANK R. WOLF,
U.S. Congress.

DEAR SENATOR SPECTER AND REPRESENTATIVE WOLF: I write to thank you for your joint initiative in the Congress to address the absence of religious freedom in Tibet and elsewhere in the world, "The Freedom from Religious Persecution Act of 1997."

When the Chinese army entered Tibet in 1950 to "liberate" the people from a lamaist theocracy and to install a socialist atheistic state in its place, the primary target for eradication was the Tibetan Buddhist culture. More than six thousand monasteries, the great learning centers of a religious tradition that spanned much of Asia and repositories of precious scriptures and artifacts were razed to the ground. Monks and nuns were forced to disavow their faith and undertake acts of unspeakable cruelty. Those who could escape their oppressors risked their lives crossing the frozen passes of the Himalayas in flight to freedom in exile.

Today in Tibet, monks and nuns are still targeted as agents of the old regime. Communist cadres have taken the place of learned geshes, doctors of theology, in the monastic schooling of young novices, and the Chinese propaganda machine continues to spew out vituperative attacks against His Holiness the Dalai Lama. Nonetheless, the Tibetan people cling to their faith, for it is inextricably linked to their very identity as Tibetans.

I believe that the Congress will support your legislation because Americans, through succeeding generations, have been guided by a deep sense of spirituality, tolerance for their neighbors, and faith in fundamental human rights. The International Campaign for Tibet looks forward to working with your staff to move this legislation to successful passage.

Sincerely,

LODI G. GYARI,
President.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

Hon. RICHARD GEPHARDT,
House Minority Leader,
Washington, DC.

Hon. TRENT LOTT,
Senate Majority Leader,
Washington, DC.

Hon. THOMAS DASCHLE,
Senate Minority Leader,
Washington, DC.

DEAR SPEAKER GINGRICH, SENATORS LOTT AND DASCHLE, AND REPRESENTATIVE GEPHARDT: Millions of Americans—of differing religious, ethnic and political persuasions—are coalescing behind a Movement of Conscience against religious persecution overseas,

The recently concluded MFN vote was but an opening chapter of that Movement, one we believe central to America's character and vital national interests. All Americans are shocked by the official Chinese newspaper dispatch that first noted how churches "played an important role in the change [in Eastern Europe]" and then urged that "[i]f China does not want such a scene to be repeated in its land, it must strangle the baby while it is still in the manger." The anti-faith persecutions of China's regime have followed the above script and similarly abhorrent persecutions are being committed by other regimes elsewhere in the world.

We urge Congress to take comprehensive action that will impose prohibitive costs on countries involved in widespread and ongoing persecutions of vulnerable communities of faith. As such we strongly urge support for the following consensus principles:

Legislation should be directed against the regimes formally condemned by the 104th Congress for anti-faith persecutions, and should contain mechanisms to deal with all regimes engaged in such conduct;

Hearings on such omnibus anti-religious persecution legislation should begin no later than September, 1997; and

Floor action on such legislation should take place by early November, since the Day of Prayer for the Persecuted church will be conducted in tens of thousands of American churches on November 6, 1997.

We believe that the above principles will send the strongest possible signal to all regimes now operating as if hunting licenses were in effect against vulnerable communities of faith. We believe that these principles will avoid piecemeal treatment of the issues raised by today's growing Movement of Conscience against worldwide anti-religious persecution. We believe that the principles will ensure that the world hears the cries of persecuted Christians and other believers in China and in Vietnam, Saudi Arabia, Egypt, Pakistan, Iran, Indonesia and other like countries—and hears as well the cries now rising from the unspeakable actions taking place in Sudan. Finally, we believe that the principles will unite all Americans behind a national policy based on universally recognized rights and freedoms.

In this regard, we believe that the Wolf-Specter bill provides the framework around which the coming debate should occur. We note the broad, bipartisan support enjoyed by the Wolf-Specter bill, and believe that its provisions would have a powerful effect in curbing today's persecutions. We wish to make clear that some of the bill's provisions may need to be strengthened, and many of us may work to do so. At the same time, we write to make clear that the critical need for omnibus legislation requires that any legislation pertaining to global religious persecution should be incorporated into the Wolf-Specter hearing process and framework.

We would greatly appreciate your joint assurances that hearings and committee votes on Wolf-Specter will be scheduled so as to permit full debate and action on it before the end of the year.

Each of us has made it a matter of conscience to Shatter the Silence that in the past has sadly accompanied the persecution of believers around the world. Doing so, and joining in campaigns of education, action and prayer on behalf of the residents of today's gulags of faith, is for us a matter of simple justice we are determined and honorbound to make happen.

We pray and believe that you and all Members of Congress will help lead this historic effort, doing so with the same force and unity that made the Jackson-Vanik legislation and the campaign against Soviet anti-Semitism the force it became for the freedom of all.

We look forward to meeting with you at your earliest convenience to discuss these matters.

Don Argue, Ed.D., President, National Association of Evangelicals, Member, State Department Advisory Committee on Religious Liberty Abroad; William L. Armstrong, Former Senator; Joel Belz, World Magazine; Chaplain Curt Bowers, Director, Chaplaincy Ministries, Church of the Nazarene; Dr. Paul F. Bubna, President, The Christian and Missionary Alliance; Dr. Joseph Aldrich, Multnomah School of the Bible; Gary L. Bauer, President, Family Research Council; William Bennett, Empower America; Dr. William R. Bright, Founder, Campus Crusade for Christ International; Dr. Tony Campolo, Eastern College; Chuck Colson, Chairman of the Board, Prison Fellowship Ministries; The Rev. John Eby, National Coordinator, American Baptist Evangelicals; Rabbi Yechiel Eckstein, Founder/President, International Fellowship of Christians and Jews; Dr. David Englehard, General Secretary, Christian Reformed Church; Rev. Jeff Farmer, General Superintendent, Open Bible Standard Churches; Dr. James C. Dobson, Founder, Focus on the Family; The Rev. Janet Roberts Echols, Great Commission Alliance; Dr. Thomas D. Elliff, President, Southern Baptist Convention; Rev. Bernard J. Evans, General Overseer, Elim Fellowship; Dr. Edward L. Foggs, General Secretary, Leadership Council, Church of God, Anderson, IN; Rev. Cecil Johnson, General Overseer, Church of God, Mountain Assembly; Mrs. Diane Knippers, President, Institute on Religion and Democracy; James M. Kushiner, Executive Director, Fellowship of St. James; Dr. Richard D. Land, Chairman/Christian Life Commission, Southern Baptist Convention; Dr. Don Lyon, Senior Pastor, Faith Center, Rockford, IL, Board Member, National Association of Evangelicals; Dr. D. James Kennedy, Senior Pastor, Coral Ridge Presbyterian Church; Rev. Richard W. Kohl, Presiding Bishop, Evangelical Congregational Church; Mrs. Beverly LaHaye, Chairman and Founder, Concerned Women for America; William C. Larson, Executive Minister, Iowa Baptist Conference; Rev. Stephen Macchia, President, Vision New England; Dr. Kevin W. Mannoia, Bishop, Free Methodist Church of North America; Steven McFarland, Director, Center for Law and Religious Freedom, Christian Legal Society; Rev. Dr. Daniel Mercaldo, Senior Pastor, Gateway Cathedral, New York; Dr. John P. Moran, President, Missionary Church, Inc.; Dr. Marlin Mull, General Director of Evangelism and Growth, The Wesleyan Church; Mr. Martin J. Mawyer, President, Christian Action Network; Bishop George D. McKinney, Saint Stephen's Cogic; Dr. Juan Carlos Miranda, President, Hispanic Educational Association; Mr. Pedro C. Moreno, Attorney, International Coordinator, The Rutherford Institute; Mr. William J. Murray, Chairman, Religious Freedom Coalition; Dr. Richard John Neuhaus, President, The Institute on Religion and Public Life; Michael Novak, George Frederick Jewett Chair in Religion and Public Policy, American Enterprise Institute; Mr. Ralph Reed, Jr.; Rev. David E. Ross, Executive Director, Advent Christian General Conference; Rev. Michael Scanlan, T.O.R., President, Franciscan University of Steubenville; Mr. Frank Nicodem, Sr., Executive Vice President, Christian Association of Primetimers; Lenox G. Palin, Pastor, Calvary Bible Church, Neenah, WI, Board Member, National Association of Evangelicals; Fr. Keith Roderick, Secretary General, Coalition for the Defense of Human Rights Under Islamization; David Runnion-Bareford, Executive Director, Biblical Witness Fellowship, Confessing Movement Within the United Church of Christ; Bishop Ray A. Seilhamer, Bishop, Church of United Brethren in Christ.

Rev. Louis P. Sheldon, Traditional Values Coalition; Ronald J. Sider, President, Evangelicals for Social Action; Bishop Chester M. Smith, General Superintendent, Congregational Holiness Church, Inc; Rev. Steven L. Snyder, President, International Christian Concern; Marc D. Stern, Co-Director, Commission on Law and Social Action, American Jewish Congress; L. Faye Short, Director, RENEW Network; Dr. Robert L. Simonds, President, Citizens for Excellence in Education; Ken Smitherman, LL.D., President, Association of Christian Schools International; The Rt. Rev. James M. Stanton, Bishop, Episcopal Diocese of Dallas, Texas, President, American Anglican Council; Dr. Jack Stone, General Secretary, Church of the Nazarenc; Rev. Mr. Keith A. Fournier, Esq, President, Catholic Alliance; Robert P. George, Department of Politics, Princeton University; Scott M. Gibson, President, American Baptist Evangelicals; Mr. Jerry Goodman, Founding Executive Director, National Conference on Soviet Jewry; Cheryl Halpern, National Chairman, National Jewish Coalition; Mrs. Diana L. Gee, General Director, Dept. Of Women's Ministries, Pentecostal Church of God; Dwight L. Gibson, North American Director, World Evangelical Fellowship; Anne Giminez, Co-Pastor, Rock Church, Virginia Beach, VA, Board Member, National Association of Evangelicals, Lodi G. Gyari, President, International Campaign for Tibet; Rev. William J. Hamel, President, Evangelical Free Church of America; The

Rev. Walter W. Hannum, Founder, The Episcopal Church Missionary Community; Dr. James Henry, Senior Pastor, First Baptist Church, Orlando, FL, Former President, Southern Baptist Convention, Member, State Department Advisory Committee on Religious Liberty Abroad; Donald Hodel, Christian Coalition; Rev. Clyde M. Hughes, General Oversecr, International Pentecostal Church of Christ; Bradley P. Jacob, Associate Dean, Geneva School of Law; Dr. Jack W. Hayford, Senior Pastor, Church on the Way; Professor Russell Hittinger, Warren Chair of Catholic Studies, The University of Tulsa; Warren L. Hoffman, General Secretary, Brethren in Christ Church; Ray H. Hughes, Chairman, Pentecostal World Conference; Dr. B. Edgar Johnson, Northwest Nazarene College; Dr. Joseph M. Stowell III, President, Moody Bible Institute; Thomas E. Trask, General Superintendent, General Council of the Assemblies of God; Dr. R. Lamar Vest, First Assistant General Overseer, Church of Good, Cleveland, TN; Rev. Jack W. Wease, General Superintendent, Evangelical Methodist Church; Bishop Donald W. Wuerl, Diocese of Pittsburgh; Mr. Joseph Tkach, President, Worldwide Church of God; Rev. Albert Vander Meer, Synod Minister, Synod of Mid-America, Reformed Church in America; Commissioner Robert A. Watson, National Commander, The Salvation Army; The Rev. Todd H. Wetzel, Executive Director, Episcopalians United; Rev. Wayne L. Yarnell, Executive Director, Primitive Methodist Church in the USA; Dr. Ravi Zacharias, Founder, Ravi Zacharias International Ministries.

TESTIMONY OF TSULTRIM DOLMA, VICTIM OF RELIGIOUS PERSECUTION

My name is Tsultrim Dolma. I am 28 years old. I am one of the one thousand Tibetan refugees who came to the United States through the Tibetan Resettlement Program, authorized by the United States Congress in 1991.

I never imagined that I would someday testify before you esteemed gentlemen and gentleladies. Now that I am here, I feel it is both a privilege and responsibility to tell you about my experiences—among the thousands of Tibetans who flee into exile, very few have their stories heard.

I am not an educated person, I don't know about politics. But I do know what it is to live under Chinese rule. And I know, although I was born after the Chinese came into Tibet, that Tibet is different than China.

I have asked my friend Dorje Dolma to read the rest of my testimony because my English is not very good.

I was born in Pelbar Dzong, Tibet, near Chamdo which prior to the Chinese invasion in 1949 was the easternmost administrative center of the Dalai Lama's government. For as long as I can remember, I yearned to become a nun. It was difficult for me to pursue my studies because the nunnery near my village had been completely destroyed during the Cultural Revolution.

I took my nun's vow at age 17 and, soon after, left my home with a small group of villagers to make the customary pilgrimage to Lhasa, the capital and spiritual center of Tibet, and a month's journey from my home. Once there was able to join the Chupsang nunnery on the outskirts of the city.

In Lhasa it was unavoidable to feel the tension due to the large differences between the Tibetans and Chinese living there, and within a year, on October 1, 1987, China's National Day, I experienced at first hand the consequences of that tension.

On that day, monks from Sera and Nechung Monasteries peacefully demonstrated for the release of their imprisoned brothers. Hundreds of Tibetans gathered around in support. Public Security Bureau Police moved through the crowd videotaping demonstrators. Then, unexpectedly, opened fire on the crowd. The Tibetans responded by throwing stones at the cameras, but a number of monks were arrested and dragged to the Police station.

I joined a large group that converged on the station. We heard gun shots from the rooftop and tried to get inside, but the police fired down into the crowd. Many Tibetans were killed and many other badly injured. Outraged at the massacre, some Tibetans set fire to the building. I watched as Venerable Jampa Tenzin the caretaker of the Jokhang Temple, led a charge into the building to try to free the monks. When he emerged about ten minutes later, his arms were badly burned and had long pieces of skin peeling off. Two young novice monks came out with him and were also badly burned. Soon afterwards, Jampa Tenzin was arrested and detained at Sangyip Prison where he is known to have undergone severe ill-treatment.

The Great Monlam Prayer Festival which occurred the following spring was the next occasion for major protest. Chinese authorities had ordered the monks of all of Lhasa's monasteries to attend, as they had invited journalists from many different countries to film the ceremony as an example of religious freedom in Tibet. The monks of Sera, Drepung, Ganden and Nechung decided to boycott the ceremony, but were forced to attend at gun point. Under guard, the monks made the traditional circumambulation around the Jokhang, Lhasa's central cathedral.

After completing the ceremony, those monks joined together in calling out loudly to Tibetan officials working for the Chinese government who were watching the ceremony from a stage next to the Jokhang. They demanded the release of the highly revered incarnate lama, Yulo Dawa Tsering, who had been arrested some months before and of whom nothing had been heard. One of the official's bodyguards then fired at the demonstrators, killing one Tibetan. A riot ensued and the army proceeded to fire into the crowd. Soldiers chased a large number of monks into the Jokhang and clubbed 30 of them to death.

Eighteen lay Tibetans were also killed in the cathedral. Twelve other monks were shot. Two monks were strangled to death, and an additional eight lay Tibetans were killed outside the cathedral. The news of the deaths spread throughout the city.

After we saw the terror and turmoil in the streets, some nuns from my Ani Gompa and I decided to demonstrate in order to support our heroic brothers and sisters in Lhasa, particularly the monks who had been arrested and are in prison and whose cases even now have not been settled. On April 16, about six weeks after the massacre during Monlam, four of us demonstrated for their release and the release of women and children. We felt the Chinese were trying to destroy all the patriotic Tibetans in prison by maltreating them. The Chinese government has publicized that there is freedom of religion in Tibet, but in fact, the genuine pursuit of our religion is a forbidden freedom. So many difficult restrictions are placed on those entering monastic life, and spies are planted everywhere.

My sister nuns and I were joined by two nuns from Gari Gompa and we were all six arrested in the Barkhor while shouting out demands. As we stood on the holy walk of Barkhor, we were approached by eight Chinese soldiers who spread out and grabbed us. Two soldiers took me roughly by the arms, twisting my hands behind by back. Two of the nuns, Tenzin Wangmo and Gyaltsen Lochoe, were put in a Chinese police jeep and driven away. The rest of us were thrown into a truck and taken to the main section of Gutsa prison, about three miles east of Lhasa.

When we arrived, we were separated and taken into various rooms. I was pushed into a room where one male and one female guard were waiting. They removed the belt which held my nuns robe and it fell down as they searched my pockets. While I was searched, the guards slapped me hard repeatedly and yanked roughly on my nose and ears.

After the search, I was led outside to another building where two different male and female guards waited to begin the interrogation. "What did you say in the Barkhor? Why did you say it?" The cell contained a variety of torture implements: lok-gyug, electric cattle prods, and metal rods. I was kicked and fiercely beaten as I was interrogated until mid-day, and then pulled to my feet and taken to the prison courtyard where I saw the three other nuns from Chupsang.

We were made to stand in four directions. I was near the door so that every Chinese soldier who passed by would kick me in passing. Our hands were uncuffed and we were told to stand with our hands against the wall as six policemen took each one in turn, held us down and beat us with electric prods and a small, broken chair and kicked us. Gyaltsen Lochoe was kicked in the face. I was kicked in the chest so hard that I could hardly breath. We were told to raise our hands in the air, but it was not possible to stay in that position and we kept falling down. As soon as I fell, someone would come and force me up. We were constantly questioned regarding who else was involved in arranging the demonstration.

All during the interrogation, we were not allowed to fasten our belts and so our robes kept slipping off. We would constantly try to lift them and adjust them. I tried to think of what I could possibly say to answer the questions. "How did you choose that day? Who was behind you?" I could only see feet. Many different pairs of feet approaching us through the day. We were repeatedly kicked and beaten. "The Americans are helping you! Where are they now? They will never help you! Because you have opposed communism, you are going to die!"

After some hours had passed, a large dog with pointed ears and black and white spots was brought in, led on a heavy chain. The police tried to force us to run, but we simply did not have the strength. The dog looked at us with interest, but did not approach.

Finally, as sunset approached, we were handcuffed and taken into a building and made to walk through the hallway two by two. Here and there were small groups of Chinese soldiers on both sides of the corridor. As we passed, we were punched and kicked, slapped and pulled hard by the ears. My cell, measuring five feet by five feet, was empty except for a slop basin and small bucket. That night, I quickly passed out on the cold cement floor.

The following morning, I was taken to a room where three police were seated behind a table. On its surface was an assortment of rifles, electric prods and iron rods. I was told "Look down!" Throughout my detention, I was never allowed to look straight at their faces. While answering I had to look to the side or face down.

One of them asked me "Why did you demonstrate? Why are you asking yourself for torture and beatings?" My knees began to shake. I told them: "Many monks, nuns and lay people have been arrested, but we know Tibet belongs to the Tibetans. You say there is freedom of religion, but there is no genuine freedom!" My answer angered them and the three got up from behind the table, picking up various implements. One picked up an electric rod and hit me with it. I fell down.

They shouted at me to stand, but I couldn't and so one pulled up my robe and the other man inserted the instrument into my vagina. The shock and the pain were horrible. He repeated this action several times and also struck other parts of my body. Later the others made me stand and hit me with sticks and kicked me. Several times I fell to the floor. They would then force the prod inside of me and pull me up to repeat the beatings.

For some reason I began to think of a precious herb that grows in Tibet called Yartsa Gunbu. Tibetans believe it is a cross between the kingdoms of plants and animals because during the summer it gives the appearance of being a worm. This medicine herb is quite rare. In my region, the Chinese force a monthly quota on each monk and nun which consists of thousands and thousands of such plants. I shouted out: "Before 1959, it was considered a sin for monks to pick the Yartsa Gunbu! It was a sin, and you have forced them to do it!"

I remained in detention for more than four months. For the first month, I was beaten every morning during the interrogations. For the first several days, different levels of authorities came to my cell. At first I was afraid but as time went by and I thought about the monks, and other men and women who were imprisoned, many of whom had families to worry about, I began to realize I had nothing to lose. My parents could lead their lives by themselves.

I was continuously terrified of possible sexual molestation. But as the days went by, that did not occur. Sitting in my cell, I would remind myself that I was there because I had spoken on behalf of the people of Tibet and I felt proud that I had accomplished a goal and was able to say what I thought was right.

In Gutsa prison in the summer of 1988, there were all together about 32 nuns and lay women. All the women were kept in the ward for political prisoners. During that time, one of the nuns, Sonam Chodon, was sexually molested.

Fifteen days after my release from prison on August 4, 1988, a Tibetan approached me and asked if my sister nuns and I would like to talk to a British journalist who was secretly making a documentary in Tibet. We all felt to appear in the interview without hiding our faces was the best way to make a contribution. The ultimate truth would soon be known so there was no need to hide. We had truth as our defense.

After our release from prison, we were formally expelled from Chupsang by the Chinese authorities and sent back to our villages. We were not allowed to wear nuns robes and were forbidden to take part in religious activities. We were not allowed to talk freely with other villagers. I was forced to attend nightly re-education meetings during which the topic of conversation often came around to me as "a member of the small splittist Dalai clique which is trying to separate the motherland." I was so depressed and confused.

I never told my parents what had happened in prison. When word came of the British documentary in which I took part, everyone began to discuss it. Most Tibetans thought I was quite brave, but some collaborators insulted me. It soon seemed as if arrest was imminent. I began to fear for my parents' safety and so decided to flee to the only place I could think of—Lhasa—to appeal again to Chupsang nunnery for re-admission.

After arriving in Lhasa, I set out for the hour's walk to Chupsang. I found a Chinese police office has been set up at the nunnery. I was told to register at the office and, while there, was told re-admission was not possible. I realized that the police officer there would arrest me if I stayed. Greatly discouraged, I set out to make my way back to Lhasa.

Just below the nunnery there is a Chinese police compound the Tibetans call Sera Shol Gyakhang. As I passed, I saw three Chinese soldiers on bicycles. They followed me a short distance before I was stopped. One of them took off his coat and shirt and then tied the shirt around my face, and shoved the sleeves in my mouth to stop me from crying and yelling. I was raped by the three on the outer boundary of the compound. After doing that bad thing to me, they just ran away.

I remained in Lhasa for two months under the care of local Tibetans. As expected, the release of the documentary caused an uproar with the Chinese authorities. My sister nuns tried to disguise themselves and wore their hair a little longer. I had lost all hope of continuing to live in Tibet under so many obstructions and restrictions and the ever present possibility of re-arrest. Even if I could stay, the Chinese would forbid me to study and I feared them in many other bad ways. I began to think of His Holiness the Dalai Lama in India. At that time, I didn't know there were so many other Tibetans living there as well, but I thought if only I could reach him, if I could only once see his face..."

Another nun and I heard of some Tibetan nomads who were taking medicines to the remote areas and traveling to Mount Kailash in a truck. From there we joined a group of 15 Tibetans to travel to the Nepalese border. In December 1990, I reached northern India.

When I first met His Holiness, I could not stop crying. He asked, "Where do you want to go? Do you want to go to school?" He patted my face gently. I could not say anything. I could only cry as I felt the reality of his presence. It was not a dream. In Tibet so many long to see him. At the same time, I felt an overwhelming sadness. Because I was raped, I felt I could no longer be a nun. I had been spoiled. The trunk of our religious vows is to have a pure life. When that was destroyed, I felt guilty to be in a nunnery with other nuns who were really very pure. If I stayed in the nunnery, it would be as if a drop of blood had been introduced into the ocean of milk.

I have been asked by esteemed persons such as yourselves what makes Tibetan nuns, many very young, so brave in their support of the Tibetan cause. I say that it is from seeing the suffering of our people. What I did was just a small thing. As a nun, I sacrificed my family and the worldly life, so for a real practitioner it doesn't matter if you die for the cause of truth. His Holiness the Dalai Lama teaches us to be patient, tolerant and compassionate. Tibetans believe in the law of Karma, cause and effect. In order to do something to try to stop the cycle of bad effect, we try to raise our voices on behalf of the just cause of Tibet. Thank you.

EVANGELICALS FOR SOCIAL ACTION,
Wynnewood, PA, October 21,1997.

Congressman BEN GILMAN,
Chairman, House International Relations Committee, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN GILMAN:, We write to convey our strong support for the Wolf-Specter bill on religious persecution which is before your committee.

We write as progressive Christians long identified with struggles for economic and racial justice. As people who supported U.S. sanctions against South Africa because of apartheid, we endorse the application of almost identical measures against Sudan.

We find it both false and highly offensive that some are seeking to portray the Wolf-Specter bill as a "Religious Right" agenda. Our support for and belief that the Wolf-Specter bill is urgently needed gives the lie to such nonsense.

Aware that this bill was drafted to be moderate in its reach, scope and process we urge you to pass it without further compromise.

Sincerely,

RONALD J. SIDER,
President.

Other Signers: Richard Mouw, President, Fuller Theological Seminary.

DEPARTMENT OF SOCIAL DEVELOPMENT AND WORLD PEACE,
Washington, DC, October 22, 1997.

Hon. BENJAMIN A. GILMAN,
Chairman, House International Relations Committee, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: As director of the U.S. Catholic Bishops' Office of International Justice and Peace. I write to renew our support for the Freedom from Religious Persecution Act of 1997 (H.R. 2431), based on changes agreed to by the sponsors. We very much welcome this legislation with these changes and hope it can be the basis for a focused and effective U.S. policy on religious persecution.

In testimony before the International Relations Committee last month, we outlined the U.S. Bishops' teaching and action on religious freedom, and offered our general support to an earlier version of this bill. The bill, and the wider campaign of which it is a part is a welcome effort to raise the consciousness of the American public about persecution of Christians and members of other religious communities in many countries, and to make religious freedom a top priority of the United States Government.

The freedom from Religious Persecution Act rightly links U.S. aid to a country's performance on religious liberty, a linkage that the U.S. bishops have long urged for the full range of fundamental human rights. The fact that it singles out only egregious acts of religious persecution does not create a hierarchy of human rights any more than it creates a hierarchy of religious freedoms. It simply offers a practical corrective to U.S. policy in one area where that is much needed. While the bill focuses on religious freedom, its practical benefit would be to end U.S. aid given directly to governments that, in most cases, are abusing not just religious

rights but a whole range of basic human rights.

The bill would also improve reporting on religious liberty by the State Department and strengthened training of foreign service and immigration officers, which, given our experience in these areas, seem well justified. Finally, the bill would restore some vital procedural safeguards for those seeking asylum from persecution on account of their religion, safeguards that we urge be restored for those claiming persecution on the grounds of race, nationality, membership in a particular social group, or political opinion.

In our testimony we identified several areas in which the bill might be improved. Since then, we understand that several changes, consistent with our proposals, have been made or agreed to by the sponsors.

Two critical changes were made in the Amendment to H.R. 2431, as reported by the Subcommittee on International Operations and Human Rights: broadened coverage to include victims of persecution of all religious groups in all countries; and a broadened humanitarian exemption to include development and related kinds of aid.

Our understanding, based on discussions with the sponsors, is that further changes will be made to the bill, including: a broadened presidential waiver that would cover situations when a waiver would be necessary to meet the purposes of the act; the addition of opportunities for public comment; and changes in the multilateral development aid language to exempt IDA programs which directly aid the poor.

In addition, we strongly support the continued inclusion of provisions that would end military aid, financing and sales to a sanctioned country.

The changes made so far do not address our concerns over the immigration provisions of the bill, which we understand will be dealt with in the Judiciary Committee. As noted in our testimony before your committee, we welcome the effort to expand protection for refugees fleeing religious persecution, but believe such protections could be further strengthened and should be available to the other four categories of persecuted persons. Short of including the safeguards for these other categories of asylum seekers, our continued support for this legislation is dependent upon retaining the minimum protections contained in the Amendment to H.R. 2431, as reported by the Subcommittee.

The bill, with the changes proposed by the sponsors, addresses a serious problem in a serious way. We hope it will provide a framework for bi-partisan action in this Congress to increase U.S. attention and action on religious liberty. The bill is not, nor does it purport to be, a solution to all violations of religious liberty around the world. It does, however, offer an effective and reasonable tool for raising the curtain on a too-often ignored problem, combating the most blatant forms of religious persecution, and helping to improve the situation of millions who suffer simply because of their religious beliefs.

We are committed to continue to work to see that a focused and effective bill will emerge from the Congress, a bill that will serve as the framework for a serious and sustained U.S. policy on religious persecution. The U.S. Catholic bishops have long worked to protect religious liberty not only for our fellow Catholics, but for all believers. We urge the International Relations Committee to adopt the bill, with the changes proposed by the sponsors, as a major step forward in this urgent effort.

Sincerely yours,

REV. DREW CHRISTIANSEN, S.J.,
Director, U.S. Catholic Conference.

RELIGIOUS ACTION CENTER
OF REFORM JUDAISM,
Washington, DC, October 24, 1997.

Hon. BENJAMIN A. GILMAN,
Chairman, House International Relations Committee, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Union of American Hebrew Congregations and the Central Conference of American Rabbis, which represent 1.5 million Reform Jews and 1,800 Reform rabbis in North America, I write to express support for the Freedom From Religious Persecution Act of 1997 (H.R. 2431).

We have been horrified by stories of religious minorities suffering brutal persecution at the hands of governments and local authorities. Tibetans are ruthlessly punished by the Chinese for simply owning a picture of their spiritual leader, the Dalai Lama; the Islamic government in Sudan commits atrocities against its Christian population including torture, rape and murder; and in Egypt, the Coptic Christian minority has been the target of Islamic fundamentalist violence. We cannot turn our back against innocent people whose sole "crime" is the expression of their deepest religious beliefs. Having so often been the victim of persecution, it is our duty and obligation as part of the Jewish community to not only speak out against the persecution of other religious groups around the world, but to take affirmative steps to prevent such persecution in the future.

As committed as we are to combating religious persecution, the legislation as it was originally introduced was problematic for us. We appreciate your willingness to work with us in responding to our concerns regarding the legislation, and we are pleased that we are now able to support the bill. The current version of the bill addresses our most pressing issues by: broadening the religious persecution definition to include all religious groups; moving the monitoring office from the White House to the State Department; providing a presidential waiver for sanctions when they would endanger the persecuted group; exempting humanitarian and development aid; and tightening the sanctions language to limit the export ban. (We understand that additional changes in the refugee section may be proposed, either in advance of the markup or by amendment at the markup itself, and we may be supportive of those provisions as well.)

We look forward to working with you for the swift enactment of this legislation

Sincerely,

RABBI DAVID SAPERSTEIN,
Director.

Mr. BEREUTER. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. BLUNT], a member of the committee.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding this time to me. I rise in opposition to the bill, and I do that reluctantly because of my great respect for the chairman, but I think it would be wrong to pass this legislation through this House and to do it in this atmosphere. We need more time to look at this.

But more importantly, I would like to refer back to my colleague from Virginia's [Mr. WOLF] comments. There is surely religious persecution in the world today. This may even be part of it. But to pass this legislation to single out this kind of religious persecution in the face of what we know is happening all over the world turns our back on people who are in prison tonight, turns our back on people who are in slave camps tonight, turns our back on people whose lives have been given up over the issue of taxation.

Now it could very well be, Mr. Speaker, that we should get to taxation as an issue we are concerned about, but we should not address that first. We should not address that at the expense of these other issues. We need to look at persecution, we need to look at it realistically, we need to look at it all over the world, and we need to address those cases first that are worse, not those cases that are about whether somebody is allowed to perform in a tax-exempt atmosphere or not, whether somebody's movie is boycotted in another country or not, boycotting would seem to me to be a pretty specific freedom of speech right that we would defend in America, or whether or not somebody pays taxes as a church in another country or not before we deal with people whose lives are in danger all over the world, people in Sudan, Buddhists in Tibet, Christians in Shanghai. We need to deal with those issues first.

I urge my colleagues not to vote for this resolution.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Speaker, I really respect the folks that have gotten up to speak in opposition. I believe that they believe very strongly in their position, and we cannot criticize somebody for speaking their beliefs. That is what this is all about. But I am flabbergasted at those who might suggest that since there is other persecution, religious persecution, going on in the world that we should not start with this.

Mr. Speaker, frankly I am pretty appalled to hear that kind of language because there is religious persecution going on in the world, and we have to start somewhere. Here we have an opportunity to stand up and reaffirm what this country is all about, and I am very, very dismayed that some have picked up on this taxation comment. This is simply a sense of Congress. It was one of the examples used of many.

We are not asking Germany to change their taxation policies. We would be as offended if they did that to us. We are simply using many, many examples whereby minority religions, again this is much broader than Scientology, are persecuted in Germany. We are asking for them to reaffirm a position, simply to reaffirm their position

which their Constitution states, and that is that they endorse religious tolerance in the country of Germany.

Yes, they are an ally, and yes we treasure that relationship, but we ought to be able to go to them and tell them the things which trouble us.

I was talking with the gentleman from Ohio [Mr. NEY], and he pointed out in the paper this morning that there was a German citizen who was just granted asylum in this country because of religious persecution in Germany. Yes, that is right, granted asylum in this country because of religious persecution in Germany. We have got to do all that we can to stop that.

And again, I want to reaffirm it is much more than taxation. That was simply one of the ideas that we enumerated in the many ideas or the many examples of religious intolerance in Germany. Let us get beyond that. Let us read the bill, because it is much broader than that, and let us practice what we preach and stand for religious tolerance across the globe.

Mr. BEREUTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I am opposed to this resolution, and I think that I am as sensitive to the issue of persecution as anyone. I believe I am the leader in minority group membership in the House, claiming two myself, and I am going to vote against this resolution.

I would not vote for a resolution that approved of the way Germany is dealing with the Scientologists and others, but I do not believe a case has been made to do the very, very solemn act of having this House of Representatives single them out for condemnation. There are a lot of things in this world of which we disapprove, and I think the gentleman from Virginia quite correctly pointed out that if we were going to make a list of practices worthy of condemnation in this great democratic institution, even those critical of Germany's treatment of Scientologists would put it much lower on the list than practices that have gone unmentioned here. So there is a disproportion.

Secondly, and I understand from my friend from Arizona that is in the resolution, my colleagues cannot disclaim it, they also have in the resolution a specific example that people in the youth wing of two political parties boycotted movies. Well, I do not always like people who boycott movies, but are we going to have a resolution condemning the Baptists for condemning Disney? I mean, to intermingle genuine religious persecution with a decision by private individuals to boycott a movie is a mistake. It is also inappropriate.

Also I do think we should practice what we preach, but I do not think we should preach what we do not practice. If we are going to look at people who are engaging in inappropriate religious persecution, I think the Governor of Alabama would be on my list. I think people who are atheists and agnostics in parts of Alabama are under assault and having their constitutional rights impinged by the Governor of Alabama.

The fact is that Germany is overall a very democratic nation. It is not perfect. There are not a lot of perfect countries around. But to single out Germany this way while other countries that have far worse patterns of abuse are ignored, to intermingle legitimate efforts like a boycott by political parties with actual persecution and to ignore some of the problems we have ourselves is wholly inappropriate.

So, Mr. Speaker, I do not think this resolution ought to pass.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from Massachusetts for his strong statement.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding this time to me, and I rise today in opposition to this resolution mainly because I have experienced a discussion over a period of time as a member of the Congressional study group on Germany with German members of Parliament about the issue, particularly of persecution of Scientologists and those reports we have had.

I recall going over there earlier this year and engaging in quite a lengthy discussion with several of their members over this matter, and I have examined the paperwork and the documents and the press accounts and so on, and I am not here today to be able to talk about every instance of allegation of somebody being persecuted with respect to a particular religion, but with respect to the Scientologists in particular I am unconvinced that the Germans are in any way persecuting them.

Germany has a different kind of system for recognizing religions over there than we do, and I do not necessarily agree with that, but they have a system in which there is not tithing like we have. They collect the taxes from the people, the contributions, if my colleagues will, to the churches, and apportion them out to the various churches that are recognized, if my colleagues will, by the government. I do not, again like I say, necessarily agree with that, but the fact that they do not think that Scientology merits their giving them this status and the, quote, persecution that people perceive occurring simply because they are not recognized for purposes under the German Government's auspices to practice religion is not a reason to have this resolution out here today.

The truth of the matter is that Scientologists are perceived over there, rightly or wrongly, and some have said that here in this country, I do not know if it is right or wrong, as having persecuted some of their own members. There are those who I have heard over the years allege that it is difficult to ever quit the Church of Scientology. There are parents that have complained their children have been held in against their will. There are all kinds of arguments like that.

But I was hearing in Germany, again I do not know the merits of them, but that is what the German Government believes. It is not just an issue of taxation. They do not think that this group, that is the Scientologists, are truly deserving of their recognition. It is not a matter of are they Christian, are they Buddhists, are they whatever, it is a matter of the way they behaved in Germany and their belief that they are not indeed entitled to this recognition.

So I would urge a defeat of this resolution. It is very, very damaging to our relationship with Germany.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from Florida for his strong statement.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. OXLEY] the chairman of the German American study group.

Mr. OXLEY. Mr. Speaker, I also rise in opposition to this, I think, well-intentioned effort, but what is really the purpose behind this resolution? Is it to embarrass the German Government? Is it to embarrass the German people? What will ultimately come out of passage of this resolution? I frankly fail to see what good it would do.

As the gentleman from Nebraska [Mr. BEREUTER] indicated, I am the chairman this year of the congressional study group on Germany and have had numerous discussions with our colleagues from the Bundestag particularly and also with the German Ambassador about this very sensitive issue.

I was concerned, frankly, when I looked at a copy of the letter from the German Ambassador to the distinguished chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], in which he indicates that he had offered to have a discussion with those who would support this amendment, and as near as I can tell, and this was dated October 29, has had no opportunity whatsoever to tell the German side of the story on this matter. I find that frankly appalling when Germany is one of our staunchest allies and ones who have a great deal at stake in our success in Europe, expanding NATO, expanding trade relations and the like. And so instead of trying to stick a needle in the eye of the Germans, it seems to me we ought to be more helpful in trying to come to understand what these problems are.

I find the language in this resolution quite strong, particularly when it talks

about a German fostering an atmosphere of intolerance toward certain minority religious groups. Then it goes on to say the resolution expresses concerns that artists from the United States, members of minority religious groups, continue to experience German Government discrimination. Now, I fail to see how the German government is somehow behind these boycotts of certain movies. There may be particular political groups, but as the gentleman from Massachusetts [Mr. FRANK] said, that happens all the time over here.

So I would say to our friends, let us defeat this resolution and look toward a more positive attitude as we relate to our strong allies such as Germany.

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

Mr, Speaker, I understand the other side has a closing statement, and so I will conclude the opposition to the resolution, and I do rise and continue my strong opposition to the resolution.

Germany is a free country in which religious freedom is guaranteed under the Constitution and thus sacrosanct. The U.S. State Department country report on human rights clearly confirms this in its most recent report.

I would add that I think we need to be reminded every time that what we do as a body expressing our views on foreign policy is taken very seriously. This resolution is not balanced. It singles out Germany for a variety of practices, particularly those related to Scientology where their position is no different than seven or eight other European countries and several other countries outside the European Continent.

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This is a troubling situation for them. It is a matter that is pending currently in their tax court. But I think it is important we not have Tom Cruise or John Travolta setting foreign policy in this country, and I think that is a driving factor behind this legislation. It is very unfortunate. I urge my colleagues to oppose the resolution.

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

Mr. GILMAN. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio [Mr. Ney], who will give our concluding remarks.

Mr. NEY. Mr. Speaker, it is probably pretty good we are coming down to the closure, because now we are coming down to the ridiculous, to mention that Tom Cruise and John Travolta are setting foreign policy. John Travolta and Tom Cruise and Ann Archer and Chick Corea are fortunate enough to have a celebrity status that can bring attention to the issue of discrimination, not alleged, not taxation, but discrimination.

So I am glad that their intent is not to set foreign policy, but they have given of their time to set forth a cause that is very, very important to those who cannot be on this floor to speak or, to those who do not have celebrity status, to be able to be heard, not only here, but in Germany.

This is not about taxation. Let me tell you about support, as far as people saying this does not have support. Things do not get lightly here to the floor. This was not introduced yesterday. This has been around. It has support, because Democrats and Republicans have voiced that they want this on the floor tonight, Mr. Speaker. They want the people of this country and the people around the world to understand this issue, Mr. Speaker.

And the fact that now our Government has gone a step further and has officially granted asylum, do you know how hard it is to get asylum? Our Government stated yesterday, it was in the Washington Post today, that asylum has been granted to a German citizen because they dared to be something different, of a different religion, than us. That is how far this has gone.

Painful words, someone said. It is a shame we are to the point of what someone may consider painful words. The reason we have painful words is because there have been painful deeds, not something someone has made up, but posters that say "no thank you" to a play on the word of "sect," of minority religions.

It goes a little beyond that. Those official sanction posters that have a fly swatter to swat at those pesky little minority members of a religion. It has gone to the point of not someone saying, let's not watch a movie, but of a government that has told citizens of the United States that you in fact shall not perform in the country of Germany because you are a different religion that we just simply do not like that is the type of thing that has occurred.

I went to Germany. We tried to talk about this and got the fist pounding that, we will not talk about it. As far as primary sponsors, I would ask any of my colleagues if either side of the aisle sitting on the floor of this House tonight, Mr. Speaker, if anybody from the German Embassy called them, because I have been out front on this issue for religious freedom for minorities, and we haven't had any calls, and I did a quick check, and nobody I know of supporting this has had any type of call in fact.

All we know is in the press. Today in Germany, they just said, as a matter of fact, an official of the German Government simply said this will not be brought up by the U.S. Congress until after January maybe to be discussed, because I guess they set our foreign policy now.

So no matter how good an ally, the real shame tonight is the fact that they have not wanted to communicate on this issue. The fact is, they continue to want to choose who in fact from this country can go to their country, who in fact they will put under surveillance because they simply do not like the type of religion they are.

These are Americans we are talking about. We are not out to destroy the relationship of our country, but we are talking about standing up for the rights of our own American citizens. That is what this is about tonight.

We cannot turn our back any longer on this issue. It has been mentioned about the other religions, about the Baha'is. It has been mentioned about persecution of people around the world. I am sorry other things have not hit the floor. I am not saying they are not important. I believe that we should stand up for persecution around the world. We have done it in some votes, obviously, with Chinese resolutions.

But just because those resolutions didn't hit the floor of this House tonight does not mean this is not any more important.

So this is not something fabricated, this is not something we are anti-German and we just wanted to bring this up tonight because we didn't have anything to do. These are serious true incidents that have happened over and over and over. Members of Congress have stated their feelings about this and tried the diplomatic route over and over and over. And, yes, this does have support, and that is how this did end up on the floor of this House tonight.

This is about standing up, no matter what you think of another religion, for American citizens' rights, and if the Democrat or the Republican Party dared, dared, on the registration forms in the United States to say, "Are you a Catholic or not?" or, "Are you a Protestant, or are you a Muslim, or are you a Jew?" if that dared to happen in this country, do you know what type of outcry there would be? On the forms, it happens over there about certain religions only: Are you a member or not?

It does exist; it is real; we need to stand up.

In closing, I am a Roman Catholic of German background tonight that stands on the floor simply saying, in fact, we have to stand up for religious freedom tonight. Our country was found that way. They didn't say bring in your tired, your poor, and the religion that we choose that can come here. This is so basic to American principles that everybody should voice their support of this.

I urge the bipartisan support of standing up tonight, not to slap at another country, but to stand up tonight for religious freedom.

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

The SPEAKER pro tempore. All time has expired. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 22, as amended.

The question was taken; and on a division (demanded by Mr. BEREUTER) there were—ayes 3, noes 12.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPO 2000

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 139) expressing the sense of Congress that the U.S. Government should fully participate in EXPO 2000 in the year 2000, in Hannover, Germany, and should encourage the academic community and the private sector in the United States to support this worthwhile undertaking.

The Clerk read as follows:

H. CON. RES. 139

Whereas Germany has invited nations, international and non-governmental organizations, and individuals from around the world to participate in EXPO 2000, a global town hall meeting to be hosted in the year 2000, in Hannover, Germany, for the purpose providing a forum for worldwide dialogue on the challenges, goals, and solutions for the sustainable development of mankind in the 21st century;

Whereas the theme of EXPO 2000 is "Humankind-Nature-Technology";

Whereas EXPO 2000 will take place in the heart of the newly unified, free, and democratic Europe;

Whereas Germany has established a stable democracy and a pluralistic society in the heart of Europe;

Whereas more than 40,000,000 people in the United States can trace their ancestry to Germany, and in 1983 the United States and Germany celebrated the Tri-Centennial of immigration of Germans into the United States;

Whereas Germany has been a close political and military ally of the United States for nearly five decades and has been a driving force with respect to the political, monetary, and economic integration of Europe;

Whereas the United States, as a leading political, intellectual, and economic power, maintains a strong interest in the worldwide strengthening of political freedom and human rights, open market economies, and technological advancement throughout the world; and

Whereas the United States is eager to share with the global community the vast and promising public and private efforts being made to prepare for the next century; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the United States—

(1) should fully participate in EXPO 2000, a global town hall meeting to be hosted in the year 2000, in Hannover, Germany, for the purpose of providing a forum for worldwide dialogue on the challenges, goals, and solutions for the sustainable development of mankind in the 21st century; and

(2) should encourage the academic community and the private sector in the United States to support this worthwhile undertaking.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from New Jersey [Mr. PAYNE] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 139.

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

There was no objection.

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

Mr. Speaker, in 3 years Germany will be hosting EXPO 2000, a World's Fair to mark the new millennium. The timing and the location of this event could hardly be more appropriate. Hannover, Germany, is the center of a new Europe.

Europe, as we all know, is in the center of major changes. By the year 2000, there will be at least three new members of NATO and also new members in the EU. Europe is rapidly unifying, and EXPO 2000 represents a showcase to demonstrate that change. To date, 143 nations have agreed to participate.

I would note that President Clinton noted on August 15 that the United States was accepting the German invitation to participate in EXPO 2000 and encouraged private industry to do so. In this respect, it is similar to resolutions that the Congress has approved in the past regarding U.S. participation in the EXPO in Lisbon.

House Concurrent Resolution 139 comes to the Committee from the Congressional German-American Study Group. The cosponsors include the former chairmen on both sides of the aisle; the gentleman from Indiana [Mr. HAMILTON], the current German-American Study Group chairman; the gentleman from Ohio [Mr. OXLEY]; and the gentleman from Virginia [Mr. PICKETT], who is currently the vice chairman and will be the chairman next year.

I would also tell my colleagues that two distinguished members of the other body are also active in similar kinds of efforts.

The resolution recognizes the value of EXPO 2000 and expresses our support for private sector support.

I think in looking at the resolution, one of the most interesting things is the theme of this conference. It is to encourage sustainable development of mankind in the 21st century. I think it is important, therefore, that we participate in this effort to establish a worldwide dialogue on the challenges, goals, and solutions for the sustainable development of mankind in the 21st century.

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

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

Mr. Speaker, I commend the chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], for bringing this resolution to the floor, and I commend the gentleman from Nebraska [Mr. BEREUTER] for his sponsorship of it.

EXPO 2000 is a World's Fair in Hannover, Germany, to usher in the new millennium. One hundred forty-three countries have already announced their participation. It will take place in the heart of the newly unified free and democratic Europe, as we move forward to the new European Community where the borders will drop and the continent will be united.

This will be a very important forum. This forum will focus the attention of states, international and nongovernmental organizations, and individuals from around the world on the key challenges for a sustainable development of mankind for the next century.

This is an important event, Mr. Speaker, and the United States should fully participate in it. The resolution emphasizes private funding for that participation. Academics and business leaders from the United States will have a great deal to offer to this important discussion on sustainable development of mankind in the 21st century.

Mr. Speaker, I believe the Congress is right to encourage those leaders to actively participate in this important dialogue. This is a good resolution, Mr. Speaker, and I urge my colleagues to join me in supporting it.

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

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I want to thank our colleague, the gentleman from Nebraska [Mr. BEREUTER], for taking the initiative to introduce this resolution calling our attention to the upcoming World Exposition that is going to be held in Hannover, Germany, in the year 2000. Such expositions provide an excellent opportunity for our citizens to showcase the goods and services that have helped contribute to our national greatness.

EXPO 2000 will focus on the theme of sustainable development. While that concept has come to mean many things to different people, this resolution, by highlighting the principles of political freedom, human rights, and the free market, establishes the appropriate framework for the involvement of our Nation.

I believe our Government should strongly encourage our talented academic community and our private sector, the most productive in the world, to actively participate in this trade exposition. The amendment we made in committee made it clear that the Government's role is solely one of encouraging efforts in the private sector to participate, and no government funds would be spent.

□ 1830

Accordingly, I urge our colleagues to fully support this resolution.

Mr. PAYNE. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

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

I rise in strong support of this resolution and thank the committee for bringing it to the floor. As a former chair of the Congressional Study Group on Germany, I can tell my colleagues that when we visited Germany just two years ago, I know that one of the first questions I asked was how is the United States participating in Hannover 2000, and what is the United States role going to be? If we are a world power and we are an economic power, then we have to be fully involved in these significant economic events.

Let me also urge each Member to go back and talk to your State Department of Development or Commerce, or whatever it is, to find out the balance of trade with Germany and the European nations and they will find out that one of the fastest growing areas, both in investment and in exports that is selling United States goods to another nation is in Germany. So, once again, this is an excellent opportunity, as the people from both sides of the aisle have pointed out, to showcase our products to the world, not just Germany where it is being held, of course, but to the world.

So if I had my way, I would actually have us participating more than we probably are in terms of taxpayers possibly being involved as well, but the important thing is that the private sector fully be involved, that we send a message that the United States is fully committed, and that we encourage the fullest amount of U.S. participation.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from West Virginia for that outstanding statement.

It is now my pleasure to yield such time as he may consume to the distinguished gentleman from Ohio [Mr. OXLEY], who I consider to be, along with myself, a primary sponsor of this legislation. As I mentioned earlier in the debate, he is chairman of the German-American Study Group.

Mr. OXLEY. Mr. Speaker, before I begin my remarks, let me thank the gentleman from Nebraska [Mr. BEREUTER] for bringing this Expo 2000 resolution to the floor today and for his leadership in the Committee on International Relations on these important issues.

As the gentleman from Nebraska indicated, I am Chairman of the Congressional Study Group on Germany for 1997. I am proud to rise in support of this resolution. The resolution provides an important congressional endorsement of Expo 2000 and, as an original cosponsor, I am hopeful that my colleagues will support this resolution.

The Expo, to be held in Hannover, Germany, will provide an important opportunity for the international community to discuss solutions to problems we will be facing in the 21st century, including global climate change, sources of energy, population growth, and development. Given America's leading position in the development of technology and our problem-solving capabilities, I applaud the President's announcement of American participation in the Expo 2000. This resolution will provide another voice of support to American academic and private sector involvement in the Expo.

Given the dramatic progress this Congress has made in balancing the budget and promoting fiscal responsibility, I think it is important to note that no Federal funds will be used to support American participation in this Expo. While this was the clear intention of the resolution when introduced, I applaud the gentleman from New York [Mr. GILMAN] for introducing an amendment in the committee process that makes this absolutely clear.

Finally, Mr. Speaker, I would like to take this opportunity to express my appreciation and thanks to all of the Bundestag colleagues I have gotten to know over the past year. I believe that German-American relations provide an important cornerstone of stability in Europe. American participation in Expo 2000 will further this relationship, and I urge my colleagues to support House Concurrent Resolution 139.

Mr. PAYNE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. PICKETT].

Mr. PICKETT. Mr. Speaker, I thank the gentleman for yielding me this time. I also want to thank the gentleman from Nebraska [Mr. BEREUTER] for sponsoring this resolution.

It is very important that we participate in this worldwide event. Just recently we have seen the effect of what happens in our own country when economic conditions change in Asia, and we have also heard a great deal recently about global warming and what our country should do in the world environment as far as global warming is concerned.

It is very appropriate that we encourage through our government the academic community and the private sector to participate in Expo 2000. This is a very eloquent and far-reaching event that is going to be held in Hannover, Germany in the year 2000 for worldwide dialogue on the challenges, goals and solutions for the sustainable development of mankind in the 21st century. This fits in with our economic objectives, it fits in with our environmental objectives, and it fits in with our commitment to the world community, and I urge everyone to support this resolution.

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

Mr. BEREUTER. Mr. Speaker, I strongly urge my colleagues to support this resolution, to support Expo 2000 in Hannover, Germany.

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 Nebraska [Mr. Bereuter] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 139.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 830) "An Act To amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules in this series.

Pursuant to clause 5 of rule 1, the Chair will now put the question on H.R. 2232, by the yeas and nays; H.R. 1129, by the yeas and nays; House Concurrent Resolution 22, by the yeas and nays; and House Concurrent Resolution 139, by the yeas and nays.

RADIO FREE ASIA ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 2232, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 401, nays 21, not voting 11, as follows:

[Roll No. 623]

YEAS—401

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—21

Bonilla
Chabot
Clay
DeFazio
Duncan
Fattah
Mollohan
Neumann
Obey
Paul
Pickett
Rangel
Sanders
Sanford
Sensenbrenner
Serrano
Shuster
Slaughter
Stokes
Velázquez
Watt (NC)

NOT VOTING—11

Cubin
Gillmor
Gonzalez
Johnson, Sam
Klug
McDermott
Riley
Roukema
Schiff
Taylor (NC)
Yates

□ 1859

Mr. SERRANO and Mr. FATTAH changed their vote from "yea" to "nay."

Messrs. JOHN, YOUNG of Alaska, MILLER of California, and DINGELL changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1900

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

MICROCREDIT FOR SELF-RELIANCE ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1129, 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 New York [Mr. GILMAN] that the House suspend the rules and pass the bill, H.R. 1129, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 393, nays 21, not voting 19, as follows:

[Roll No. 624]

YEAS—393

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur

Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)

NAYS—21

Barr
Barton
Bonilla
Chenoweth
Coble
Collins
Deal
Goode
Hefley
Hill
Paul
Pombo
Scarborough
Sessions
Shadegg
Spence
Stearns
Stump
Taylor (MS)
Traficant
Young (FL)

NOT VOTING—19

Bono
Boyd
Brown (OH)
Cubin
Gillmor
Gonzalez
Jenkins
Kennedy (RI)
Klug
McDermott
Metcalf
Oxley
Pickering
Riley
Roukema
Salmon
Schiff
Taylor (NC)
Yates

□ 1908

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.

PERSONAL EXPLANATION

Mr. BONO. Mr. Speaker, on rollcall No. 624, on a motion to suspend the Rules and pass H.R. 1129, the Microcredit for Self-Reliance Act, I am not recorded. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. BOYD. Mr. Speaker, earlier in the evening, I was unavoidably detained and missed rollcall No. 624, which was H.R. 1129.

Mr. Speaker, had I voted on that, I would have voted yes.

EXPRESSING SENSE OF CONGRESS WITH RESPECT TO GERMAN GOVERNMENT'S DISCRIMINATION AGAINST MEMBERS OF MINORITY RELIGIOUS GROUPS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 22, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 22, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 101, nays 318, answered "present" 4, not voting 10, as follows:

[Roll No. 625]

YEAS—101

Abercrombie
Andrews
Becerra
Bilbray
Bilirakis
Bishop
Bonior
Bono
Brown (FL)
Calvert
Carson
Chabot
Christensen
Clay
Clayton
Clyburn
Conyers
Cox
Cummings
Cunningham
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Doolittle
Dreier
Engel
Ensign
Fattah
Flake
Foley
Ford
Fox
Frost
Gejdenson
Gephardt
Gilman
Gutierrez
Gutknecht
Hall (OH)
Hastings (FL)
Hilliard
Horn
Hulshof
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kelly
Kennelly
Kildee
Kilpatrick
Kim
LaTourette
Lewis (CA)
Maloney (CT)
Maloney (NY)
Martinez
McIntosh
McKinney
Meek
Menendez
Metcalf
Millender-McDonald
Ney
Owens
Pallone
Pappas
Pastor
Payne
Portman
Pryce (OH)
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Rush
Salmon
Sanford
Scarborough
Schaffer, Bob
Sherman
Slaughter
Stokes
Thompson
Tiahrt
Torres
Towns
Waters
Watt (NC)
Weller
Wexler
Wicker
Wynn

NAYS—318

Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Castle
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Danner
Davis (FL)
Deal
DeFazio
DeLay
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Filner
Foglietta
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hunter
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Parker
Pascrell
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Rogers
Roybal-Allard
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)

Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tierney
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Young (AK)
Young (FL)

ANSWERED "PRESENT"—4

Cardin
English
Hoyer
Kucinich

NOT VOTING—10

Cubin
Gillmor
Gonzalez
Klug
McDermott
Pickering
Riley
Roukema
Schiff
Yates

□ 1918

Mr. HERGER changed his vote from "yea" to "nay."

Mrs. MEEK of Florida, Mr. CALVERT, and Mrs. KELLY changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PICKERING. Mr. Speaker, on rollcall Nos. 624 and 625, I was unavoidably detained. Had I been present, I would have voted "yes" on rollcall 624 and "no" on rollcall 625.

EXPO 2000

The SPEAKER pro tempore (Mr. PETRI). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 139, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 139, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 16, as follows:

[Roll No. 626]

YEAS—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—2

Barr
Jackson-Lee (TX)

NOT VOTING—16

Armey
Cubin
DeLay
Edwards
Emerson
Gillmor
Gonzalez
Klug
McDermott
Portman
Riley
Roukema
Schiff
Smith, Linda
Whitfield
Yates

□ 1926

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

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "A concurrent resolution expressing the sense of Congress that the United States should fully participate in EXPO 2000 in the year 2000, in Hannover, Germany, and should encourage the academic community and the private sector in the United States to support this worthwhile undertaking.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. LINDA SMITH of Washington. Mr. Speaker, on rollcall No. 626, I was unavoidably detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, I missed the vote on rollcall No. 626, the sense of Congress regarding U.S. participation in EXPO 2000 in Hannover, Germany. Had I been present, I would have voted "yes."

□ 1930

FURTHER CONTINUING APPROPRIATIONS, 1998

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 104) making further continuing appropriations for the fiscal year 1998, and for other purposes, and that the House immediately consider and pass the joint resolution.

The Clerk read the title of the joint resolution.

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

Mr. OBEY. Reserving the right to object, Mr. Speaker, under my reservation it is my understanding that the gentleman is attempting to bring to the House a 1-day CR. I would like to ask a number of questions so that all Members might understand where we are at and where we expect to be about 2 days from now.

Could I first inquire if the gentleman could inform Members what the expected schedule is tonight?

Mr. LIVINGSTON. Mr. Speaker will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, the Majority Leader does not appear to be on the floor, and I am not prepared to address the entire schedule. I do know that it is the intent of the leadership to bring up the fast track some time tonight, and the appropriations bills that remain have to be taken up. Included among them are the Commerce-Justice-State bill, which is being conferenced, as the gentleman knows, simultaneously with the activities on the floor. The District of Columbia bill, which passed the House, is being entertained by the Senate, and the foreign operations bill is pending, having been fully conferenced, and is awaiting the decision to move forward with many issues, among them being the U.N. population planning issue.

Mr. OBEY. Further reserving the right to object, Mr. Speaker, and I really do not want to object, but my leadership on this side of the aisle has asked that we try to elicit some understanding of what the schedule is tonight. Members have a right to know what the expectation is about when fast track is going to be taken up, they have a right to know whether further legislation will be taken up after fast track tonight, and they also have a right to know whether we are intending to be here tomorrow, whether Members will, in fact, be able to get back for Veterans Day or not, whether there are going to be further conferences tonight.

Mr. Speaker, I would ask is there not someone from the leadership on the gentleman's side of the aisle who can tell us what the story is, because, frankly, I have had two or three Members over here who are indicating they are inclined to object to consideration of the CR without that information.

Mr. LIVINGSTON. Would the gentleman yield further?

Mr. OBEY. Mr. Speaker, I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I certainly share the gentleman's zeal to end the process and to finish this session of the 105th Congress, and I know that Members have lots of things that they would like to do and simply to return to home.

However, I might add that if the gentleman objects, the fact is that we will not have a continuing resolution to keep the Government in operation after midnight tonight, and certain Government activities will close down.

Mr. OBEY. Mr. Speaker, if I could reclaim my time under the reservation, let me simply say that is not so. The question is not whether we object. The question is whether somebody can take 5 minutes to tell us. I mean, the motion can be renewed at any time, but, frankly, the gentleman from Louisiana and I are totally in the dark about what is happening, I think every other Member here is totally in the dark about what is happening, and I think Members have some right to know what the situation is. And so I would again ask whether anyone from the gentleman's leadership can tell us what the plans are for tonight, for tomorrow and for Veterans Day.

Mr. LIVINGSTON. Would the gentleman yield further?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I am advised and would explain to the gentleman that the intent of the House is to go ahead and continue along a very long list of suspensions, and that eventually we will get to the vote on the fast track legislation. The gentleman knows that that vote is going to be very close, and so I would expect that when people on all sides of the Capitol feel that they have exhausted their opportunity to discuss it with Members, that they will bring it up. But in the meantime we have these suspensions, and I would be happy to read them to the gentleman, but I do not think that is necessary.

But let me point out that all we are attempting to do at this point is to provide for a 24-hour extension so that Government will not close down after midnight tonight. That is a 1-day extension with all of the conditions which were included in the previous continuing resolution which we passed 2 days ago. It is a simple 1-day extension.

I hope, I sincerely hope, that at the conclusion of that 24 hours, we will be able to go home and we will not have to have any more CRs. But I cannot assure the gentleman of anything at this point.

Mr. OBEY. Again under any reservation let me simply say I, too, hope that we can finish in 24 hours, but, frankly, I do not approach this like I am a permanent president of an optimist club, and it just seems to me that we have massive confusion here.

Let me ask the gentleman, does the gentleman know how many bridges the administration has given away today to try to pick up votes?

Mr. LIVINGSTON. This gentleman does not have sufficient fingers to count.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I think today was roads, highways, not bridges today.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield further?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I would point out to the gentleman that currently signed into law in the 1998 appropriations cycle is the military construction bill, the legislative branch bill, the Defense bill, the Treasury bill, the energy and water bill, the VA/HUD bill and the Transportation bill.

Cleared for the President, and sitting on his desk and awaiting his signature are the Interior and the Agriculture bill, and just a couple days ago we passed the Labor-Health bill with an overwhelming margin, and we would expect him to sign that.

Remaining are three appropriations bills: foreign operations, Commerce-Justice, and District of Columbia. They are pending in the process, and I fully expect and hope that within the next 24 hours we are going to be able to take up those bills and pass them and send them to the President, and he is going to sign them into law. It is my expectation that if we are so lucky, after this, the expiration of this 24-hour continuing resolution, we would be able to go back and do the things among our constituents that we have planned.

Mr. OBEY. Again under my reservation of objection, Mr. Speaker, let me simply explain to the Members what I understand is happening with respect to one of the appropriation bills.

The State-Justice bill has a number of contentious items. Frankly, right now, although there is language which apparently may meet with the approval of the administration, we have a meeting going on right now with a number of lawyers to try to decipher what that language is and to see whether or not we can work our way to agreement on that. If we can, I would grant that there is the possibility of going to conference tonight without a

lot of problems on the State-Justice bill.

But we still have confusion about the other two bills.

Let me ask, does the gentleman know of any other so-called compromise language which is circulating with respect to Mexico City? There are rumors rampant about different language being floated by the administration, by somebody else. Has the gentleman been given any language that would effect the Mexico City provisions of the foreign operations bill?

Mr. LIVINGSTON. If the gentleman would yield further, the only language that I know about is the language that was sent to the Senate, and I am told that the Senate has some language of their own which they are sending back to us. But beyond those two sets of language, I know of none.

Mr. OBEY. Could the gentleman further tell us, under my reservation of objection, what are the plans for handling the D.C. appropriations bill?

Mr. LIVINGSTON. Mr. Speaker, it was our intent to receive some notification from the Senate in handling the D.C. bill individually; however, it looks as if the Senate is currently acting on a proposal that might join all three bills and send it back to us. We would expect that if that is the case, we would receive it sometime tonight and that we would act on either a joint bill, sometimes known as an omnibus bill, which would include all three appropriations bills, or we would handle each of them individually.

I would tell the gentleman it would be my preference if we can conclude the Commerce-Justice-State, conference, then we can take that up this evening, or tomorrow.

Mr. OBEY. If I can just, under my reservation of objection again, note that I am informed that so far staff has found at least 50 mistakes in the Senate version of the State-Justice-Commerce bill as it was sent over here. I am not saying that by way of criticizing, I am saying that by way of alerting Members to the fact that it is essential that we have enough time to read out those bills at a staff level, and perhaps Members of the leadership who have not served as committee chairs do not sufficiently appreciate the need to make certain that we have these things right before we proceed.

But my concern is that a lot of Members want to know whether they should cancel their Veterans Day plans. If they are going to be back in their districts for Veterans Day, they are going to have to leave here Monday. We are being told that people should expect to be here Monday, and I think, frankly, I doubt very much that a 1-day CR is going to be enough, and I would ask why we have not just proceeded with a CR that is 4 or 5 days so that Members would have some clarity about what is going to happen on Veterans Day.

Mr. LIVINGSTON. Mr. Speaker, the gentleman has explained that he is not a member of the optimist club, and I have to tell the gentleman that I am an eternal optimist and that it is my hope that all of our business can, in fact, be concluded by at least this time tomorrow night and that Members will be back in their districts by Tuesday. But obviously in view of the uncertainty of the bills before us, it is impossible to give the gentleman a guarantee.

Mr. OBEY. Mr. Speaker, I guess under my reservation of objection again, I guess I would simply say that this is not the most organized way to end the session that I have ever seen, and I would simply ask that before any actions are taken with respect to any of the three appropriation bills, that both our leadership and the ranking members on each of those subcommittees be given ample time so that whatever changes might be contemplated by the minority to the greatest extent possible can be cleared with our side so that we do not run into some last-minute blowups.

Mr. Speaker, we are not going to elicit any information.

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

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I just wanted to assure the gentleman that it is my intention that not only our joint leaderships, but that the gentleman and I and the respective subcommittee chairmen from both the majority and the ranking minority members have full opportunity to review all proposals before they hit the floor and that the staff has adequate time to read it and make sure that mistakes are not made.

The fact is that the committees are working, and especially, I think, the Committee on Appropriations in this instance is working as expeditiously and efficiently as is absolutely possible under rather uncertain conditions, and I am proud of the job we are doing, I am just not able to give the gentleman any guarantees about the ultimate schedule.

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

Mr. OBEY. Again, further reserving the right to object, Mr. Speaker, I yield to the gentleman.

Mr. ROGERS. Mr. Speaker, the gentleman from Wisconsin and the chairman of the committee is correct. Just on the Commerce-State-Justice bill it will take 12 or 13 hours of staff time just to read through, to proofread, that one bill.

□ 1945

So we need a lot of lead time. We have been trying to pre-read the portions that are more or less agreed to. But even in spite of that, it is going to take that long a period of time, just to read on the one bill.

Mr. OBEY. Mr. Speaker, continuing my reservation, let me simply make this point, I think we have terrific staff on the Committee on Appropriations. But as good as they are, they are likely to make some significant mistakes if they are reading out these bills when they have been strung out through night after night with virtually no rest.

It seems to me that if there is not a reasonable expectation that we can finish, that we ought to recognize that so that Members can get some sleep. My observation is that this place usually works better and the Members get along better with each other when their tails are not dragging, and everybody's are, as far as I can see right now, and certainly the staff.

Mr. Speaker, we are not going to get any more information, but what we have been told so far is that the fast-track legislation is going to come up sometime tonight, that we may or may not be moving ahead with other appropriation bills, and, if we do move ahead with them, they may or may not be in an omnibus form, and we do not really have any idea at this point how long it is going to take to read out these bills or to bring them to the Congress in a form which is safe for Members to vote on.

Under those circumstances, I would simply say I am dubious that a one-day CR is going to solve anything.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The text of House Joint Resolution 104 is as follows:

H.J. RES. 104

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(3) of Public Law 105-46 is further amended by striking "November 9, 1997" and inserting in lieu thereof "November 10, 1997", and each provision amended by sections 122 and 123 of such public law shall be applied as if "November 10, 1997" was substituted for "October 23, 1997".

The SPEAKER pro tempore (Mr. PETRI). Without objection, the joint resolution is considered and passed.

There was no objection.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 830, FOOD AND DRUG ADMINISTRATION MODERNIZATION ACT OF 1997

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and agree to the conference report on the Senate bill (S. 830) to amend the Federal Food, Drug and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Michigan [Mr. DINGELL] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

GENERAL LEAVE

Mr. BLILEY. 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 remarks on the conference report on S. 830.

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

There was no objection.

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

Mr. Speaker, today we stand on the verge of medical advances that will revolutionize the quality of health care in America, and today we make the promise of better medicines and treatments a reality for millions of Americans. The bipartisan conference agreement reached earlier this afternoon to modernize the FDA is a victory for American patients.

After almost 3 years of work by the Committee on Commerce, we have delivered a piece of legislation that will do more to help patients than any legislation passed in decades. When we first discussed the need to modernize the FDA in 1995, we knew that outdated rules were slowing down the vital work of the agency and that patients were the ones who were suffering. Vital new medicines and medical devices were not getting to the patients who needed them quickly enough.

As I said back then, it is not right that American patients are having to go overseas to get the care they need to stay alive. Congress had to act. Our FDA reform team conducted the most extensive legislative outreach in recent memory. Literally thousands of hours were devoted to reaching out to all corners of the country. Our goal then was to achieve a balanced legislation, legislation that the President would be eager to sign.

Today we have fulfilled our objectives. This agreement will result in a better and more efficient FDA. It will enhance the safety of the medicines we take and the medical devices we use and the foods we feed our children. Medicines will be approved faster, medical devices will get to people sooner, and those with life-threatening diseases will have access to the best experimental new drugs that science can provide. That is important, because when you are sick, when you are suffering, every minute counts.

Some of my colleagues deserve special praise and thanks. Their work on this issue has been tireless, and the credit for this legislation belongs to them. The members of our FDA reform team, the chairman of our Subcommittee on Health and Environment, the gentleman from Florida [Mr. BILIRAKIS], along with the gentleman from Pennsylvania [Mr. GREENWOOD], the gentleman from North Carolina [Mr. BURR], the gentleman from Texas [Mr. BARTON], and the gentleman from Kentucky [Mr. WHITFIELD].

I also want to reach across the aisle to thank our friends, the gentlewoman from California [Ms. ESHOO], the gentleman from New York [Mr. TOWNS], and the gentleman from Texas [Mr. HALL], and all our ranking members, the gentleman from Michigan [Mr. DINGELL] and the gentleman from Ohio [Mr. BROWN], for their invaluable contributions to this effort. And to our colleagues over in the Senate, Senators JEFFORDS and KENNEDY.

I also want to thank my committee staff, Howard Cohen, Eric Berger, and Roger Currie, as well as the personal staffs of the FDA reform team, Patti DeLoache with the gentleman from Florida [Mr. BILIRAKIS], Mora Guarducci with the gentleman from Pennsylvania [Mr. GREENWOOD], Alyson Neuman with the gentleman from North Carolina [Mr. BURR], Beth Hall with the gentleman from Texas [Mr. BARTON], Pete Bizzozero with the gentleman from Wisconsin [Mr. KLUG], and Tim Taylor with the gentleman from Kentucky [Mr. WHITFIELD].

I would also like to extend my gratitude to the able and hard-working legislative counsels who helped craft this measure: David Meade, Pete Goodloe, and Liz Aldridge.

Finally, I would like to express my sincere gratitude for the hard work and dedication of minority counsel Kay Holcombe. She is leaving us at the end of this session, and, believe me, she will be greatly missed, not just by the gentleman from Michigan [Mr. DINGELL] but by this chairman as well.

They should all be proud of a job very well done. The American people thank them, and so do I.

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

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

Mr. Speaker, from the beginning, our goal in reforming Food and Drug has been to benefit patients and people. We can talk about a lot of things, but when we get right down to it, the question is keeping people safe, seeing to it that foods, drugs, cosmetics, devices and other things which are regulated by Food and Drug which are absolutely essential to the life of people are safe and that they come quickly to market.

The bill does a number of things. First, it reauthorizes the Prescription Drug User Fee Act. This is a program that has given FDA the resources needed to approve drugs in a way that none of us would have anticipated 10 years ago. Today, new drugs are reviewed by FDA in a year or less. Drugs essential for people with serious and life-threatening illnesses are reviewed in 6 months or less. This is enormous progress.

The bill authorizes a clinical trials data bank that would be established through the National Library of Medicine at NIH. Patients with serious illnesses will be able to get critical information about experimental therapies being tested in clinical trials.

The bill codifies a number of procedures that FDA developed over the years to expand access to experimental drugs and medical devices to people with serious illnesses and emergency situations through so-called expanded access protocols.

Market incentives are included in this bill to encourage companies to produce pediatric studies of drugs, so that the labeling of these products will be useful to pediatricians. Today, most of these drugs prescribed for children have no proper pediatric label. The bill remedies this situation. I expect the FDA will use this new authority carefully to avoid detrimental impact on the availability of generic drugs.

The medical device provisions of the legislation have been the most controversial and difficult. I am pleased that the conference report includes provisions based on a careful consideration of two goals: Expediting the availability of new, sophisticated products; and protecting patients from medical devices that are either unsafe or not effective.

The bill gives the FDA the ability to streamline its evaluation of medical devices, but without compromising its ability to make absolutely sure that the products are safe, that they work the way they are supposed to be, and are labeled properly.

I am also pleased the conference report retains two significant provisions from the House bill. One makes certain FDA will not be forced to approve a product the agency knows the manufacturer cannot make according to good manufacturing practices. The second ensures that FDA can evaluate all aspects of a new medical device, not just the ones that the manufacturer chooses to include in the label.

I am concerned, Mr. Speaker, that while we are busy reforming the Food and Drug Administration, we put a number of burdens on the agency and that the potential to interfere with the review and approval of new products is real. I am also concerned that the speed which is required may have an element of risk for the consuming public for patients and for people involved in health care.

Mr. Speaker, I want to commend and thank my good friend and colleague,

the gentleman from Virginia [Mr. BLILEY], for his excellent work on this important legislation and for his leadership in what has been a truly bipartisan effort.

In addition, the work of the subcommittee chairman, the gentleman from Florida [Mr. BILIRAKIS], was essential to the success of the effort, as were the labors of the gentlewoman from California [Ms. ESHOO], the gentleman from Texas [Mr. BARTON], the gentleman from California [Mr. WAXMAN], the gentleman from Ohio [Mr. BROWN], the gentleman from Pennsylvania [Mr. KLINK], the gentleman from North Carolina [Mr. BURR], the gentleman from Pennsylvania [Mr. GREENWOOD], and the gentleman from Kentucky [Mr. WHITFIELD].

Our Senate colleagues, Senators JEFFORDS, KENNEDY, and COATS worked very hard.

The staff of the committee, Howard Cohen, Eric Berger, Roger Currie, and the staff of the conferees, Kevin Brennan, Paul Kim, Emmett O'Keefe, Pattie DeLoache, Alyson Neuman, Beth Hall, Mora Guarducci, and Tim Taylor were valuable and important in the accomplishments of this legislation, as were the tireless efforts of David Meade and Peter Goodloe of House Legislative Counsel and Elizabeth Aldrich of Senate Legislative Counsel.

I want to refer to the work done by my dear friend and our valuable staff member, Kay Holcombe, who will be leaving us at the end of this year. Simply put, without her labors, we would not have achieved the consensus FDA bill that we have before us today. It took a great deal of effort on her part, her unquestioned integrity, her considerable intelligence, her extensive expertise, and her legislative tenacity to help us get to the point where we are.

The legislation is a fitting capstone to the labors of all who have participated, but especially to Kay's distinguished career in public service and her 4 years with the staff of the Democratic part of the committee. Her retirement is a loss to all.

This is a fine piece of legislation. I urge my colleagues to support it.

Mr. BLILEY. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. BILIRAKIS], the very able chairman of the Subcommittee on Health and Environment of the Committee on Commerce,

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

Mr. Speaker, I rise, of course, in support of the conference report. As chairman of the subcommittee of jurisdiction, I believe the conference report represents our best effort in many years to improve the health and safety of all Americans.

In short, this comprehensive law will chart a new course in public protection, allowing the Government to fulfill its obligation to protect the public health without undue delay, while ensuring that we preserve the economic incentives inherent in our free market system. Although it has taken many months, indeed, many years of hard work, this legislation represents a bipartisan effort to work through our political differences and resolve contentious issues.

Over the last 3 years, Mr. Speaker, the Committee on Commerce and my Subcommittee on Health and Environment in particular have produced a number of landmark bills which have enjoyed support from both sides of the aisle.

Last year, for example, the Subcommittee on Health and Environment produced the innovative Food Quality Protection Act and legislation to substantially improve the operation of the Safe Drinking Water Act. In addition, my subcommittee crafted a health insurance portability act to make basic reforms to the health insurance system and worked on the Balanced Budget Act of 1997 to include the new children's health care program and important reforms to the Medicare and Medicaid programs.

□ 2000

We also reauthorized the Ryan White Act, thus authorizing Federal dollars to States for HIV education, prevention and health service programs. I am very proud of these important accomplishments, particularly because they were done in a bipartisan way.

The foundation of the present FDA bill was developed during the last Congress, and from the beginning, our effort has been an open process, open to anyone interested in FDA reform. Our committee conducted 17 separate formal hearings on FDA reform and FDA-related issues. This represents 72 hours, 44 minutes, and 2,094 pages of testimony.

There are many who deserve credit for bringing this legislation to the floor today, several Committee on Commerce members in particular: The gentleman from Pennsylvania [Mr. GREENWOOD]; the gentleman from North Carolina [Mr. BURR]; the gentleman from Texas [Mr. BARTON]; the gentleman from Wisconsin [Mr. KLUG]; the gentleman from Kentucky [Mr. WHITFIELD]; the gentleman from Ohio [Mr. BROWN]; the gentlewoman from California [Ms. ESHOO]; the gentleman from California [Mr. WAXMAN]; the gentleman from Pennsylvania [Mr. KLINK]; the gentleman from Texas [Mr. HALL]; the gentleman from New York [Mr. TOWNS], along with our personal staffs who have dedicated many long hours to this bill. However, it was the leadership and direction, of course, of the gentleman from Virginia [Mr. BLILEY], our full committee chairman, and the gentleman from Michigan [Mr. DINGELL], our ranking minority member, which enabled us to bring the consensus bill before the House today. At the beginning of this Congress the chairman of the full committee made it clear that he wanted action to FDA legislation and his determination to see this through has been a guiding force in our deliberations.

In addition, the cooperation of both HHS Secretary Donna Shalala and Acting FDA Commissioner Dr. Michael Friedman during this process enabled us to achieve our ultimate goal of creating thoughtful and practical FDA reform legislation which will be signed into law, I trust, by the President this year.

Finally, I want to acknowledge and thank the most important people, the committee staff on both sides of the aisle, for their dedication and hard work in crafting this important legislation, especially Howard Cohen, Kay Holcombe, who is leaving us, and, boy, are we going to miss her; Rodger Currie, Eric Berger, David Meade, Pete Goodloe and Pattie DeLoache of my personal staff.

I am proud of this legislation, Mr. Speaker. It will reduce the overregulation of research-based businesses while greatly improving the lives of millions of Americans. I believe we have done our work and done it well. I urge my colleagues to support this conference.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, today the House considers the conference report on the reform of the Food and Drug Administration. The debate on FDA reform progressed from irrational and unfounded accusations about FDA's regulation of medical products to much more rational discussions about how to modify this agency's regulatory policies and procedures in a way that will ease unnecessary regulation without reducing essential protections of public health.

I want to commend the gentleman from Virginia [Mr. BLILEY] and the gentleman from Michigan [Mr. DINGELL], the ranking member, and the gentleman from Florida [Mr. BILIRAKIS], chairman of the subcommittee, for their diligence in holding the House conferees together on issues that this body believed in. I want to commend the tireless work of our staffs, particularly Kay Holcombe and Howard Cohen.

This was not an easy task, particularly in light of the tremendous differences of opinion about what constitutes "unnecessary regulation." To make the system more accessible to consumers, it was necessary to draw a line between creating reasonable public processes and overburdening the FDA with administrative duties that take time away from the most important functions of getting safe and effective new products to market as quickly as possible.

Many argue that FDA reform is essential, because new and improved products were not reaching American consumers quickly enough. The facts simply did not bear this out. The FDA's Center for Devices literally overhauled its operations and dramatically improved its review time for new products. We reached a compromise where critics of this process and the medical device industry can be comfortable.

Perhaps the most important provision included in this legislation is the reauthorization of the Prescription Drug User Fee program. This program has provided the resources that FDA needed to make it the world leader in the review and approval of new drugs. If there were one single reason for Congress to pass this bill today, drug user fees is that reason.

Some of us may not be completely satisfied with the reforms of FDA regulation of generic drugs. I believe, however, that the debate led to some very much needed improvements. While these products are not the so-called miracle drugs we read about in headlines, generic drugs are critically important, because they provide options for physicians and for patients that often are less expensive than brand name products. Generic drugs literally save billions of dollars in health care costs, much of those savings occurring to the Federal Government through Medicaid, Veterans and Department of Defense facilities. In addition, savings in drug costs are important especially for senior citizens who obviously purchase the largest percentage of prescription drugs.

Mr. Speaker, I was especially pleased that a number of issues raised by Democratic members of the subcommittee, chaired by the gentleman from Florida [Mr. BILIRAKIS], were addressed in this legislation. I appreciate the willingness of the bill's sponsors, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Florida [Mr. BILIRAKIS], to engage in these negotiations, and they were able to hold the House position during this conference.

Mr. Speaker, FDA is a remarkably effective agency. I have never been persuaded that massive changes in law were needed to correct some dreadful problem lurking under the surface.

I ask my colleagues to pass the conference report.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. BURR].

Mr. BURR of North Carolina. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, today we take a historic step towards the future of health care in America. Today we will vote on the conference report for the Food and Drug Administration modernization legislation, originally H.R. 1411 in the House, and now S. 830.

FDA modernization is not radical, it is responsible. It is not senseless, it is safe. For thousands of patients and their families, the FDA has become a cold, inhuman and indifferent bureaucracy with a lagging drug and medical approval process and a culture of unresponsiveness and disconnect. The FDA has become an obstacle in some American families in the hope for new treatments. The FDA, regulating 25 cents of every dollar in the U.S. economy, affects every American family.

This legislation will prepare the agency for technology and medical breakthroughs for the 21st century. This legislation provides hope from the corner store pharmacist who wants to provide the best medication possible to his customers, to the hospital passionately fighting against an outbreak of an antibiotic-resistant bacteria strain, to the rural doctor who desperately seeks medication to treat patients, to the terminally ill cancer patient who has no medical option left in the struggle against a devastating disease.

This legislation in fact puts a human face on the Food and Drug Administration. By infusing common business sense into the daily operation of FDA, we will enable the agency to approve safe drugs more efficiently and to reduce skyrocketing costs of research and development that is bogged down in bureaucratic red tape.

I want to thank the gentleman from Virginia [Mr. BLILEY], the chairman of the committee, Chairman JEFFORDS in the Senate, the gentleman from Florida [Mr. BILIRAKIS], the gentleman from Michigan [Mr. DINGELL], the FDA Reform Task Force, the committee staff, my staff and the Senate staff who literally spent hundreds of hours working on this very important legislation that I believe deserves the support of our entire House membership.

Today we celebrate hope and life. This legislation would not be possible without hundreds of patients who brought their personal stories to Washington. Unfortunately, many of those patients did not live to see this day.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Speaker, I thank the gentleman from Michigan [Mr. DINGELL] for yielding me this time.

This evening I rise in strong support of the conference report, and I urge my colleagues to support it as well. Let me start out by acknowledging the leadership, and without the leadership of the gentleman from Virginia [Mr. BLILEY], our committee chairman, the gentleman from Florida [Mr. BILIRAKIS], our subcommittee chairman, and certainly the gentleman from Michigan [Mr. DINGELL], our ranking member, and the gentleman from Ohio [Mr. BROWN] of the subcommittee, and all of the Members from my side of the aisle as well as the majority, we would not come to this moment.

Like all conference reports, it represents a compromise. Nonetheless, the agreement is entirely consistent with the bill which passed the House by a voice vote last month. That is highly unusual for a bill of such substance and such importance to come to the floor and be passed by a voice vote. I am proud of the role that I was able to play in this.

The FDA, I believe, will be a better agency because of this legislation. Drugs and medical devices will get to patients sooner without any reduction in the safety and the effectiveness of these products.

I am particularly pleased that a compromise was reached among the conferees on a provision allowing for accredited third parties to review medical devices, and that the House held its position with regard to the labeling of devices. Had the House not insisted on this language, this conference report would have been vetoed, and all of our hard work would have been lost.

I hope, Mr. Speaker, that my colleagues appreciate the tremendous bipartisan, bicameral support that went into bringing this conference report to the House today. The list of people to thank is far too long to mention here, but there is one, because I think if there were a subset title to this bill, it would be the Kay Holcombe Act of 1997. The tributes that have been paid to her are well-deserved and she should receive the gratitude and the applause of the American people, because they are the ones that we really went to the table for, and were it not for her professionalism, her patience, her hard work, we would not have arrived at this moment.

I salute everyone that was a part of this, and if there is anyone on either side of the aisle that thinks that there are not unending opportunities to seize in the Congress, they are wrong. I found one with my colleagues, and one of them seated on the other side of the aisle, JOE BARTON, my partner on the medical device bill, many thought that with the two of us being partners that it could not be done. It was done, we come to this moment, and I urge my colleagues to support the conference report. It is good for the American people, and we are proud of the effort.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from Virginia for yielding me this time.

Mr. Speaker, most of us go through life being blessed with good health for ourselves and our loved ones, but as Members of Congress, we have all been literally begged by parents of sick children and our very ill adult patients themselves to try to help them work through the regulatory nightmare that is the current FDA review process.

When the bill before us becomes law, that nightmare will be no more. Instead of confrontation, we will have consultation and cooperation between the FDA, patient groups, researchers, and manufacturers. Instead of needless bureaucracy, we will have streamlined procedures for bringing the most comprehensive new medical devices and drugs to market as soon as is safely possible.

In the medical device section of the bill that the gentlewoman from California [Ms. ESHOO] and I cosponsored together in the House, we have a very practical third-party review process, we have a dispute resolution procedure that will allow researchers and manufacturers to work out their differences with the FDA reviewers; we have a reclassification of the existing device section that will let a lot of devices that are now class 3 be class 1 or class 2. Very importantly, we have an expanded and reformed use for humanitarian medical devices that will bring some of these experimental devices as quickly as possible to the market.

I must thank the gentlewoman from California [Ms. ESHOO], who has just been a one-man band in trying to force compromise and get me to back down when I really did not want to. She has done excellent in that. The staff level, in addition to the other staffers, I would like to thank Bill Bates of the office of the gentlewoman from California [Ms. ESHOO], Alan Sloboddin of the committee oversight staff, and Beth Hall of my staff, who have all done yeoman's work.

This is not a perfect bill, but it is a great start. I am going to use the oversight chairmanship to oversee implementation, and I hope that we pass this unanimously this evening. It is good for the American public.

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Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, my congratulations to the gentleman from Virginia, Chairman BLILEY, and the gentleman from Florida, Mr. BILIRAKIS, and our Democratic leaders, the gentleman from Michigan, Mr. DINGELL, and the gentleman from Ohio, Mr. SHERROD BROWN, for producing the Food and Drug Administration Modernization Act, which marks the successful end of a long 3-year process. I do not agree with some of the provisions in this bill, and I certainly would have written it differently, but I do support it today.

I have no difficulty in supporting this legislation in large part because Chairman BLILEY developed a process where all Members could participate, their views could be heard, and compromises could be reached. That kind of leadership is harder than some might think, because there is always pressure to be partisan and to get what one side and only one side wants. But if we are going to ever pass legislation into law, we have to recognize that it needs to be done on a bipartisan basis, and we have to have a process where we try to find common ground.

I want to express my appreciation to our chairman for his leadership. I do have some reservations about the scope of many of the provisions in this legislation, particularly when it comes to the off-label promotion of drug and devices and third-party review of devices. But I want to point out that these are experimental provisions with sunsets which will allow us to critically reexamine their public health consequences.

I applaud very strongly the reauthorization of the Prescription Drug User Fee Act, which I was proud to have authored. It has been very successful and has allowed the FDA to speed the approval of drugs.

There are a number of other provisions that we ought to take note of because they will directly benefit many patients. The requirement that drug companies report on their fulfillment of postmarketing studies fills an important gap in ensuring that critical information is reaching patients. The clinical data base will create new opportunities for patients to have greater access to comprehensive information about experimental therapies for serious and life-threatening diseases. It is my expectation that companies will work with the FDA in this enterprise in the same cooperative spirit in which it is enacted.

The pediatric drug provision complements the FDA's recent regulations, and provides targeted incentives to improve the quality of health care for infants and children. Although I had reservations regarding the need to provide additional market exclusivity following the proposal of the regulations, there may still be limited situations in which this provision will encourage new clinical research to establish the safety and effectiveness of drugs for children.

The provision requiring notice of discontinuance of the manufacture of lifesaving drugs will ensure that patients receive time to find alternatives to medicines which will no longer be available. Instead of having to make medically sensitive decisions in haste, they will have 6 month's notice of a company's decision which could have tremendous implications for their health. Only a company with "good cause" will be permitted to end distribution or manufacture of its drug with less than 6 months notice, and in that event, the FDA will be able to determine the accuracy of this claim through records and documentation.

The preemption of state laws regarding over-the-counter drugs and cosmetics has been resolved in an important compromise, under which the FDA is granted new enforcement authority over OTC drugs, the states are not preempted with respect to cosmetic safety, and preemption of cosmetic packaging and labeling only occurs where the FDA has taken action on specific and narrow questions. Most importantly, this provision does nothing to affect California's Proposition 65, an innovative state initiative that has helped reduce Californians' exposure to toxic hazards.

This bill is a far cry from the proposals first floated three years ago which ran roughshod over consumer protections, supplanted our own product approvals with those of other countries, and weakened crucial statutory guarantees of safety, effectiveness and quality. The reason for this striking difference was the persistent skepticism of American consumers, who understood that it is the FDA which ensures that our food is safe and our medicines are safe and effective.

This was made clear by the Patients' Coalition, which represents a hundred patient and consumer organizations and hundreds of thousands of patients. For three years, the Coalition has vigorously opposed extreme and controversial proposals for FDA deregulation. Today, this bill will receive bipartisan support because of the Coalition's unremitting vigilance and hard work in defeating efforts to weaken public health protections through FDA "reforms."

Given the extraordinary success of PDUFA, it makes sense for Congress to apply user fees to other areas of FDA jurisdiction, including medical devices. Enacting such fees, modeled on authorized, additive user fees under PDUFA and not upon the unauthorized "sham" fees frequently proposed by OMB, would bring similar efficiencies to the device approval process.

Regrettably, this legislation does not do so. Instead, it enacts substantial new burdens on the FDA and, in particular, the Center for Devices and Radiological Health. I am deeply concerned that unrealistic deadlines and dozens of new mandates will slow the tremendous progress that has been made in speeding device approvals. It remains to be seen whether we will inadvertently divert limited staff, time and resources from the FDA's most important business—ensuring that our food supply is the safest in the world and that drugs and devices are safe and effective.

I want to recognize the important work of the staffs on both sides of the aisle in developing this legislation. Without them it would have been impossible for us. I want to compliment as well those in the Senate who played such an active role, and all of my colleagues who have played an important role, in developing this legislation.

I especially want to recognize the dedication and hard work of Kay

Holcombe, our Commerce Committee staff, and the work of Howard Cohen, Eric Berger and Rodger Currie, the Majority committee staff, on this legislation. I would also emphasize the tireless work by the professionals at the FDA, including Bill Schultz, Peggy Dotzell and Diane Thompson, and the representatives of the Patients Coalition, Scott Sanders, Michael Langen, Maura Kealey and Tim Westmoreland.

I complement Chairman BLILEY and Congressman DINGELL of the Commerce Committee, and Chairman JEFFORDS and Senator KENNEDY of the Senate Labor and Human Resources Committee, for their hard work and join my colleagues in supporting this important legislation.

Mr. BLILEY. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I just want to thank the very kind and generous remarks of the gentleman from California [Mr. WAXMAN]. I hope that not too many of my people down in Richmond were watching. It might have an adverse affect on me in the next election. But again, I thank him very much, and I have enjoyed working with him.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD], whose work played a great part in bringing this legislation to us this evening.

Mr. GREENWOOD. I thank the chairman for yielding, Mr. Speaker, and I thank him also for the opportunity to chair this task force.

When Chairman BLILEY asked me to chair the task force on the FDA reform, I did not know a whole lot about the FDA, not more than most people did, but I learned an awful lot. One of the things that I learned is that we are approaching what I think will be a golden age of medicine. We are making such incredible breakthroughs right now in biotechnology and genetic engineering, in pharmacology, in the development of high-tech medical devices, that I believe that we are going to give the next generation in the next century, as well as many of us, opportunities to defeat diseases that have plagued mankind for a very long time, and be able to relieve people from their suffering from these diseases.

But central to this promise is the role of the Food and Drug Administration. The Food and Drug Administration exists for the very critical job of making certain that all of these miracle cures, all of these devices and drugs, are both safe and effective.

The problem we discovered is that the agency had become bureaucratic, and the law that governs it had become antiquated and was not keeping up with this modern age of miracle cures. We set about the role of seeing if we could make the FDA work more efficiently, bring these cures to those who are suffering more rapidly, while still maintaining the golden standard of safety and efficacy.

I also learned of some very human situations. I learned that I had a constituent whose name is Shelbie Oppenheimer. She is a hero to me. She is a 30-year-old woman who at the age of 28 was running a day care center and discovered that she had ALS, Lou Gehrig's disease. It is a progressive, fatal neuromuscular disorder that attacks nerve cells and pathways in the brain and spinal cord.

There is no cure for it, but there is a new medication that can delay the onset of the disease and slow its progress. My constituent, Shelbie Oppenheimer, and her husband, Jeff Oppenheimer, desperately want her to have access to this medication. Mr. Speaker, it is my hope that this legislation gives Shelbie Oppenheimer the extra time and the extra hope that this new medication will provide her.

I would like, Mr. Speaker, to dedicate this bill to Shelbie Oppenheimer and to all of the other Shelbie Oppenheimers around the country who are waiting for the Congress to reengineer the FDA so that it can approve these new miracle cures for them more rapidly.

I am also pleased that the legislation that I had introduced separately, the better pharmaceuticals for children bill, has been incorporated into this reform package, so we can bring the miracles of modern medicine not only to adults, but to the children who up until this time were not the subject of trials.

I would like to thank all of my colleagues and the chairman, the gentleman from North Carolina [Mr. BURR], the gentleman from Texas [Mr. BARTON], the gentleman from Wisconsin [Mr. KLUG], and the gentleman from Kentucky [Mr. WHITFIELD], for their assistance, and certainly echo the comments of those who have praised our very, very able staff.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, the conference report before us has been the product of hard work, tough negotiations, and true bipartisanship. The result is a well-crafted bill that will reauthorize the Prescription Drug User Fee Act, and enact common-sense Food and Drug Administration reform.

I want to congratulate the chairman and the ranking member and the professional staff of the committee on both sides of the aisle, particularly Kay Holcombe, for their work on this very successful piece of legislation.

Pursuant to the bill, patients will have access to safe new drugs, treatment, and equipment faster than before; businesses will be able to save their customers money without sacrificing safety; and the FDA will be able to focus more time and money on regulating medical treatments instead of pushing paper. I think it is a win for everyone.

Mr. Speaker, I just wanted to mention a few provisions of the bill that I am particularly concerned with, concerning the drug provisions. I am particularly pleased with the inclusion of a bipartisan amendment that would provide for notification when a company terminates a product which could cause severe harm to a patient because of its discontinuance.

To allay industry concerns, I ask that there would be included in the bill a good cause waiver that allows the FDA to waive the time requirement. I understand that the provision has been slightly modified in conference in that companies have to certify to the FDA that these good cause waiver requirements are met. This provision still represents good citizenship by the sole-manufacturers of medical products, and I believe that the conference report compromise is a good one.

In addition, two amendments concerning mercury were incorporated into this bill. One of them requires the FDA to restudy the impact of a form of organic mercury in nasal sprays on the brain, and the second provision provides for a study that would examine the sale of mercury as a drug or for other home use. These are both good government provisions. I appreciate the work of the committee for including them in the conference report.

On the device side, I wanted to congratulate the gentlewoman from California [Ms. ESHOO] and the gentleman from Texas [Mr. BARTON] for their ability to find common ground with the FDA and the industry on many issues. While third-party review may not be the panacea, freeing up the FDA's limited resources to review and approve high-risk devices is the next best thing, especially without greater resources being devoted to the FDA directly.

Finally, I am very pleased that language was included, the House language, to ensure that this legislation does not hinder the FDA's authority to reduce teen smoking. We are going to be dealing with the issue of teen smoking and tobacco in general in the committee. I know we are going to start having hearings on it next week. I think it was important and sound policy that this provision be included.

I just want to urge adoption of this conference report. I know that the committee and the staff and all have worked very hard on this. I think it is a very successful bill that will be passed into law and signed by the President.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. STEARNS], a member of the committee.

Mr. STEARNS. Mr. Speaker, I am here to support the FDA reform bill, and to compliment the chairman and ranking member, and, of course, the subcommittee chairman, the gentleman from Florida [Mr. BILIRAKIS],

who is a colleague. But I am disappointed that this legislation lacks a provision preventing the FDA from going forward with its proposed plan to ban certain metered-dose inhalers.

I have introduced legislation, and myself and other colleagues have worked hard to try and lobby the conference. We were not successful. The FDA is proposing to ban metered-dose inhalers containing chlorofluorocarbons sooner than America agreed to in the Montreal Protocol. I am going to reach out to both sides to see if we can pass a standing piece of legislation, because CFC damage is there, it hurts the ozone layer, but, frankly, we need to phase it out and not move abruptly.

The Federal Government allows the use of CFCs for bear repellant and wasp and hornet sprays, yet the FDA wants to take away medicines for metered-dose inhalers because they have CFCs. Are killing bugs and chasing away bears really more important than the health of our children? I do not think so. Next session, Mr. Speaker, let us keep the FDA from banning these inhalers until safe and effective alternatives are developed.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank my colleagues who have been speaking out on this issue, most notably the gentleman from Florida, Mr. CLIFF STEARNS, who just spoke. Asthma kills roughly 5,000 people every year. There are over 30 million Americans who depend on those metered-dose inhalers, such as the one I have in my pocket, in order to relieve themselves of the terror of being gripped with asthma.

What the FDA has proposed is they have proposed phasing out these metered-dose inhalers because of their CFC content. CFC content in metered-dose inhalers contributes less than 1 percent of the chlorofluorocarbons in the atmosphere, yet the FDA would like us to believe that by banning these inhalers, we will get about complying with the Montreal Protocol and achieving a reduction in chlorofluorocarbons.

As my colleague, the gentleman from Florida, Mr. CLIFF STEARNS, said, this is all while the EPA has yet to ban refrigeration and air conditioning, which contributes 58,000 tons of CFC's, things such as solvent applications, red pepper bear repellant, lubricant coatings, and foam blown with CFC's used in coaxial cables.

The point I am going to make is we are going after less than 1 percent of the CFC's in the atmosphere by banning these metered-dose inhalers when we have not taken into full account the public health impact on asthmatics all across the country who depend on these metered-dose inhalers in order to relieve them from their asthma.

I can tell the Members, I have four different inhalers. I think there is only one of them that has a non-CFC component. We should not be rushing to ban these inhalers without fully testing and evaluating the impact of those non-CFC inhalers, so we do not adversely impact the public health of our people.

I want to thank the gentleman from Michigan [Mr. DINGELL] and the gentleman from Virginia, Chairman BLILEY, for agreeing to a bill that will address this issue in the upcoming year.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. WHITFIELD].

Mr. WHITFIELD. Mr. Speaker, I thank the gentleman for yielding time to me. I want to give special thanks to the gentleman from Virginia [Mr. BLILEY] and the gentleman from Michigan [Mr. DINGELL] for the leadership they have provided. I rise in strong support of this conference report of FDA reform legislation as it relates to medical devices, prescription drugs, and food.

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The food provisions of the final version of this bill reflect closely the hard work of the House in addressing the need for fine-tuning the Nutrition Labeling and Education Act of 1990. Clearly, much more needs to be done before we can assert that our Nation's food laws have been completely reformed. However, this is a responsible down payment of food reform that we can expect to benefit public health.

I want to commend those Members and staff on both sides of the aisle who worked so diligently as we were successful in passing this legislation overwhelmingly. I would urge all Members of the House to support this conference report.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, the gentleman from Virginia [Mr. BLILEY], the chairman, and the gentleman from Michigan [Mr. DINGELL], the ranking member, should be very proud of this legislation.

FDA reform is certainly one of the most important pieces of legislation to pass in this session. I know from testimony in my own home county, Montgomery, Pennsylvania, we had hearings regarding the fact that many people waiting for a cure, a vaccine, whether they have ALS, or cancer, or AIDS or epilepsy, up until now, it took $5 million and 15 years for many of our drug companies to get approval from FDA.

This legislation will hasten the available market for miracle cures going from lab to the patient without bureaucratic delay. It will speed up that approval time. Independent agencies will be able to do the testing. This will be a lifesaving procedure because of this legislation's adoption.

I also want to thank the gentleman from Florida [Mr. BILIRAKIS], the gentleman from North Carolina [Mr. BURR], the gentleman from Pennsylvania [Mr. GREENWOOD], and the gentleman from Texas [Mr. BARTON] for all of their leadership on this issue, because Americans, in a bipartisan fashion, want to have the drugs that are available for them to live longer and to live better. And the same applies, of course, to medical devices and biologics. I appreciate the support of every Member of this entire House to support this FDA reform.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BILBRAY], a member of the committee.

Mr. BILBRAY. Mr. Speaker, I have the privilege of representing the 49th District of the State of California, San Diego, which has one of the largest concentrations of pharmaceutical companies in the world, but also has more biotech industries in the area than anywhere else in the world, including a combination of Britain and Japan combined.

Mr. Speaker, I like this bill, and I think my constituents will appreciate this bill, not because of those industries, but because of what it does for consumers.

The fact is, Mr. Speaker, there are two ways of hurting a patient. One is to give them inappropriate treatment. But the other, and sadly all too common way of hurting a patient, is not to provide appropriate treatment and to deny that appropriate treatment to people who are ill.

One of the problems we have had in the past is that there have been medication and treatment that have been denied the American consumer that have been available all over the world. This bill is a progressive, well balanced bill that will finally now improve the situation to allow the American consumer to have what they need desperately: safe, effective drugs, as soon as possible. I appreciate the support for the bill.

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

Mr. Speaker, I think we are witnessing an extraordinary event in this Congress and, indeed, almost in any Congress. In the closing days of the session, with the usual tensions and mischief that exist, we are finding great enthusiasm on a very fine piece of legislation which started out rather under a dark star and which, through some remarkable cooperation, has come to the point where we have not only agreement but firm agreement on a good bill, something which is going to help manufacturers, help the economy, to help the consumers and patients. It is going to help the medical profession, it is going to make Americans safer, and it is going it see to it that good drugs, safe and efficacious, come more quickly to the marketplace.

It is also going to see to it that the other responsibilities of the Food and Drug Administration are conducted in a more efficient and speedy fashion. It shows what real bipartisanship can do when Members of Congress on both sides of the aisle get together and when there can be the kind of cooperation and goodwill there was in the conduct of this particular negotiation.

The result is a fine piece of legislation, one which will benefit the country, one which will benefit the industry, one which will make for better government, and one which will do something else, and that is to protect the consumer and see to it that we get to the American people the best drugs in the fastest and safest and the most assured fashion. I urge my colleagues to support the bill.

I want to commend my colleague, the gentleman from Virginia [Mr. BLILEY], for his fine leadership in this matter. And I want to express my personal thanks and that of the Members on this side of the aisle to Kay Holcombe for the superb job that she has done in preparing this piece of legislation for consideration today. I also am grateful to Secretary Shalala, Dr. Friedman, and the excellent FDA staff for their assistance.

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

Mr. BLILEY. Mr. Speaker, I thank the gentleman from Michigan [Mr. DINGELL] for his kind words. Without his help, we would not be here.

Mr. Speaker, I yield the balance of our time to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Speaker, my congratulations to all who have been involved with this bill.

As a physician, I am very proud to be in favor of this bill. This bill will help bring new and better drugs and medical devices to the market. It will also help older drugs be better used. There are many off-label uses of older drugs that are beneficial to our constituents, like aspirin to prevent heart attacks; 80 to 90 percent of cancer treatment is off-label. In fact, for some diseases, off-label treatment is a standard of care.

Section 7 of H.R. 1411 improves to help public health by increasing the amount of accurate, balanced, scientific information that is available to physicians and other health care professionals. This has been an important compromise between the administration, the FDA, and a bipartisan Congress.

Secretary Shalala said the language that we have agreed to will give the FDA the opportunity to review new information in advance of its dissemination to ensure that it is accurate and balanced. This provision is supported by the AMA, the American Cancer Society, the National Multiple Sclerosis Society, and many other groups who know that greater dissemination of scientific information means better care for patients.

Please vote for this bill.

Mr. WHITFIELD. Mr. Speaker, thanks are owed to several Members for their leading role in the development of the food provisions of this bill. Special thanks must be given to Chairman BLILEY, ranking minority member DINGELL, as well as Messrs. TOWNS, HALL, GANKSE, and of course, the author of the food reform legislation in the last Congress, Mr. KLUG. Praise is also due to the exceptional work of committee counsel, Eric Berger, as well as James Derderian and to staff of members of the committee including Tim Taylor of my staff, Brenda Pillors, Grace Warren, and Jon Traub. Special note should be made of the work of Kay Holcombe, who has served the Commerce Committee and Public Health as a whole with extraordinary professionalism of many years.

The food provision of the final version of this bill reflects closely the hard work of the House in addressing the need for fine tuning of The Nutrition Labeling and Education Act of 1990 [NLEA]. Clearly, much more needs to be done before we can assert that our Nation's food law has been reformed. However, this is a responsible down payment of food reform that we may reasonably expect to benefit public health.

A compelling problem that is addressed by this legislation is the Food and Drug Administration blocking truthful, nonmisleading information from American consumers. As a matter of public health, this has prevented, either by prohibition or excessive delay, consumers from receiving important information about the nutritional content or health benefits of various foods. This problem also takes the form of an abridgement of the first amendment rights of persons who seek to make truthful, nonmisleading statements about a food. FDA has an absolute duty to act within statutory time frames for action on petitions for claims. The failure to do so would constitute a violation of first amendment rights of petitioners. Particularly given the vulnerability of petitioners to retaliation from the FDA, the courts are urged to be expansive in issues of standing in suits regarding failure by the agency to take timely action.

Specifically, the conferees have brought forth a bill that addresses these issues by providing a maximum review time for final action on petitions for claims, including a requirement that the Secretary report on any instances where final action is not taken within the 540 day review period so that the committees of jurisdiction may be promptly informed of a breakdown in the regulatory scheme. Also, special streamlined review mechanisms are provided for health or content claims that are based on the conclusions of authoritative scientific bodies, such as the National Academy of Sciences. The Secretary is granted authority to make proposed rules effective immediately as an exceptional tool to assure that the FDA's duty to pre-approve claims can be met without delay that undermines the regulatory scheme or threatens the first amendment right of petitioners. Unnecessary requirements regarding referral statements that accompany certain nutrient content claims have been eliminated under the bill. And, in a matter where both food safety and first amendment rights have been jeopardized by heavy handed regulatory requirements, an important provision of the bill addresses the labeling of foods treated by irradiation.

To implement the irradiation amendment, FDA is to expeditiously conduct a rulemaking to revise its current irradiation disclosure requirement. The current requirements of the rule, a "Treated with Radiation" or "Treated by Irradiation" statement, accompanied by the international radura symbol, make clear that the process has been used. However, it is equally clear that this requirement has had the perverse effect of discouraging many consumers from purchasing food that has been made safer by this process. The conferees are concerned that the current disclosure requirement may be perceived as a warning and that it may raise common but inappropriate anxieties about radiation technologies. FDA should use the new rulemaking to assure that disclosures are only required as necessary to inform consumers of a material fact regarding the food. FDA's 1986 preamble to its final rule regarding irradiation disclosure well explained the general rule regarding disclosure of material facts and how that rule relates to food that has been irradiated:

> In this case, the standard for misbranding under sections 403(a) and 201(n) of the act is whether the changes brought about by the safe use of irradiation are material facts in light of the representations made, including the failure to reveal material facts, about such foods. Irradiation may not change the food visually so that in the absence of a statement that a food has been irradiated, the implied representation to consumers is that the food has not been processed.
>
> The Agency recognizes, however, that the irradiation of one ingredient in a multiple ingredient food is a different situation, because such a food has obviously been processed. Consumers would not expect it to look, smell, or taste the same as fresh or unprocessed food, or have the same holding qualities. Therefore, FDA advises that the retail labeling requirement applies only to food that has been irradiated when that food has been sold as such (first generation food), not to food that contains an irradiated ingredient (second generation food) but that has not itself been irradiated.

Thus, FDA determined that disclosure is required to convey to consumers the material fact that the food is not fresh or unprocessed. Given the fresh appearance of food treated by irradiation, FDA determined that the omission of such a disclosure would cause a false or misleading presentation of the food. FDA has authority in this regard only to prevent false or misleading presentation of the food. FDA would exceed its authority if it were to prohibit a truthful, nonmisleading presentation of the food. In any situations where FDA determines that an irradiation disclosure remains necessary, it is obliged to achieve that objective in a minimally burdensome manner. Disclosure statements may only be required where presentation of the food would be false or misleading absent a disclosure statement. Statements different from the current disclosure requirement would suffice if they inform consumers of the material fact that is basis for the disclosure requirement. FDA is obliged to permit disclosure of the material fact through any

statements that are not false or misleading. Moreover, the conferees expect FDA to take pains to assure that where disclosure is appropriately required, such required statements not give rise to consumer confusion that could inhibit use of this pathogen reducing technology. It would be unacceptable for FDA to justify a disclosure requirement that may cause consumer confusion with the excuse that the confusion may be corrected by a proper consumer education program. On its face, such an approach creates burdens that inhibit the use of this technology and, as a consequence, food safety.

The conferees strongly support the consumer right to know. The act contemplates that right being addressed through a vast array of truthful, nonmisleading voluntary label statements, as well as required disclosure of material facts that are not obvious in the presentation of a food. With respect to food that has been irradiated, this legislation does not limit FDA's existing authority to require disclosure nor does it forbid use of the international radura symbol as one of the means of making such a disclosure. The conferees expect FDA to continue to require necessary disclosures to prevent consumers from being misled about any material fact about a food.

Also in the area of labeling, I am disappointed to note that the Senate conferees would not accept the elimination of antiquated and bizarre provisions of the Food, Drug and Cosmetic Act that apply only to margarine. It is a sad measure of our food regulatory system when industries seek competitive advantage over one another through the imposition and maintenance of absurdly burdensome requirements such as these.

I am pleased to report that the conferees have agreed to direction for FDA to take final action within 60 days on the petition to permit the irradiation of beef. This petition has been pending in FDA for over 3 years, despite the requirement that FDA act on such petitions within 6 months. Also, the bill includes reforms in the review of food labeling packaging materials that should assist FDA in expediting appropriate approval of both these materials and, through greater efficiency of operation, all food additive petitions.

I urge my colleagues to vote for the conference report so that we may make this down payment on food law reform.

Mr. TOWNS. Mr. Speaker, I join my colleagues in applauding the scheduling of the conference report on S. 830, legislation to reform the Food and Drug Administration, prior to our adjournment of the 1st session of the 105th Congress. This bill is the culmination of 2 years of hard bipartisan work by the Commerce Committee to modernize procedures that the Food and Drug Administration uses to approve drugs, devices and food products. Once again, Mr. Chairman, the Commerce Committee under the able leadership of our chairman, Mr. BLILEY, and our ranking member, Mr. DINGELL, have demonstrated that we have the ability to develop comprehensive legislative responses to critical public policy questions. I also want to especially acknowledge the efforts of our subcommittee chairman, Mr. BILIRAKIS and our ranking subcommittee member, Mr. BROWN, for the willingness to guide the deliberations on this bill in a bipartisan fashion.

Without the modernizing steps that have been incorporated in this legislation today, the FDA would continue to be seen as a barrier to new innovative therapies and products. The bill before us today represents a careful balance between a new, streamlined process and consumer protections against harmful products. These innovations in the way the FDA will do business from now on makes the approval of drugs and devices a more predictable process.

Finally, Mr. Speaker, I am most pleased about the provisions in this bill which relate to food products. I had the wonderful experience of working closely on these issues in a bipartisan fashion with the gentleman from Kentucky [Mr. WHITFIELD], the gentleman from Wisconsin [Mr. KLUG], the gentleman from Pennsylvania [Mr. GREENWOOD], and the gentleman from Texas [Mr. HALL]. While some argued that food reforms were too controversial to include in this bill, my colleagues and I never stopped believing that we could craft reasonable and meaningful food reforms that would be acceptable to the industry, FDA, and consumers alike. With the able assistance of our committee counsels on both sides of the aisle, Eric Berger and Kay Holcombe, the measure incorporated in S. 830 accomplish this goal. The food issues in this bill build on the success of the Nutrition Labeling and Education Act and they represent a modest downpayment on more significant food law reforms, including the question of national uniformity.

Mr. Speaker, I join my colleagues from the Commerce Committee in urging the immediate passage of this legislation.

Mr. RAMSTAD. Mr. Speaker, I rise in strong support of the Conference Report on comprehensive legislation to reform the Food and Drug Administration [FDA]. And I thank Chairman BLILEY and the others who worked so hard to bring this important Conference Report to the floor for passage before Congress adjourns for the year.

Reforming the FDA's approval process has been a major goal of mine since I first came to Congress in 1991. In fact, in an effort to educate House members about the need for reform for medical devices, Representative Tim Valentine and I founded the bipartisan House Medical Technology Caucus, which I now chair with Representative ANNA ESHOO.

As we all know, it now takes 15 years and $350 million to get the average new drug from the laboratory to the patient. The average time for the FDA to approve a medical device has increased from 415 days in 1990 to 773 in 1995—even though the FDA is currently required by law to take no longer than 180 days to approve new devices.

This is precisely why I became an original cosponsor of the medical device section of this reform package. The medical device provisions will save lives, improve health and create jobs in the United States by getting medical devices to market faster.

I also strongly support the sections in the bill to reauthorize the Prescription Drug User Fee Act [PDUFA] and reform the approval process for pharmaceuticals and animal drugs.

Mr. Speaker, these reforms passed today will force the FDA to get its act together so life-saving devices and drugs will get to people who need them as expeditiously and safely as possible.

The health care consumers, medical device and pharmaceutical companies of America deserve nothing less!

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. BLILEY] that the House suspend the rules and agree to the conference report on S. 830.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

SENSE OF HOUSE IN SUPPORT OF FREE AND FAIR REFERENDUM ON SELF-DETERMINATION FOR PEOPLE OF WESTERN SAHARA

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 245) expressing the sense of the House of Representatives in support of a free and fair referendum on self-determination for the people of Western Sahara, as amended.

The Clerk read as follows:

H. RES. 245

Whereas United Nations Secretary General Kofi Annan appointed former United States Secretary of State James Baker III as his Personal Envoy for Western Sahara to end the prevailing referendum stalemate;

Whereas talks between the Kingdom of Morocco and the Front for the Liberation of Saguia el Hamra and Rio de Oro (also known as the Polisario Front) mediated by Mr. Baker have achieved agreement on ways to end the referendum stalemate;

Whereas the end of the stalemate over the Western Sahara referendum would allow for the release of civilian political prisoners and prisoners of war held by Morocco and the Polisario Front; and

Whereas the United States supports the holding of a free, fair, and transparent referendum on self-determination for the people of Western Sahara: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its full support to former United States Secretary of State James Baker III in his mission as Personal Envoy of the United Nations Secretary General for the Western Sahara;

(2) expresses its support for a referendum on self-determination for the people of Western Sahara that should meet the following criteria:

(A) free, fair, and transparent and held in the presence of international and domestic observers and international media without administrative or military pressure or interference;

(B) only genuine Sahrawis, as identified in the method agreed to by both sides, will take part in the referendum voting; and

(C) the result, once certified by the United Nations, is accepted by both sides;

(3) encourages the release of civilian political prisoners and prisoners of war held by Morocco and the Polisario Front at the earliest possible date; and

(4) requests the administration to fully support former United States Secretary of State James Baker III in his mission of organizing a free, fair, and transparent referendum on self-determination for the people

of Western Sahara without military or administrative constraints.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. ROYCE] and the gentleman from California [Mr. MENENDEZ] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. ROYCE].

GENERAL LEAVE

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

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

There was no objection.

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

This resolution expresses the support of the House of Representatives for the so-far successful negotiations between the Kingdom of Morocco and the Polisario Front, who have made the tough decision to peacefully work out their differences on the conduct of a referendum on self-determination for Western Sahara. The negotiations have been guided by former Secretary of State James Baker, now serving as the Special Envoy of the U.N. Secretary General for Western Sahara.

Secretary Baker's diplomacy have broken a 6-year stalemate on referendum negotiations. While no date has been set for balloting, we appear to be closer to fair and free referendum for Western Sahara than at any time in the last two decades. This conflict, which has often seemed intractable, has not received the attention it deserves. This is now changing with Secretary Baker's engagement, as well as with the attention that Congress is now paying to this issue.

This resolution not only praises the efforts of Secretary Baker but it puts the House on record as supporting a free, fair, and transparent referendum. At this sensitive point in the process, such a nonpartisan expression of support is valuable. Mr. Baker said in a Washington news conference last week that this resolution provides a much needed boost to a referendum process he referred to as the "last opportunity for peace" in Western Sahara.

Years of fighting between Morocco, the Polisario Front, and Mauritania have claimed thousands of lives and created hundreds of thousands of refugees. The equitable ending of this conflict is important to the United States. Morocco is a longstanding American ally, and continued turmoil in the region is contrary to United States interests.

The breakthrough achieved by Secretary Baker is important. That is why we need to take proper notice of it. It is time to show all parties that the United States is watching and cares. I urge my colleagues to support this balanced resolution as a sign of congressional support for the significant advance that has taken place toward resolving this longstanding conflict.

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

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

Mr. Speaker, I rise in strong support of House Resolution 245, expressing the sense of the House in support of a free and fair referendum on self-determination for the people of Western Sahara.

Mr. Speaker, I think we owe a great deal of gratitude to former Secretary of State James Baker for his service as Special Envoy. Clearly, it was his intervention which brought an end to the referendum impasse and which has allowed for an opportunity for peace in the region.

For too long, the situation in the Western Sahara has been left unresolved, and for too long it has caused tension in the region and within the African continent. It is crucial at this juncture that the U.S. Government and the Congress put their weight behind the plan negotiated by former Secretary Baker. There is only a small window of opportunity to implement the agreement, which itself remains quite fragile. If we bypass this opportunity by our inattention or if we allow either side to renege on the commitments made in Houston, we will be responsible for foregoing an opportunity for long-term peace in the region. That is not a cost we can afford, and it is a small price to pay for peace and democracy.

The Houston plan has at long last found a resolution which is acceptable to both the Moroccan Government and the Polisario Front. The referendum, which will be held next December, will grant the Sahrawi people their long-awaited right to self-determination, the same right enjoyed by free people throughout the world.

Sahrawi President Abdelaziz has given his word that he will stand by and respect the people's decision regardless of the outcome as long as the referendum is free and fair and allows only Sahrawis to vote. The Sahrawi people have been left in limbo due to political considerations rather than any really legal dispute.

In 1975, the International Court of Justice declared that there is no establishment of any legal ties of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco. Now the Sahrawi people will have the opportunity to decide for themselves their political future, be it independence or incorporation into Morocco. It is their choice.

I want to thank the gentleman from California [Mr. ROYCE] for his leadership in bringing the resolution before the House and for sponsoring it. I am proud to be an original cosponsor. And I also want to again congratulate former Secretary Baker for his tremendous efforts. He has been and we expect will continue to be crucial to the success of this ultimate endeavor.

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

□ 2045

Mr. ROYCE. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I want to thank the distinguished gentleman from California [Mr. ROYCE], the chairman of our Subcommittee on Africa, for introducing this resolution and for his outstanding leadership on this very difficult issue. The purpose of this resolution is to highlight the significant efforts of former Secretary of State James Baker in advancing a peaceful solution to the question of Western Sahara. Due to the leadership by the gentleman from California [Mr. ROYCE], this resolution has moved forward in a consensus manner. We have worked closely with both sides on the Western Sahara question and with Secretary Baker and all parties find that the resolution is agreeable.

Accordingly, Mr. Speaker, I urge our Members to support this excellent resolution.

Mr. MENENDEZ. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. PAYNE], a member of the Subcommittee on Africa.

Mr. PAYNE. Mr. Speaker, let me first commend the gentleman from California [Mr. ROYCE], the chairman of the Subcommittee on Africa, and the gentleman from New Jersey [Mr. MENENDEZ], the ranking member, for the outstanding work that they have done on this resolution. The Western Sahara has been a point of contention for some time now. The final outcome for this former Spanish colony will be historic and a momentous occasion. It will set a precedent for many other issues of self-determination throughout the world, such as Cyprus and Northern Ireland. This is a major accomplishment. We should commend the former Secretary of State James Baker, the Polisario Front and representatives of Morocco for coming to the table to decide on a referendum on the future of this disputed territory. The referendum originally scheduled for January 1992 is to decide whether Western Sahara should be incorporated into Morocco or become an independent nation as many of the Sahrawi people have fought for for many years. I am glad to see the culmination of the identification process which first started in 1984. I also want to congratulate the Secretary-General of the United Nations Kofi Annan for his role in urging negotiations in this region. Let me say that I think that now the playing field has

been leveled, where all will have access to the media, to the press, and that international observers will be able to participate in the proceedings. All of these very important issues have been worked out. This is a step in the right direction.

As we see democracy spreading throughout the continent of Africa, where only a few countries are left in dispute at this time, I think that it is good to see another nation coming to the front where the question which has long besieged them and has been a problem may be finally worked out. Once again I urge my colleagues to support this resolution.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume. In closing, let me commend the gentleman from New Jersey [Mr. MENENDEZ], the ranking member of the Subcommittee on Africa, who has worked with us on this resolution. We have worked together on several measures throughout the year. I would also like to commend Special Envoy James Baker for his work. Morocco is a longtime ally and the United States has been improving relations with Algeria, which supports the Polisario Front.

The issue of self-determination for Western Sahara poses a danger of instability for the northwest African region. The issue must be resolved so that the likelihood of long-term problems there is diminished. Peace in Western Sahara will allow for economic development and democratization in the region and could be a beneficial example for other nations in North Africa and the Middle East. That is the purpose of this resolution.

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

Mr. MENENDEZ. Mr. Speaker, I urge my colleagues to adopt the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAZIO of New York). The question is on the motion offered by the gentleman from California [Mr. ROYCE] that the House suspend the rules and agree to the resolution, House Resolution 245, as amended.

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

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 2607. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced, that the Senate insists upon its amendments to the bill (H.R. 2607) "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for the purposes.", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. COCHRAN, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, and Mrs. BOXER, to be the conferees on the part of the Senate.

EXPRESSING CONCERN FOR HUMAN RIGHTS IN AFGHANISTAN

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 156) expressing concern for the continued deterioration of human rights in Afghanistan and emphasizing the need for a peaceful political settlement in that country, as amended.

The Clerk read as follows:

H. CON. RES. 156

Whereas Congress recognizes that the legacy of civil conflict in Afghanistan during the last 17 years has had a devastating effect on the civilian population in that country, killing 2,000,000 people and displacing more than 7,000,000, and has had a particularly negative impact on the rights and security of women and girls;

Whereas the Department of State's Country Reports on Human Practices for 1996 states: "Serious human rights violations continue to occur [. . .] political killings, torture, rape, arbitrary detention, looting, abductions and kidnappings for ransom were committed by armed units, local commanders and rogue individuals.";

Whereas the Afghan combatants are responsible for numerous abhorrent human rights abuses, including the rape, sexual abuse, torture, abduction, and persecution of women and girls;

Whereas drug proliferation has increased in Afghanistan;

Whereas Congress is disturbed by the upsurge of reported human rights abuses in Afghanistan, including extreme restrictions placed on women and girls;

Whereas safe haven has been provided to suspected terrorists and terrorist camps may be allowed to operate in Afghanistan;

Whereas Afghanistan is a sovereign nation and must work to solve its internal disputes; and

Whereas Afghanistan and the United States recognize international human rights conventions, such as the Universal Declaration on Human Rights, which espouse respect for basic human rights of all individuals without regard to race, religion, ethnicity, or gender: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. DECLARATION OF POLICY.

The Congress hereby—

(1) deplores the violations of international humanitarian law in Afghanistan and raises concern over the reported cases of stoning, public executions, and street beatings;

(2) condemns the targeted discrimination against women and girls and expresses deep concern regarding the prohibition of employment and education for women and girls;

(3) urges the Taliban and all other parties in Afghanistan to cease providing safe haven to suspected terrorists or permitting Afghan territory to be used for terrorist training; and

(4) takes note of the continued armed conflict in Afghanistan, affirms the need for peace negotiations and expresses hope that the Afghan parties will agree to a cease-fire throughout the country.

SEC. 2. SENSE OF THE CONGRESS.

It is the sense of Congress that the President—

(1) should continue to monitor the human rights situation in Afghanistan and should call for adherence by all factions in Afghanistan to international humanitarian law;

(2) should call for an end to the systematic discrimination and harassment of women and girls in Afghanistan;

(3) should encourage efforts to procure a durable peace in Afghanistan and should support the efforts of the United Nations Special Envoy Secretary General Lakhdar Brahimi to assist in brokering a peaceful resolution to years of conflict;

(4) should call upon all countries with influence to use their influence on the contending factions to end the fighting and come to the negotiating table, abide by internationally recognized norms of behavior, cease human rights violations, end provision of safe haven to terrorists and close terrorist training camps, and reverse discriminatory policies against women and girls;

(5) should call upon all nations to cease providing financial assistance, arms, and other kinds of support to the militaries or political organizations of any factions in Afghanistan; and

(6) should support efforts by Afghan individuals to establish a cessation of hostilities and a transitional mulitparty government leading to freedom, respect for human rights, and free and fair elections.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. ROHRABACHER] and the gentleman from Minnesota [Mr. LUTHER] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations and someone who has given us great inspiration to stand up for the higher ideals that America stands for.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time. Mr. Speaker, I want to commend the sponsors of this resolution, the gentleman from Nebraska [Mr. BEREUTER], the gentleman from California [Mr. BERMAN], the gentleman from California [Mr. ROHRABACHER], and especially the gentlewoman from New York [Mrs. MALONEY] for her excellent work in crafting this proposal.

The deterioration of human rights in Afghanistan, especially its impact on women, is very distressing. Large areas

of Afghanistan that are now under the Taliban rule are being run by men whose thinking is medieval. Regrettably, the State Department has done little to end the fighting that has led to the current problems in Afghanistan.

Two weeks ago, the gentleman from California [Mr. ROHRABACHER] did what the State Department could not or cared not to do. He brought together in Istanbul almost all of the leaders in the different Afghan groups so that some sort of a national reconciliation process could begin. The gentleman from California then arranged for them to come to Washington so that our Committee on International Relations could meet with them to learn firsthand about that historic productive meeting.

House Concurrent Resolution 156 will assist us in the peace process. I urge my colleagues to support this resolution. I want to commend the gentleman from California [Mr. ROHRABACHER] for his continuing efforts in trying to bring peace to Afghanistan.

Mr. ROHRABACHER. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, more than a million Afghans died and 5 million became refugees during the battle that was a turning point in the Cold War. They brought down the Soviet empire. Their courage and sacrifice reaped a harvest of peace and plenty for the Western world. However, in Afghanistan, the war never ended. The social and political fabric of that ancient culture remains in chaos. People today in Afghanistan are dying from both violence and starvation. House Concurrent Resolution 156 introduced by the gentlewoman from New York [Mrs. MALONEY] urges the President to, No. 1, monitor and condemn ongoing violations of human rights caused by the fanatical Taliban movement who controls about two-thirds of the country as well as abuses by the other factions and other militias. It especially calls attention to the brutal and systematic discrimination that the Taliban have imposed on women and children in Afghanistan.

In addition, this bill requests that the President should call upon the government of Pakistan to suspend military and political support of the Taliban and to use its influence with the Taliban to end the abuses that we have been describing tonight. It urges the President to support international efforts intended to create a peaceful resolution to the ongoing conflict in Afghanistan that would ultimately include free and fair elections and the return of human and civil rights for all the people of Afghanistan. Stability in Afghanistan is the key to peace and prosperity in Central Asia. The extremists of the Taliban movement are responsible for the ongoing suffering of the Afghan people, and they pose a great threat of fundamentalist violence in neighboring countries, especially in Pakistan, and their extremism permits Iran to have a greater role in the region.

The Taliban currently provides a haven for terrorists such as Ben Ladin of Saudi Arabia, and the training of terrorist organizations now operating in Egypt, the Balkans and the Philippines. According to both the United Nations and the United States Drug Enforcement Agency, they have turned Afghanistan into the world's leading opium producer. The Taliban's war effort is funded by opium profits. According to the United States and international sources, almost all the opium production and processing being conducted in Afghanistan is in the provinces controlled by the Taliban, especially near their stronghold in Kandahar. According to the United Nations Drug Control Program, in 1997, Afghanistan produced a record 3,000 tons of opium. That is a 25 percent increase over the 1996 production. In 1996, the Taliban imposed 10 percent tax on all opium produced in Afghanistan which, according to experts of the United States Drug Enforcement Agency and the CIA, amounts to at least $100 million. That is drug money that they are making which comes straight from the drug producers to the pockets of the Taliban.

During the last 10 years, I have had extensive discussions with all factions of Afghanistan as well as ordinary Afghan citizens. Although not spelled out in this legislation before us, I believe it is time for this administration to support recent resolutions by Afghans of all ethnic groups that emphasize that the key to ending the conflict in Afghanistan is the return of King Zahir Shah. As the symbolic head of an interim government, Zahir Shah could remake civil government, form a coalition government of national unity which would represent all factions. This reconciliation government would be responsible to prepare national democratic elections in which the people of Afghanistan would choose their own leaders and democracy.

I can assure my colleagues tonight the people of Afghanistan are not fanatics, but they are devout in their religious faith. Most Muslims are embarrassed by the Taliban. But if we would help the true believers in Islam in Afghanistan regain a democratic government, it would lead to peace and it would lead to a restoration of human rights. King Zahir Shah offers that alternative.

Although it is not in this resolution, we hope that the President would follow through and do what he can to bring peace and democracy, which are synonymous in Afghanistan.

House Concurrent resolution 156 urges the President to support the internal Afghan peace process. It is especially timely, as Secretary of State Madeleine Albright will be departing for South Asia next week, that she express a new administration policy that would compel all neighboring countries involved in supporting the Taliban to immediately stop.

Mr. Speaker, we owe a tremendous debt to the people of Afghanistan. It was not our mighty armies in Europe that stopped the Soviet empire from expanding. It was not our missiles, it was not the great expenditure of defense. Yes, they were necessary at the time in order to deter war with the Soviet empire. But it was a group of Muslims on the plains of Afghanistan that courageously stood up and said, you will not impose your atheistic system on us, you will not dominate our country, and with great courage and dying in the hundreds of thousands stood firm against Soviet aggression and broke the will of the Soviet bosses to conquer the world. We owe a great deal to these heroic people. It is sad and tragic that fanatics have taken over their country. It is time for the United States to reach out and do what we can to promote democracy and human rights in Afghanistan. We owe it to them not to forget them. If we do, if we forget the chaos that continues and the bloodshed and we refuse to pay our debt to the people of Afghanistan, in the end it will come back and hurt us. There will be no stability in Central Asia as long as the chaos and killing continues in Afghanistan.

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

Mr. LUTHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York [Mrs. MALONEY], the original sponsor of the resolution.

□ 2100

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding this time to me, and I thank the gentleman from New York [Mr. GILMAN] for bringing this legislation forward under the suspension calendar, and I thank the gentleman from California [Mr. ROHRABACHER] for his leadership not only on this legislation, but really his ongoing efforts for many years to bring peace and democracy to Afghanistan.

A woman living in Afghanistan may not work, attend school, be photographed, or appear in public without a garment covering their entire body. They must wear a mesh mask over their eyes, they must not speak directly to a man. Certainly there is no possibility of a woman speaking out against these human rights abuses in a public forum as I am now.

That is why we must speak for them, and that is why we must pass this resolution which condemns the continued deterioration of women's rights in that country.

More than a year ago the Taliban, a fundamentalist Islamic militia group, overthrew the government of Afghanistan. Women and young girls have borne the brunt of that takeover. The Taliban has not just stripped women of their human rights, they have made women targets for criminal abuse.

Just 2 months ago, a 16-year-old girl was stoned to death because she was traveling with a man who was not a member of her family. Just last week, one of my constituents, who is a refugee from Afghanistan, told me that her 13-year-old niece was shot dead in the street for going to school. Women are routinely raped and abused. They are persecuted for the smallest infraction; for example, allowing their ankles to be exposed or appearing in a photograph.

Women cannot receive proper emergency medical care. I read recently of the case of one woman who had been severely burned. She was refused treatment because it was against the Taliban law for her to remove her clothing for treatment.

Women are not permitted to work. At one time women made up a large part of the work force. Now many hospitals and schools are closed for lack of employees. The war in Afghanistan has left many women widows. If they cannot work, how are they to support themselves and their children? Many are starving to death.

Perhaps the abuse that makes me the most sad is the idea that young girls, young women, are not permitted to go to school. What does it say about the future of this country? How can women recover from years of abuse and forced ignorance?

I urge my colleagues to vote for House Resolution 156. We must speak out for these women who are being so horribly abused because they cannot speak out for themselves.

I would also like to add my words of encouragement to Madeleine Albright, who will be traveling to this region and encouraging other surrounding countries to speak out against the Taliban.

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

Mr. Speaker, I support this resolution, and I urge its speedy adoption this evening.

This resolution represents a constructive effort to deal with a very serious problem. Afghanistan and its people have suffered through foreign invasions, civil war and widespread human rights abuses virtually nonstop for nearly 20 years. Today outrageous human rights violations continue to occur, especially against the women and girls of that country. We in America must take every opportunity we have to deal with that and to put an end to those abuses of human dignity and international law.

The Afghan people who so courageously fought a key battle or conflict in the cold war deserve to live a life of peace without the kind of abuse that is occurring today. I therefore urge the Members of this body to support this resolution which simply restates the simple truth of what is occurring there today and makes us and our country stand with the people against these abuses.

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

GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore (Mr. LAZIO of New York). Is there objection to the request of the gentleman from California?

There was no objection.

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

Finally in closing, Mr. Speaker, I am pleased that we have this resolution tonight, and I would hope that those governments in Central Asia and around Afghanistan focus on what we are trying to do in the United States tonight. Tonight we are taking the first steps towards reinvolving ourselves in a part of the world that the United States walked away from 10 years ago.

When the Soviet Union was finally defeated in Afghanistan and the last Soviet tanks went across the bridge back into what was then the Soviet Union, the United States breathed a sigh of relief, and we believed that the fighting there would be over very quickly and shortly. Instead, as I mentioned in my opening remarks, the war in Afghanistan which brought peace and prosperity to the Western world, continues in Afghanistan. Today we spend $100 billion a year less on defense because these scraggly, ill-equipped, brave and courageous men in Afghanistan stood up to Soviet tanks and air power, and because they did, the Soviet role to keep control of what they held in the Soviet empire and to expand that empire was broken.

Yes, today we are able to spend those hundreds of billions of dollars, hundreds of billions of dollars that we are not spending on defense, we are able to bring that out of our deficit spending. We are able to spend that on education, we are able to spend that on making our own lives, an infrastructure, making the lives of our country better so that our children live better lives.

But what has happened in Afghanistan during that time period as we have enjoyed this era of goodwill in the United States? What has happened there, as the gentlewoman from New York [Mrs. MALONEY] has suggested, a horrible darkness of oppression has come down on half of their population. Women in Afghanistan are oppressed and treated just as, and I hate to use this example, but the fact is the Taliban are to the women of Afghanistan and the women of the world what Hitler was to the Jews of the world in the 1930's. The Taliban and their philosophy would rally people to repress women and children in their society. We heard examples of that tonight.

What else is happening in Afghanistan? Every day a child, if not many children, are blown to bits, their legs are blown off because of landmines that are planted by the millions, and many of those landmines came from the United States of America. Many of them were given by us to the various factions during the war to defeat the Russians. But yet those children are still being blown apart, and chaos still rules the day.

In Afghanistan the Taliban militias still fight northern power groups that do not agree with their brand of Islam and refuse to be dominated by a Pushtu versus a Tajik, and the killing goes on and on. It goes on for one reason, because we in the United States, the new superpower that supposedly is going to be the force for power and good in this world, have totally walked away from these people to whom we owe so much, people who permitted us to be spending tens of billions of dollars on our education rather than on defense, people who helped bring down the Soviet empire, thus making it no longer necessary for us to spend money on missiles so we could spend it instead on health care and education and infrastructure and bringing down our level of deficit spending.

This resolution tonight underscores that America will no longer close our eyes, that this Congress is no longer closing its eyes to the repression of women and children in Afghanistan, the killing and the maiming of children in Afghanistan, the ongoing chaos.

No. 1, that is the moral position to take, and that is what this resolution says; but, No. 2, let us remember the practical end of it. And I found a funny thing in my years in public service: When we do something, when we ignore the moral course of action, we also are going down a road of something that is not practical. There is a relationship between a practical policy and a moral policy. If we walk away from these people and let them fend for themselves with this brutality and tyranny, with maiming of their children and the repression of their women, what will happen? The chaos will continue in Afghanistan, and I can assure all of my friends here today, all of my friends here today, that Central Asia, which should become an intricate part of the economic system of the world will eventually be engulfed in that same chaos.

Pakistan, who has been a pillar, a pillar of stability in South Asia, our friend will go under, because if we permit the fanaticism of the Taliban to go

on, it will bring down Pakistan just as billions of dollars of drug money going into the hands of narcoterrorists in Afghanistan, in a chaotic Afghanistan, will eventually wreak havoc in the United States. It has already caused the lives of American servicemen and people to be lost. A terrorist trained in Afghanistan helped blow up a building which housed our military people in Saudi Arabia. There was an assassination attempt on the Pope. They found out that the terrorist who was going to assassinate the Pope was trained in Afghanistan.

We cannot let this go on, because not only is it immoral to let this go on, but practically speaking, if we do it, it will come back and hurt us.

There are many ways that we can try to reach peace. Having been involved in this process, I believe King Zahir Shah, the king in exile, who is a moderate leader of his people, a moderate Muslim leader, a devout Muslim, but not a fanatic, will bring back sanity to his country. Zahir Shah has pledged to his people to restore civil government, rebuild the infrastructure and create the basis for democratic elections. And in democratic elections I believe the courage and the honor of the Afghan people will come out over the fanaticism of the Taliban. I have no doubt about that.

And I would like to close with a short story. Many people in this body do not know right after I was elected what I did. Many of my friends and colleagues after they got elected the very first time took off and went golfing or went swimming or went hiking and just got away from it all because the first election is usually the hardest election for this body. I made a pledge to my friends in Afghanistan, because I worked with them when I worked in the White House, that when I left, when I left the White House, if I had a chance and if the battle in Afghanistan was still going on, that I would join them in their struggle.

So I had 2 months between the time that I was elected and the time that I would be sworn in as a Congressman, and I knew that that was the only time that I would be free again like that for the rest of my life, or at least the rest of my time when I would be elected in Congress. So I disappeared, and I ended up with a mujahedin unit in Afghanistan fighting in the battle of Jalalabad, which was then under siege. And as I hiked toward this battle, which was one of the most strenuous hikes, I might add, that I have ever made in my entire life, and it was just beyond any endurance that I could ever do today, but a young Afghan boy, it was a full moon, and the artillery shells were exploding in the distance and lighting up the skies, and it was about 15 mujahedin with me armed with AK-47s and RPGs, just lightly armed, and a young boy who was probably 17 years old ran up besides me, AK-47 slung over his shoulder, and said, "You come from America."

And I said, "Yes."

He said, "You are in politics in America."

And I said, "Yes, I am."

He said, "Are you a donkey or an elephant?"

Here is a young man, 17 years old, fighting for his country, fighting for our country, fighting for the people of the West, fighting for his religion, a brave and courageous young man, and I said "What do you want to do when this is all over?"

□ 2115

He says "I want to build things. I would like to be an architect."

I do not know if that young man survived the battle. I do not know if he did or not. But I know if he is given his chance, he will rebuild his country. I know he is a brave and courageous young person who believed so much in the United States that he knew the symbols of our political structure. He wanted democracy for his own country, but when the Soviets were defeated, we walked away.

Let us reestablish this commitment to the Afghan people, at the very least, to reach out and provide some leadership, to help them attain their own democracy, and, if they obtain democracy, perhaps through some support and guidance from their former king, it will be just as their struggle against communism, a benefit to us as well.

So tonight that is what this resolution is all about. I would ask my colleagues to join me in taking this moral stand and repaying this sacred debt to the people of Afghanistan.

The SPEAKER pro tempore (Mr. LAZIO of New York). All time has expired.

The question is on the motion offered by the gentleman from California [Mr. ROHRABACHER] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 156, as amended.

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

A motion to reconsider was laid on the table.

SAVINGS ARE VITAL TO EVERYONE'S RETIREMENT ACT OF 1997

Mr. FAWELL. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1377) to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Savings Are Vital to Everyone's Retirement Act of 1997".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) The impending retirement of the baby boom generation will severely strain our already overburdened entitlement system, necessitating increased reliance on pension and other personal savings.

(2) Studies have found that less than a third of Americans have even tried to calculate how much they will need to have saved by retirement, and that less than 20 percent are very confident they will have enough money to live comfortably throughout their retirement.

(3) A leading obstacle to expanding retirement savings is the simple fact that far too many Americans—particularly the young—are either unaware of, or without the knowledge and resources necessary to take advantage of, the extensive benefits offered by our retirement savings system.

(b) PURPOSE.—It is the purpose of this Act—

(1) to advance the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers and their families;

(2) to provide for a periodic, bipartisan national retirement savings summit in conjunction with the White House to elevate the issue of savings to national prominence; and

(3) to initiate the development of a broad-based, public education program to encourage and enhance individual commitment to a personal retirement savings strategy.

SEC. 3. OUTREACH BY THE DEPARTMENT OF LABOR.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 et seq.) is amended by adding at the end the following new section:

"OUTREACH TO PROMOTE RETIREMENT INCOME SAVINGS

"SEC. 516. (a) IN GENERAL.—The Secretary shall maintain an ongoing program of outreach to the public designed to effectively promote retirement income savings by the public.

"(b) METHODS.—The Secretary shall carry out the requirements of subsection (a) by means which shall ensure effective communication to the public, including publication of public service announcements, public meetings, creation of educational materials, and establishment of a site on the Internet.

"(c) INFORMATION TO BE MADE AVAILABLE.—The information to be made available by the Secretary as part of the program of outreach required under subsection (a) shall include the following:

"(1) a description of the vehicles currently available to individuals and employers for creating and maintaining retirement income savings, specifically including information explaining to employers, in simple terms, the characteristics and operation of the different retirement savings vehicles, including the steps to establish each such vehicle, and

"(2) information regarding matters relevant to establishing retirement income savings, such as—

"(A) the forms of retirement income savings,

"(B) the concept of compound interest,

"(C) the importance of commencing savings early in life,

"(D) savings principles,

"(E) the importance of prudence and diversification in investing,

"(F) the importance of the timing of investments, and

"(G) the impact on retirement savings of life's uncertainties, such as living beyond one's life expectancy.

"(d) ESTABLISHMENT OF SITE ON THE INTERNET.—The Secretary shall establish a permanent

site on the Internet concerning retirement income savings. The site shall contain at least the following information:

"(1) a means for individuals to calculate their estimated retirement savings needs, based on their retirement income goal as a percentage of their preretirement income;

"(2) a description in simple terms of the common types of retirement income savings arrangements available to both individuals and employers (specifically including small employers), including information on the amount of money that can be placed into a given vehicle, the tax treatment of the money, the amount of accumulation possible through different typical investment options and interest rate projections, and a directory of resources of more descriptive information;

"(3) materials explaining to employers in simple terms, the characteristics and operation of the different retirement savings arrangements for their workers and what the basic legal requirements are under this Act and the Internal Revenue Code of 1986, including the steps to establish each such arrangement;

"(4) copies of all educational materials developed by the Department of Labor, and by other Federal agencies in consultation with such Department, to promote retirement income savings by workers and employers; and

"(5) links to other sites maintained on the Internet by governmental agencies and nonprofit organizations that provide additional detail on retirement income savings arrangements and related topics on savings or investing.

"(e) COORDINATION.—The Secretary shall coordinate the outreach program under this section with similar efforts undertaken by other public and private entities.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 514 the following new items:

"Sec. 515. Delinquent contributions.

"Sec. 516. Outreach to promote retirement income savings.".

SEC. 4. NATIONAL SUMMIT ON RETIREMENT SAVINGS.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by section 3 of this Act, is amended by adding at the end the following new section:

"NATIONAL SUMMIT ON RETIREMENT SAVINGS

"SEC. 517. (a) AUTHORITY TO CALL SUMMIT.—Not later than July 15, 1998, the President shall convene a National Summit on Retirement Income Savings at the White House, to be cohosted by the President and the Speaker and the Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate. Such a National Summit shall be convened thereafter in 2001 and 2005 on or after September 1 of each year involved. Such a National Summit shall—

"(1) advance the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers and their families;

"(2) facilitate the development of a broad-based, public education program to encourage and enhance individual commitment to a personal retirement savings strategy;

"(3) develop recommendations for additional research, reforms, and actions in the field of private pensions and individual retirement savings; and

"(4) disseminate the report of, and information obtained by, the National Summit and exhibit materials and works of the National Summit.

"(b) PLANNING AND DIRECTION.—The National Summit shall be planned and conducted under the direction of the Secretary, in consultation with, and with the assistance of, the heads of such other Federal departments and agencies as the President may designate. Such assistance may include the assignment of personnel. The Secretary shall, in planning and conducting the National Summit, consult with the congressional leaders specified in subsection (e)(2). The Secretary shall also, in carrying out the Secretary's duties under this subsection, consult and coordinate with at least one organization made up of private sector businesses and associations partnered with Government entities to promote long-term financial security in retirement through savings.

"(c) PURPOSE OF NATIONAL SUMMIT.—The purpose of the National Summit shall be—

"(1) to increase the public awareness of the value of personal savings for retirement;

"(2) to advance the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers and their families;

"(3) to facilitate the development of a broad-based, public education program to encourage and enhance individual commitment to a personal retirement savings strategy;

"(4) to identify the problems workers have in setting aside adequate savings for retirement;

"(5) to identify the barriers which employers, especially small employers, face in assisting their workers in accumulating retirement savings;

"(6) to examine the impact and effectiveness of individual employers to promote personal savings for retirement among their workers and to promote participation in company savings options;

"(7) to examine the impact and effectiveness of government programs at the Federal, State, and local levels to educate the public about, and to encourage, retirement income savings;

"(8) to develop such specific and comprehensive recommendations for the legislative and executive branches of the Government and for private sector action as may be appropriate for promoting private pensions and individual retirement savings; and

"(9) to develop recommendations for the coordination of Federal, State, and local retirement income savings initiatives among the Federal, State, and local levels of government and for the coordination of such initiatives.

"(d) SCOPE OF NATIONAL SUMMIT.—The scope of the National Summit shall consist of issues relating to individual and employer-based retirement savings and shall not include issues relating to the old-age, survivors, and disability insurance program under title II of the Social Security Act.

"(e) NATIONAL SUMMIT PARTICIPANTS.—

"(1) IN GENERAL.—To carry out the purposes of the National Summit, the National Summit shall bring together—

"(A) professionals and other individuals working in the fields of employee benefits and retirement savings;

"(B) Members of Congress and officials in the executive branch;

"(C) representatives of State and local governments;

"(D) representatives of private sector institutions, including individual employers, concerned about promoting the issue of retirement savings and facilitating savings among American workers; and

"(E) representatives of the general public.

"(2) STATUTORILY REQUIRED PARTICIPATION.—The participants in the National Summit shall include the following individuals or their designees:

"(A) the Speaker and the Minority Leader of the House of Representatives;

"(B) the Majority Leader and the Minority Leader of the Senate;

"(C) the Chairman and ranking Member of the Committee on Education and the Workforce of the House of Representatives;

"(D) the Chairman and ranking Member of the Committee on Labor and Human Resources of the Senate;

"(E) the Chairman and ranking Member of the Special Committee on Aging of the Senate;

"(F) the Chairman and ranking Member of the Subcommittees on Labor, Health and Human Services, and Education of the Senate and House of Representatives; and

"(G) the parties referred to in subsection (b).

"(3) ADDITIONAL PARTICIPANTS.—

"(A) IN GENERAL.—There shall be not more than 200 additional participants. Of such additional participants—

"(i) one-half shall be appointed by the President, in consultation with the elected leaders of the President's party in Congress (either the Speaker of the House of Representatives or the Minority Leader of the House of Representatives, and either the Majority Leader or the Minority Leader of the Senate; and

"(ii) one-half shall be appointed by the elected leaders of Congress of the party to which the President does not belong (one-half of that allotment to be appointed by either the Speaker of the House of Representatives or the Minority Leader of the House of Representatives, and one-half of that allotment to be appointed by either the Majority Leader or the Minority Leader of the Senate).

"(B) APPOINTMENT REQUIREMENTS.—The additional participants described in subparagraph (A) shall be—

"(i) appointed not later than January 31, 1998;

"(ii) selected without regard to political affiliation or past partisan activity; and

"(iii) representative of the diversity of thought in the fields of employee benefits and retirement income savings.

"(4) PRESIDING OFFICERS.—The National Summit shall be presided over equally by representatives of the executive and legislative branches.

"(f) NATIONAL SUMMIT ADMINISTRATION.—

"(1) ADMINISTRATION.—In administering this section, the Secretary shall—

"(A) request the cooperation and assistance of such other Federal departments and agencies and other parties referred to in subsection (b) as may be appropriate in the carrying out of this section;

"(B) furnish all reasonable assistance to State agencies, area agencies, and other appropriate organizations to enable them to organize and conduct conferences in conjunction with the National Summit;

"(C) make available for public comment a proposed agenda for the National Summit that reflects to the greatest extent possible the purposes for the National Summit set out in this section;

"(D) prepare and make available background materials for the use of participants in the National Summit that the Secretary considers necessary; and

"(E) appoint and fix the pay of such additional personnel as may be necessary to carry out the provisions of this section without regard to provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(2) DUTIES.—The Secretary shall, in carrying out the responsibilities and functions of the Secretary under this section, and as part of the National Summit, ensure that—

"(A) the National Summit shall be conducted in a manner that ensures broad participation of Federal, State, and local agencies and private organizations, professionals, and others involved in retirement income savings and provides a strong basis for assistance to be provided under paragraph (1)(B);

"(B) the agenda prepared under paragraph (1)(C) for the National Summit is published in the Federal Register; and

"(C) the personnel appointed under paragraph (1)(E) shall be fairly balanced in terms of points of views represented and shall be appointed without regard to political affiliation or previous partisan activities.

"(3) NONAPPLICATION OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the National Summit.

"(g) REPORT.—The Secretary shall prepare a report describing the activities of the National Summit and shall submit the report to the President, the Speaker and Minority Leader of the House of Representatives, the Majority and Minority Leaders of the Senate, and the chief executive officers of the States not later than 90 days after the date on which the National Summit is adjourned.

"(h) DEFINITION.—For purposes of this section, the term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated for fiscal years beginning on or after October 1, 1997, such sums as are necessary to carry out this section.

"(2) AUTHORIZATION TO ACCEPT PRIVATE CONTRIBUTIONS.—In order to facilitate the National Summit as a public-private partnership, the Secretary may accept private contributions, in the form of money, supplies, or services, to defray the costs of the National Summit.

"(j) FINANCIAL OBLIGATION FOR FISCAL YEAR 1998.—The financial obligation for the Department of Labor for fiscal year 1998 shall not exceed the lesser of—

"(1) one-half of the costs of the National Summit; or

"(2) $250,000.

The private sector organization described in subsection (b) and contracted with by the Secretary shall be obligated for the balance of the cost of the National Summit.

"(k) CONTRACTS.—The Secretary may enter into contracts to carry out the Secretary's responsibilities under this section. The Secretary shall enter into a contract on a sole-source basis to ensure the timely completion of the National Summit in fiscal year 1998.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act, as amended by section 3 of this Act, is amended by inserting after the item relating to section 516 the following new item:

"Sec. 517. National Summit on Retirement Savings.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. FAWELL] and the gentleman from New Jersey [Mr. PAYNE] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I am very pleased to join with my colleague, the gentleman from New Jersey [Mr. PAYNE], the ranking Democrat on the Subcommittee on Employer-Employee Relations, as well as many other Democrats and Republicans across the political spectrum, in sponsoring the SAVER Act. H.R. 1377 represents bipartisan legislation addressing a critical national problem, the lack of individual retirement savings.

I do want to make special mention of the fact that the gentleman from New Jersey [Mr. PAYNE] has been very cooperative. We have worked together in good bipartisan fashion, and I do very much appreciate the gentleman from New Jersey and the fine work that he has put in on this legislation. Without the gentleman, there simply would not be any such legislation.

The SAVER Act was initially passed by the House back in May. On November 7, the Senate passed SAVER with minor modifications made to secure the support of the Department of Labor. I would like to thank Senate sponsor Senator CHARLES GRASSLEY, the chairman of the Committee on Aging, for his efforts in guiding this legislation through the other chamber.

The SAVER Act is truly a bipartisan initiative, supported not only by the Department of Labor, but also by a diverse group of organizations, from the U.S. Chamber of Commerce to the American Association of Retired Persons.

Mr. Speaker, America faces a ticking demographic time bomb that requires increased retirement savings. The Savings are Vital to Everyone's Retirement Act, or the SAVER Act, is the first step in defusing the retirement time bomb. The SAVER Act initiates projects to educate American workers about retirement savings and convenes a national summit on retirement savings at the White House.

Through this bill, we facilitate a public-private partnership to educate the public on this serious and underreported national problem. Workers need to know the importance of saving for the future and of saving as early in life as possible.

As a survey released this year by the Employee Benefit Research Institute, known as EBRI, reveals, there is a lot of work to be done. Less than one-third of Americans have even tried to calculate how much they need to have saved by retirement. Furthermore, less than 20 percent are very confident they will be able to have enough money to live comfortably throughout their retirement. The lack of adequate retirement savings will only become a more pressing problem as the baby-boomers begin to retire.

Far too few Americans, particularly the young, have either the knowledge or the resources necessary to take advantage of the extensive benefits offered by our retirement savings system. We know the old adage that you feed someone for life by teaching them to fish. We need to apply this principle to retirement savings.

The same EBRI survey found while only a quarter of workers express confidence in their ability to map out a savings strategy, an encouraging 50 percent said they would stick to a plan, if they only had one.

We have to find ways to get the information and the skills out to the workers of America to harness this latent energy. The SAVER Act directs the Department of Labor to maintain an ongoing program of education and outreach to the public through public service announcements, public meetings, creation of educational materials, and establishment of a site on the Internet.

The information to be made available will include a means for individuals to calculate their estimated retirement savings needs, a plain English description of the common types of retirement savings arrangements currently available to both individuals and employers, and an explanation for employers, hopefully in simple terms, of how to establish different retirement savings arrangements for their workers.

The SAVER Act also convenes a national summit on retirement savings at the White House, cohosted by the executive and the legislative branches, to be held by July 15, 1998, and again in the year 2001, and again in the year 2005. The national summit would advance the public's knowledge and understanding of retirement savings and facilitate the development of a broad-based public education program, identify the barriers which hinder workers from setting aside adequate savings for retirement and impede employers, especially small employers, from assisting workers in accumulating retirement savings, and develop specific recommendations for legislative, executive, and private sector actions to promote retirement savings among American workers.

Mr. Speaker, the national summit would bring together experts in the field of employee benefits and retirement savings, key leaders of government, and interested parties from the private sector and the general public. The delegates would be selected by the congressional leadership and the President and would represent the diversity of thought in the field without regard to their political affiliation.

The national summit would be a public-private partnership receiving substantial funding from private sector contributions. I hope that the SAVER Act can be a first step in a truly bipartisan effort to reverse the long course of neglect of this vital issue and help American workers better prepare for a comfortable and a secure retirement.

I urge my colleagues to vote for passage of the SAVER Act and vote to help defuse the retirement time bomb.

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

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

Mr. Speaker, I thank you for this opportunity to speak to the importance of the SAVER Act. I think it will provide a big first step towards greater awareness about retirement security for all Americans.

I wish to commend Chairman FAWELL for his effort to bring to the attention

of all of us this very important issue that affects millions of Americans. This legislation has been skillfully moved through our subcommittee and the full committee, and I appreciate the chairman for his fine work on this very important piece of legislation.

I would also like to commend Senator JOHN BREAUX from Louisiana who also worked on the other side of the House.

The retirement clock is running out, as has been mentioned by the chairman, for millions of Americans and their families. After a lifetime of hard work and contributing to and building our society, millions of older Americans have retired and are not prepared for it. We have always heard that the future belongs to those who are prepared for it. Many of our older Americans are not and will not be. They cannot afford to pay their bills.

While we have worked closely with the administration to make gains in strengthening protection for plan participants in the last 4 years, we still have miles to go in ensuring retirement security for the American work force.

Half of all older Americans have incomes of less than $11,300. This is because their incomes are primarily drawn from Social Security, which on average pays $8,460 to retired workers. That is less than today's minimum wage. Very little of their income comes from individual savings. A very alarming picture painted by the statistics is that many of the people we need to reach out to are women and minorities. As you know, there is a direct correlation between pension adequacy and the wages that workers receive. This is because many employers base their pension benefits on the worker's wages.

This is true with respect to defined contributions and defined benefit plans, including 401(k) plans. A very disturbing image forms when we begin to think about the retirement security of low-wage workers, particularly women and minorities. Many of these workers will never receive a pension. We know that less than half of all working women are covered by a pension. Those who are fortunate enough to be covered by a plan can expect to receive lower benefits in retirement because their wages were lower during the time they were working.

A recent study noted an alarming trend in private pension coverage among African American and Latino people. This study suggests that many minority workers will become strictly dependent on Social Security and have a shrinking chance to enjoy financially comfortable retirements.

Moreover, the report shows that the percentage of blacks covered by private pensions of all types plummeted from 45.1 percent in 1979 to 33.8 percent in 1993, only one-third of the population, while the Latino coverage fell from 37.7 percent to 24.6 percent, less than 25 percent, during that same period.

I am hopeful the SAVER Act will be successful in reaching these workers. Many of them live in my district, but let me point out, they do not all live in my district, they live in your hometowns too. They may even be your friends or members of your family. Millions of people will not have any significant retirement income beyond Social Security, which makes the Federal program even more critical, especially at a time when its fiscal future is being questioned.

While the baby-boom generation is on the eve of retirement, this statistical snapshot of the next generation of retirees is fueling the current debate about Social Security. I believe the provisions in the SAVER Act will provide more opportunities to better educate and prepare Americans for their retirement. Today, Mr. Chairman, I hope that this is the beginning of developing real solutions to problems that affect real people.

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

Mr. FAWELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Education and the Workforce.

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

Mr. Speaker, we are here today to address in a bipartisan fashion the real demographic time bomb that faces the American work force, and I thank the gentleman from Illinois, our chairman [Mr. FAWELL], and the gentleman from New Jersey, the ranking member [Mr. PAYNE], for bringing this legislation before us.

Workers are not saving adequately for their retirement, and this problem will only become more profound as the baby-boom generation continues to age. It does not take a mathematician to recognize that in the future retiring Americans will have to rely less on Social Security and more on pensions and other personal savings.

□ 2130

Diffusing the retirement time bomb requires immediate action. Educating American workers is the critical first step. Savings are vital to everyone's Retirement Act of 1997, the SAVER Act is that step.

The SAVER Act initiates projects to educate American workers about retirement savings and convenes a national summit on retirement savings. I am pleased to join with my colleagues from across the aisle, both in this body and in the other body, to support this important initiative.

I am also pleased by the support of organizations representing the older Americans, the business community and the financial community behind this public-private partnership.

Far too few workers, especially the young, understand the importance of saving for retirement. Many small businesses are confused as to how to set up some of the new retirement saving vehicles created by Congress, or they do not know how to go about encouraging their workers to take advantage of them.

The SAVER Act creates a statutory mandate for the Department of Labor to help inform American workers about retirement savings, to give them the tools they need to take advantage of the many existing benefits of our retirement system. The SAVER Act also hopes to focus greater public awareness on the lack of retirement savings by convening a national summit at the White House. The summit would be a bipartisan undertaking of both the executive and legislative branches and bring together employee benefit experts from throughout the country.

The SAVER Act seeks to enlist business and other concerned private groups as equal partners in this undertaking and looks to them to pick up their share of the tab as well. Ultimately, we all have a stake in the success of this project. Continuing to educate our workers is not only crucial to Americans having successful careers, it is also vital to ensuring they have secure retirements.

Mr. Speaker, I would also like to take this opportunity to say thank you to a longtime aide of mine who will be leaving the Committee on Education and the Workforce in the next few weeks. Randy Johnson has overseen, as our Workforce Policy Coordinator, all of the business, labor and workplace issues that have come before our committee since we have been in the majority. And for more than half a decade before that, he served as our labor counsel while we were in the minority.

Randy has been interested in labor issues since law school, when he researched the United Mine Workers contract negotiations. His ability to understand the negotiation process has served as well. Having worked in the Department of Labor before was a real plus for us. Both when we were in the minority and now, Randy has known how to stay true to his principles and yet accomplish our goals of reforming the American workplace. He has a keen understanding of the issues, an astute sense of timing, and a determination to achieve success. I and the rest of our majority Members could not have asked for a better staff member to lead the charge.

I will miss his quiet determination, his strong convictions to our Republican principles, and his hours and hours of dedication to advancing our agenda. We all wish him well and remind him he cannot come up and try to influence members of the committee for 1 year.

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

Mr. PAYNE. Mr. Speaker, I yield 4 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. FAWELL], the chairman, and the gentleman from New Jersey [Mr. PAYNE], ranking member, for their work on this legislation. I am proud to be its cosponsor, and I think that as we enact this bill, we will be making a very positive contribution to what truly is one of our growing national matters of urgency: Retirement savings.

We are embarking, as we know, on an important debate on Social Security, but regardless of wherever that debate may take us, one thing is crystal clear. We have to save more. We have got to save more. Our savings rate is one-half of what it was in the post-World War II through 1980 period of time. If we think about the worker to retiree ratio, 42 workers per Social Security retiree in the 1940s, heading to 3 workers per retiree in 20 years, 2 workers per retiree in 30 years. It is just so clear, we have to save more.

Add in longevity. Unlike the 1930s, when Social Security came on line, now workers live, on average, 17 years longer in retirement than they did at that time. We have to save more. We will not be able to publicly fund our way out of this one. It is going to require a significant measure of personal responsibility for us all, and that is why this bill is so important.

A critical part of helping people achieve their goal of economic security in retirement is getting them on track with a savings plan to get them there, and let us face it. We can all use some help in that regard.

Education is a critical part of helping people understand the steps they must take now so that they have a secure retirement tomorrow. We know that in the workplace where there are work-based retirement savings plans and educational programs occurring in that place of employment, people attend, they respond, and it improves their savings program significantly. The problem is, less than half of all workers have work-based retirement savings plan, a goal we must work on. But in addition, we must, like this bill accomplishes, get the savings programs out to those not necessarily learning about savings at their workplace. This is going to advance retirement savings for everyone.

Charge the Labor Department to continue their good work. It will help us reach those that are not learning about retirement savings in their place of employment; it will charge the Labor Department to continue the work they are already advancing in education relative to retirement savings; it will convene the White House summits which will focus national attention on this critical issue.

Mr. Speaker, in closing, I again want to thank the ranking member and the chairman. The chairman has indicated he will not be seeking reelection. His contributions, as those of us who know, who have served with him, will continue long after his presence is in this Chamber, and I would like to think that passing his legislation tonight will put on track an important course of education, leaving the chairman's imprint on our very positive step forward in the goal of retirement savings.

Mr. FAWELL. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from North Dakota [Mr. POMEROY] for his fine comments and his contributions in the area of pensions.

I do want to say also, just briefly, the gentleman from Pennsylvania [Mr. GOODLING] mentioned Randy Johnson, who is actually seated right behind me here. We have worked together for quite a number of years, and this gentleman is in charge of the areas of labor law, which is something that puts a lot of people to sleep. We need a good lawyer with a good mind to keep track of all of the ins and outs of that area, and Randy has done that dutifully, and then going over into health care, the ERISA statute, which really puts people to sleep, and then into the pension area of the ERISA law.

All of this is very, very vital stuff, and when we have the kind of staff people like Randy Johnson, who, unfortunately, has been picked off by a head hunter, so he will be around in the Washington area. I think maybe after a year is over he probably is going to be coming back and visiting us and saying some things. I believe it is not out of order to say he is going with the National Chamber of Commerce, so we will probably be seeing him around and we wish him nothing but the very, very best. It was a great occasion, and I myself will be retiring. I trust that I have made retirement plans that I can cover those years of retirement.

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

Mr. PAYNE. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, let me thank my friend the gentleman from New Jersey [Mr. PAYNE] for yielding me this time.

I want to congratulate the gentleman from Illinois [Mr. FAWELL] and the gentleman from New Jersey [Mr. PAYNE] for bringing forward this bill. I think the title really says it all. The title: "Savings Are Vital to Everyone's Retirement."

For two decades we have seen America see savings rates lag far behind the industrial nations of this world. This is very troublesome to all of us as we look at the economic growth of our Nation. In the last couple of years we have seen an encouraging sign, and that is the budget deficit of this country has gotten smaller, and the deficit was one of the major problems contributing to the low savings rates of our Nation. Low savings rates also present major problems for families looking ahead to retirement.

In recent years, many of us in Congress have worked on a bipartisan basis on creating new incentives to encourage Americans to save. I saw my friend the gentleman from Ohio [Mr. PORTMAN] on the floor a little bit earlier. He has worked on issues with me. We need to do more to encourage retirement savings in this Nation. We have to reverse the trend of less funds being put aside for retirement.

Those efforts have included major pension simplification legislation, including the creation of simple accounts to help small businesses create pension plans, and expansions of IRA accounts. While these legislative initiatives have begun to show benefits in expanding pension coverage and retirement savings, we must do more.

The backbone of our national retirement policy is the Social Security system. But the Social Security system in the long term has significant shortfalls in its funding. We must preserve the viability of Social Security, while encouraging Americans to augment their retirement savings outside of that program. The bill before us will help raise the visibility of this critical issue.

Under Secretary Hermann and former Secretary Reich, the Department of Labor has expanded its efforts to protect retirement savings of working Americans and to increase public awareness of the need to make adequate provisions for a secure retirement.

H.R. 1377 will strengthen those efforts by requiring a national summit on retirement savings to be held at the White House, which will provide the impetus for a full-blown national discussion on retirement policies.

Again, I commend the gentleman from Illinois [Mr. FAWELL], and I commend the gentleman from New Jersey [Mr. PAYNE]. This is important legislation, and I encourage my colleagues to support it.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume to say that I would like to once again thank the chairman for this very important legislation.

As a whole, Americans are motivated to set aside for their retirement. However, they are uninformed and uneducated in many instances about their options. Furthermore, many Americans nearing retirement are worried about whether or not the benefits they have been promised will be there when they retire. Corporate mergers and downsizing to meet the bottom line by encouraging early retirement

among older workers may compromise the integrity of these promised benefits. This is especially true among minority and women workers. Improving awareness and education is a good first step in reconciling the need of social insurance, providing social protection with individual responsibility.

Again, I applaud the gentleman from Illinois [Mr. FAWELL] for his leadership on this issue, and I look forward to working with him to provide retirement security for all Americans and their families. I too would like to wish him well in his retirement from this House for much of the outstanding work that he has done, and I urge my colleagues to support H.R. 1377, Savings Are Vital to Everyone's Retirement Act.

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

The SPEAKER pro tempore (Mr. LAZIO). All time has expired.

The question is on the motion offered by the gentleman from Illinois [Mr. FAWELL] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1377.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the matter just considered.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

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

H.J. Res. 104. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

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

S. 1502. An act entitled the "District of Columbia Student Opportunity Scholarship Act of 1997".

□ 2145

UNITED STATES FIRE ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEARS 1998 AND 1999

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1231) to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes.

The Clerk read as follows:

S. 1231

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 "United States Fire Administration Authorization Act for Fiscal Years 1998 and 1999".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(3) by adding at the end the following:

"(G) $29,664,000 for the fiscal year ending September 30, 1998; and

"(H) $30,554,000 for the fiscal year ending September 30, 1999.".

SEC. 3. SUCCESSOR FIRE SAFETY STANDARDS.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended—

(1) in section 29(a)(1), by inserting "or any successor standard to that standard" after "Association Standard 74";

(2) in section 29(a)(2), by inserting ", or any successor standard to that standard" before ", whichever is appropriate,";

(3) in section 29(b)(2), by inserting ", or any successor standard to that standard" after "Association Standard 13 or 13–R";

(4) in section 31(c)(2)(B)(i), by inserting "or any successor standard to that standard" after "Life Safety Code)"; and

(5) in section 31(c)(2)(B)(ii), by inserting "or any successor standard to that standard" after "Association Standard 101".

SEC. 4. TERMINATION OR PRIVATIZATION OF FUNCTIONS.

(a) IN GENERAL.—Not later than 60 days before the termination or transfer to a private sector person or entity of any significant function of the United States Fire Administration, as described in subsection (b), the Administrator of the United States Fire Administration shall transmit to Congress a report providing notice of that termination or transfer.

(b) COVERED TERMINATIONS AND TRANSFERS.—For purposes of subsection (a), a termination or transfer to a person or entity described in that subsection shall be considered to be a termination or transfer of a significant function of the United States Fire Administration if the termination or transfer—

(1) relates to a function of the Administration that requires the expenditure of more than 5 percent of the total amount of funds made available by appropriations to the Administration; or

(2) involves the termination of more than 5 percent of the employees of the Administration.

SEC. 5. NOTICE.

(a) MAJOR REORGANIZATION DEFINED.—With respect to the United States Fire Administration, the term "major reorganization" means any reorganization of the Administration that involves the reassignment of more than 25 percent of the employees of the Administration.

(b) NOTICE OF REPROGRAMMING.—If any funds appropriated pursuant to the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Committees on Appropriations of the Senate and the House of Representatives, notice of that action shall concurrently be provided to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

(c) NOTICE OF REORGANIZATION.—Not later than 15 days before any major reorganization of any program, project, or activity of the United States Fire Administration, the Administrator of the United States Fire Administration shall provide notice to the Committees on Science and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate.

SEC. 6. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 rapidly approaching, it is the sense of Congress that the Administrator of the United States Fire Administration should—

(1) give high priority to correcting all 2-digit date-related problems in the computer systems of the United States Fire Administration to ensure that those systems continue to operate effectively in the year 2000 and in subsequent years;

(2) as soon as practicable after the date of enactment of this Act, assess the extent of the risk to the operations of the United States Fire Administration posed by the problems referred to in paragraph (1), and plan and budget for achieving compliance for all of the mission-critical systems of the system by the year 2000; and

(3) develop contingency plans for those systems that the United States Fire Administration is unable to correct by the year 2000.

SEC. 7. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator, means the Administrator of the United States Fire Administration.

(2) EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.—The term "educationally useful Federal equipment" means computers and related peripheral tools and research equipment that is appropriate for use in schools.

(3) SCHOOL.—The term "school" means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

(b) SENSE OF CONGRESS.—

(1) IN GENERAL.—It is the sense of Congress that the Administrator should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

(2) REPORTS—

(A) IN GENERAL—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall prepare and submit to the President a report that meets the requirements of this paragraph. The President shall submit that report to Congress at the same time as the President submits a budget request to Congress under section 1105(a) of title 31, United States Code.

(B) CONTENTS OF REPORT.—The report prepared by the Administrator under this paragraph shall describe any donations of educationally useful Federal equipment to schools made during the period covered by the report.

SEC. 8. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the United States Fire Administration (referred to in this section as the "Administrator") shall prepare and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a report that meets the requirements of this section.

(b) CONTENTS OF REPORT.—The report under this section shall—

(1) examine the risks to firefighters in suppressing fires caused by burning tires;

(2) address any risks that are uniquely attributable to fires described in paragraph (1), including any risks relating to—

(A) exposure to toxic substances (as that term is defined by the Administrator);

(B) personal protection;

(C) the duration of those fires; and

(D) site hazards associated with those fires;

(3) identify any special training that may be necessary for firefighters to suppress those fires; and

(4) assess how the training referred to in paragraph (3) may be provided by the United States Fire Administration.

The SPEAKER pro tempore (Mr. LAZIO of New York). Pursuant to the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from Michigan [Mr. BARCIA] each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1231.

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

There was no objection.

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

Mr. Speaker, Senate bill 1231, an act to authorize appropriations for the United States Fire Administration for the fiscal years 1998 and 1999, is nearly identical to H.R. 1272, a bill favorably reported by voice vote by the Committee on Science on April 16, 1997, and which was later passed by the full House by voice vote on April 23, 1997.

Senate bill 1231 is the result not only of a bipartisan effort, but also a bicameral effort to craft legislation that is in the national interest. This bill reauthorizes the programs and activities of the United States Fire Administration, a small but important organization within the Federal Emergency Management Agency.

The U.S. Fire Administration was created by Congress in 1974 in response to a report by the President's National Commission on Fire Prevention and Control entitled America Burning, which presented a dismal assessment of the Nation's fire problem. The report found that nearly 12,000 lives were lost to fire annually in this country. In addition, fire was found responsible for more than 300,000 injuries and over $3 billion of economic losses annually.

Congress reacted to the report by declaring a Federal role for reducing fire losses, and created the United States Fire Administration and the National Fire Academy. The U.S. Fire Administration provides vital assistance to the Nation's fire and emergency services communities which helps them to save lives and property. The Fire Administration is able to perform this service through four primary missions: First, fire service training; second, fire-related data collection and analysis; third, public education and awareness; and fourth, research and technology development.

The National Fire Academy provides management-level training and education to fire and emergency service personnel and fire protection and control activities. The Fire Academy, located in Emmitsburg, Maryland, trains tens of thousands of fire and emergency personnel a year through its on- and off-campus programs.

Annually during budget authorization hearings held by the Committee on Science, witnesses from the volunteer and paid fire services as well as emergency services have testified as to the important and indispensable role the U.S. Fire Administration and the National Fire Academy play in their ability to perform their job.

Senate 1231 establishes funding levels sufficient to preserve all the missions and functions of the Fire Administration and the Academy. Specifically, this bill authorizes just over $29.6 million for the Fire Administration's fiscal 1998 budget, and just over $30.5 million for fiscal year 1999. These Senate-approved authorization levels are slightly higher, $64,000 and $54,000 respectively, than the previously approved House authorizations.

I believe this 3-percent increase is justified and necessary in order to ensure that the agency can continue its current mission activities, as well as to perform a new and important counterterrorism training function. The Fire Administration's new mission, counterterrorism training for emergency response personnel, arose from the enactment of the Antiterrorism and Effective Death Penalty Act passed last year by Congress and signed by the President.

Counterterrorism training for first responders is an appropriate function of the Fire Administration, as it is frequently local fire and emergency departments who are first on the scene not only to battle fires, but also to react to acts of terrorism, such as the bombings in Oklahoma City and the World Trade Center in New York. In addition, counterterrorism training complements and supplements many of the traditional first responder training programs currently offered through the Academy.

The other sections of S. 1231 include, first, technical changes to fire protection standards; second, a provision requiring that the administrator inform Congress in advance of any effort to privatize or terminate agency activities; third, a requirement that reprogramming notices required by the Committee on Appropriations committees must also be provided to the authorizing committees; and fourth, a sense of Congress resolution emphasizing that planning should begin immediately to assess and correct any computer systems affected by the year 2000 date-related software problem; fifth, a provision allowing the Administrator to donate excess Federal computer equipment to schools; and sixth, a requirement that no later than 180 days after the enactment of this bill, the Fire Administration submit a report to Congress examining the risks faced by firefighters in suppressing tire fires. This report was also added by the Senate, and we agree as to its need.

Mr. Speaker, I applaud the efforts of the U.S. Fire Administration and the National Fire Academy, and I believe this bill is a reflection of strong bipartisan support for these agencies and will enable them to continue their missions and to accomplish their goals.

In closing, I want to thank the gentleman from New Mexico [Mr. SCHIFF], chairman of the subcommittee, and the gentleman from Michigan [Mr. BARCIA], the ranking member of the Subcommittee on Basic Research, for their hard work on this legislation, as well as the full committee's ranking member, the gentleman from California [Mr. BROWN].

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

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

Mr. Speaker, before I begin my remarks on Senate 1231, I want to say what a pleasure and privilege it has been to work with Chairman SENSENBRENNER and the acting subcommittee chairman, and I want to commend them for, again, their bipartisan effort at producing in the House version of this legislation what is a great step forward in terms of expanding the education for firefighters and first responders of emergency situations so we can best cope not only with those typical disasters that occur around the country, but also the new focus on counterterrorism and associated efforts to control that new threat to the Nation.

Mr. Speaker, I rise in support of S. 1231, which authorizes appropriations for the U.S. Fire Administration. This bill was developed in consultation with the Committee on Science and contains acceptable amendments to House Resolution 1272, the House-passed Fire Administration authorization bill.

The U.S. Fire Administration deserves the support of Congress because

its mission is important to the safety of every American, and because it is an agency widely acknowledged to be doing its job well. It was created, as the distinguished chairman just mentioned, by the Federal Fire Prevention and Control Act of 1974 in response to a growing awareness that the high loss of life and destruction of property due to fire was a national problem that could be ameliorated by focused and coordinated education, training, and research efforts.

During the past 25 years, significant progress has been made through programs of the Fire Administration to increase public awareness of fire safety measures, to improve the effectiveness of fire and emergency services, and to spur the wider use of home fire safety devices.

Much has been accomplished by the Fire Administration, but the record of fire death rates and property loss in the Nation reveals that much remains to be done. I believe this bill will give the Fire Administration the resources needed to allow it to continue to excel.

S. 1231 will not support just another bureaucratic program. The very small expenditure of funds provided by the Fire Administration will be used to improve the skills of firefighters and emergency response personnel, to increase public awareness of fire safety, and to improve the equipment available for suppressing fires and protecting firefighters.

In short, the program, sponsored by the Fire Administration, will increase the level of excellence of a national service that is critical to every one of us. The Fire Administration has long enjoyed the bipartisan support of Congress because of the recognition of its vital mission to increase public safety.

I would like to commend the majority members of the Committee on Science once again for working in a bipartisan way with the minority to develop the House companion bill to S. 1231. Mr. Speaker, I fully support S. 1231, and recommend the measure to the House for its favorable consideration.

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

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

The SPEAKER pro tempore (Mr. LAZIO of New York). The question is on the motion offered by the gentleman from Wisconsin [Mr. SENSENBRENNER] that the House suspend the rules and pass the Senate bill, S. 1231.

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.

STANISLAUS COUNTY, CA, LAND CONVEYANCE

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 112) to provide for the conveyance of certain property from the United States to Stanislaus County, California.

The Clerk read as follows:

H.R. 112

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

SECTION 1. CONVEYANCE OF PROPERTY.

As soon as practicable after the date of the enactment of this Act, the Administrator of the National Aeronautics and Space Administration (in this Act referred to as "NASA") shall convey to Stanislaus County, California, all right, title, and interest of the United States in and to the property described in section 2.

SEC. 2. PROPERTY DESCRIBED.

The property to be conveyed pursuant to section 1 is—

(1) the approximately 1528 acres of land in Stanislaus County, California, known as the NASA Ames Research Center, Crows Landing Facility (formerly known as the Naval Auxiliary Landing Field, Crows Landing);

(2) all improvements on the land described in paragraph (1); and

(3) any other Federal property that is—

(A) under the jurisdiction of NASA;

(B) located on the land described in paragraph (1); and

(C) designated by NASA to be transferred to Stanislaus County, California.

SEC. 3. TERMS.

(a) CONSIDERATION.—The conveyance required by section 1 shall be without consideration other than that required by this section.

(b) ENVIRONMENTAL REMEDIATION.—(1) Notwithstanding any other provision of law, the conveyance required by section 1 shall not relieve any Federal agency of any responsibility under law for any environmental remediation of soil, groundwater, or surface water.

(2) Any remediation of contamination, other than that described in paragraph (1), within or related to structures or fixtures on the property described in section 2 shall be subject to negotiation to the extent permitted by law.

(c) RETAINED RIGHT OF USE.—NASA shall retain the right to use for aviation activities, without consideration and on other terms and conditions mutually acceptable to NASA and Stanislaus County, California, the property described in section 2.

(d) RELINQUISHMENT OF LEGISLATIVE JURISDICTION.—NASA shall relinquish, to the State of California, legislative jurisdiction over the property conveyed pursuant to section 1—

(1) by filing a notice of relinquishment with the Governor of California, which shall take effect upon acceptance thereof; or

(2) in any other manner prescribed by the laws of California.

(e) ADDITIONAL TERMS.—The Administrator of NASA may negotiate additional terms to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from Alabama [Mr. CRAMER] each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 112.

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

There was no objection.

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

Mr. Speaker, the same version of this bill passed this House last year under suspension of the rules. H.R. 112 requires the Administrator of NASA to convey to Stanislaus County, California, the property known as the NASA Ames Research Center, Crows Landing Facility. Under this bill NASA shall retain the right to use this property for aviation activities.

In March of this year, NASA conducted a review of its field activities to identify potential closures which would reduce operational costs. As a result of this effort, NASA decided to cease operations at the NASA Crows Landing Facility in order to lower overhead burdens and eliminate operations costs.

This excess Federal property is ideal for use by Stanislaus County for economic development. It is a win-win arrangement for the Federal Government and the local government of California, and I urge my colleagues to support this bill.

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

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

Mr. Speaker, I also would like to rise in support of H.R. 112. I thank the chairman of the committee for making sure that this important piece of legislation made it to the floor here at the concluding hours.

This is a noncontroversial measure, as the chairman has indicated. It simply allows the Administrator of NASA to transfer this land to the Stanislaus County, California, government there. The land had been previously owned by the Navy and then transferred to NASA. NASA indicates that it has no further use for this particular parcel, except that it would like to reserve the right to use it for aviation purposes. H.R. 112 does allow the NASA Administrator to preserve that right, and as well, to review to see that there are any other interests that would be in the best interests of the government.

So I agree with the chairman, this is a win-win situation for the Federal Government, for the county government there in California, and I urge Members to suspend the rules and pass H.R. 112.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr.

SENSENBRENNER] that the House suspend the rules and pass the bill, H.R. 112.

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.

□ 2200

AUBURN INDIAN RESTORATION AMENDMENT ACT

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1805) to amend the Auburn Indian Restoration Act to establish restrictions related to gaming on and use of land held in trust for the United Auburn Indian Community of the Auburn Rancheria of California, and for other purposes.

The Clerk read as follows:

H.R. 1805

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 "Auburn Indian Restoration Amendment Act".

SEC. 2. RESTRICTIONS ON GAMING.

Section 202 of the Auburn Indian Restoration Act (25 U.S.C. 13001) is amended by adding at the end the following new subsection:

"(g) GAMING.—

"(1) Class II and class III gaming activities shall be lawful only on one parcel of land, which shall be taken into in trust for the Tribe pursuant to section 204(a)(1), but only if—

"(A) prior to the time such parcel is taken into trust, the Tribe and the local government of the political jurisdiction in which the parcel is located have entered into a compact as required by section 204(e);

"(B) the gaming facility and related infrastructure on such parcel of land are located at least 2 miles from any church, school, or residence which was constructed in a residential zone and which existed on the date of the introduction to the House of Representatives of the Auburn Indian Restoration Amendment Act (June 5, 1997);

"(C) such parcel of land is specifically taken into trust for class II and class III gaming activities; and

"(D) such parcel of land is not part of the land identified in section 204(b).

"(2) If the State of California finds that class III gaming activities have been established in violation of the requirements of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land held in trust for the Tribe, the State may institute an action in a court of competent jurisdiction for injunctive relief to enjoin all class II and class III gaming activities. If a court of competent jurisdiction determines, by a preponderance of the evidence, that Class III gaming activity has been established in violation of the requirements of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land held in trust for the Tribe, all Class II and Class III gaming activities shall be unlawful on land held in trust for the Tribe and any such activities may be enjoined by such court. The Tribe shall not raise sovereign immunity as a defense to any such action or to the enforcement or execution of a judgment resulting from such action.

"(3) Except as provided herein, nothing in this Act shall negate or diminish in any way the Tribe's obligation to comply with all provisions of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).".

SEC. 3. RESTRICTIONS ON LAND TO BE HELD IN TRUST.

(a) LANDS TO BE TAKEN INTO TRUST.—Section 204(a) of the Auburn Indian Restoration Act (25 U.S.C. 13001-2) is amended to read as follows:

"(a) LANDS TO BE TAKEN INTO TRUST.—(1) Upon request of the tribe, the Secretary shall accept forthwith for the benefit of the Tribe any real property located in Placer County, California, if—

"(A) the property is conveyed or otherwise transferred to the Secretary;

"(B) at the time of the conveyance or transfer pursuant to subparagraph (A), there are no adverse legal claims on such property, including outstanding liens, mortgages, or taxes owed; and

"(C) prior to the Secretary accepting the property the Tribe was in compliance with section 202(g)(1) and 202(g)(3), and subsections (d) and (e) of this section.

"(2) The Secretary may accept, subject to the provisions of this Act, any additional acreage in the Tribe's service area pursuant to the authority of the Secretary, for nongaming related activities or nonresidential purposes under the Act of June 18, 1934 (25 U.S.C. 461 et seq.), provided that the primary function of such additional acreage shall not be the furtherance of gaming activities.".

(b) USE OF LAND TAKEN INTO TRUST FOR NONGAMING PURPOSES.—Section 204 of the Auburn Indian Restoration Act (25 U.S.C. 13001-2) is amended by adding at the end the following new subsections:

"(d) USE OF LAND TAKEN INTO TRUST FOR NONGAMING PURPOSES.—(1) A parcel of real property taken into trust for the Tribe pursuant to the provisions of section 204(a) (1) or (2), for purposes other than class II or class III gaming activities, may only be used and developed in a manner consistent with and in compliance with all general and community plans and zoning ordinances of the local government of the political jurisdiction in which the land to be taken into trust is located which are in effect at the time that the land is taken into trust, and any other provisions agreed to in the compact required by subsection (e).

"(2)(A) In addition to the former trust lands referred to in subsection (b), the Tribe may acquire one parcel of land for residential purposes pursuant to section 204 (a)(1) and (d)(1).

"(B) Any additional real property taken into trust for the Tribe for residential purposes pursuant to section 204 (a)(2) and (d)(1) shall be contiguous to the initial parcel.

"(C) Except as provided in subsection (b), the Secretary shall not take any real property into trust for residential purposes for individual members of the Tribe.

"(e) COMPACT REQUIRED.—(1) After the date of the enactment of the Auburn Indian Restoration Amendment Act, the Secretary shall not take any land into trust for the Tribe until the Tribe and the local government of the political jurisdiction in which the land to be taken into trust is located have entered into a written compact, which the parties shall negotiate in good faith and in a timely manner, and which shall include provisions relating to—

"(A) location and permissible use of the land to be taken into trust;

"(B) an agreed upon environmental study which provides for the mitigation of any environmental impacts of the proposed development and uses of the land to be taken into trust, and that any mitigation required shall be similar in scope and content to that which would be required of other non-tribal applicants in the local government of the political jurisdiction;

"(C) law enforcement jurisdictional responsibilities and other public services to be provided on the land, consistent with other Federal laws, including any reasonable compensation to the local government of the political jurisdiction for the services and impacts;

"(D) the impact of the removal of the land from the tax rolls;

"(E) building and design standards for any structures proposed to be built on the land, including provisions that such structures shall be built in accordance with standards similar in scope and content to those required of non-tribal applicants in the local jurisdiction; and

"(F) such additional matters as the parties may agree.

"(2) The local government of the political jurisdiction in which the land to be taken into trust is located shall—

"(A) provide notice of the Tribe's proposal and the terms of the local compact to the public, the State, and the governing bodies of any other local governments in Placer County, California;

"(B) provide the recipients of the notice given under subparagraph (A) with a period of 45 days in which to provide comments; and

"(C) take comments provided under subparagraph (B) into consideration and address them before entering into a local compact.

"(3) The Tribe and the local jurisdiction shall negotiate the compact required by this subsection in good faith.

"(f) BINDING ARBITRATION.—(1) If a dispute arises regarding—

"(A) the non-compliance of the Tribe or the local jurisdiction with subsection (e)(3);

"(B) the terms of a compact negotiated pursuant to subsection (e); or

"(C) the alleged violation of a compact negotiated pursuant to subsection (e), the Tribe or the local government of the political jurisdiction in which the real property relevant to the dispute is located may submit the dispute to binding arbitration under the United States Arbitration Act (9 U.S.C. 1 et seq.). The Tribe shall not raise sovereign immunity as a defense to arbitration or the enforcement of any arbitration award or any judgment based thereon, and all parties expressly agree to comply with such awards and judgments.

"(2) If the Tribe or the local government of the political jurisdiction in which the real property relevant to the dispute is located elects to submit a dispute to arbitration pursuant to paragraph (1), an arbitration board shall be established to conduct the arbitration and shall consist of—

"(A) one independent member selected by the Tribe;

"(B) one independent member selected by the local government of the political jurisdiction in which the land relevant to the dispute is located; and

"(C) one member selected by the members selected pursuant to subparagraphs (A) and (B). If the members selected pursuant to subparagraphs (A) and (B) are unable to agree upon a third member within 20 days after selection of the other members, the presiding judge of the Placer County Superior Court shall select the third member.

"(3) The costs of an arbitration proceeding under this subsection, not including attorneys' fees, shall be awarded to the prevailing

party in the arbitration as determined by the arbitration board.

"(4) The decision of the arbitration board shall be final and implemented subject only to judicial review as provided for in the United States Arbitration Act (9 U.S.C. 1 et seq.).

"(g) TERMS ENFORCEABLE.—The terms of subsections (d) and (e) are specifically enforceable in a court of competent jurisdiction by the Tribe and the local government of the political jurisdiction in which the land relevant to a dispute is located against the other. The Tribe shall not raise its sovereign immunity as a defense to such an action or the enforcement or execution of any judgment resulting from such action.".

SEC. 4. DEFINITIONS.

Section 208 of the Auburn Indian Restoration Act (25 U.S.C. 13001–6) is amended by adding at the end the following new paragraphs:

"(8) The term 'class II gaming' has the meaning given that term in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

"(9) The term 'class III gaming' has the meaning given that term in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).".

The SPEAKER pro tempore (Mr. LAZIO of New York). Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

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

H.R. 1805, the proposed Auburn Indian Restoration Act, would impose various State and local limitations, zoning requirements, and restrictions on gaming activities of the United Auburn Indian Community. It would also impose certain restrictions on lands to be taken into trust for the community for gaming as well as nongaming purposes.

The chairperson of the United Auburn Indian Community, Jessica Tavers, in a letter to me dated September 15, 1997, stated that, "United Auburn Indian Community has thoroughly reviewed H.R. 1805 and wishes to inform the committee that we have no opposition to this bill. Indeed, we believe that the measure sets fair standards and a workable mechanism for the resolution of any differences between the tribe and Placer County, where the tribe resides."

I urge my colleagues, Mr. Speaker, to support this legislation. I move that the bill be passed.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 1805.

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.

WATER-RELATED TECHNICAL CORRECTIONS ACT OF 1997

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2402) to make technical and clarifying amendments to improve the management of water-related facilities in the Western United States, as amended.

The Clerk read as follows:

H.R. 2402

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water-Related Technical Corrections Act of 1997".

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

Sec. 1. Short title; table of contents.
Sec. 2. Reduction of waiting period for obligation of funds provided under Reclamation Safety of Dams Act of 1978.
Sec. 3. Albuquerque Metropolitan Area Reclamation and Reuse Project.
Sec. 4. Phoenix Metropolitan Water Reclamation and Reuse Project.
Sec. 5. Refund of certain amounts received under Reclamation Reform Act of 1982.
Sec. 6. Extension of periods for repayments for Nueces River reclamation project and Canadian River reclamation project, Texas.
Sec. 7. Solano Project Water.
Sec. 8. Use of distribution system of Canadian River reclamation project, Texas, to transport nonproject water.
Sec. 9. Olivenhain Water Storage Project loan guarantee.
Sec. 10. Fish passage and protective facilities, Rogue River Basin, Oregon.

SEC. 2. REDUCTION OF WAITING PERIOD FOR OBLIGATION OF FUNDS PROVIDED UNDER RECLAMATION SAFETY OF DAMS ACT OF 1978.

Section 5 of the Reclamation Safety of Dams Act of 1978 (92 Stat. 2471; 43 U.S.C. 509) is amended by striking "sixty days" and all that follows through "day certain)" and inserting "30 calendar days".

SEC. 3. ALBUQUERQUE METROPOLITAN AREA RECLAMATION AND REUSE PROJECT.

Section 1621 of the Reclamation Projects Authorization and Adjustment Act of 1992, as added by section 2(a)(2) of the Reclamation Recycling and Water Conservation Act of 1996 (110 Stat. 3292; 43 U.S.C. 390h–12g), is amended—

(1) in the heading by striking "**STUDY**" and inserting "**PROJECT**"; and

(2) in subsection (a)—

(A) by inserting "the planning, design, and construction of" after "participate in";

(B) by striking "Study" and inserting "Project"; and

(C) by inserting "and nonpotable surface water" after "impaired groundwater".

SEC. 4. PHOENIX METROPOLITAN WATER RECLAMATION AND REUSE PROJECT.

Section 1608 of the Reclamation Projects Authorization and Adjustment Act of 1992 (106 Stat. 4666; 43 U.S.C. 390h–6) is amended—

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

"(a) The Secretary, in cooperation with the city of Phoenix, Arizona, shall participate in the planning, design, and construction of the Phoenix Metropolitan Water Reclamation and Reuse Project to utilize fully wastewater from the regional wastewater treatment plant for direct municipal, industrial, agricultural, and environmental purposes, groundwater recharge, and indirect potable reuse in the Phoenix metropolitan area.";

(2) in subsection (b) by striking the first sentence; and

(3) by striking subsection (c).

SEC. 5. REFUND OF CERTAIN AMOUNTS RECEIVED UNDER RECLAMATION REFORM ACT OF 1982.

(a) REFUND REQUIRED.—Subject to subsection (b) and the availability of appropriations, the Secretary of the Interior shall refund fully amounts received by the United States as collections under section 224(i) of the Reclamation Reform Act of 1982 (101 Stat. 1330–268; 43 U.S.C. 390ww(i)) for paid bills (including interest collected) issued by the Secretary of the Interior before January 1, 1994, for full-cost charges that were assessed for failure to file certain certification forms under sections 206 and 224(c) of such Act (96 Stat. 1266, 1272; 43 U.S.C. 390ff, 390ww(c)).

(b) ADMINISTRATIVE FEE.—In the case of a refund of amounts collected in connection with sections 206 and 224(c) of the Reclamation Reform Act of 1982 (96 Stat. 1266, 1272; 43 U.S.C. 390ff, 390ww(c)) with respect to any water year after the 1987 water year, the amount refunded shall be reduced by an administrative fee of $260 for each occurrence.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000.

SEC. 6. EXTENSION OF PERIODS FOR REPAYMENTS FOR NUECES RIVER RECLAMATION PROJECT AND CANADIAN RIVER RECLAMATION PROJECT, TEXAS.

Section 2 of the Emergency Drought Relief Act of 1996 (Public Law 104–318; 110 Stat. 3862) is amended by adding at the end the following new subsection:

"(c) EXTENSION OF PERIODS FOR REPAYMENT.—Notwithstanding any provision of the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.), the Secretary of the Interior—

"(1) shall extend the period for repayment by the City of Corpus Christi, Texas, and the Nueces River Authority under contract No. 6–07–01–X0675, relating to the Nueces River reclamation project, Texas, until—

"(A) August 1, 2029, for repayment pursuant to the municipal and industrial water supply benefits portion of the contract; and

"(B) until August 1, 2044, for repayment pursuant to the fish and wildlife and recreation benefits portion of the contract; and

"(2) shall extend the period for repayment by the Canadian River Municipal Water Authority under contract No. 14–06–500–485, relating to the Canadian River reclamation project, Texas, until October 1, 2021.".

SEC. 7. SOLANO PROJECT WATER.

(a) AUTHORIZATION.—The Secretary of the Interior is authorized to enter into contracts with the Solano County Water Agency, or any of its member unit contractors for water from the Solano Project, California, pursuant to the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, using any facilities associated with the Solano Project, California, and

(2) the exchange of water among Solano Project contractors, for the purposes set

forth in paragraph (1), using facilities associated with the Solano Project, California.

(b) LIMITATION.—The authorization under subsection (a) shall be limited to the use of that portion of the Solano Project facilities downstream of Mile 26 of the Putah South Canal (as that canal is depicted on the official maps of the Bureau of Reclamation), which is below the diversion points on the Putah South Canal utilized by the city of Fairfield for delivery of Solano Project water.

SEC. 8. USE OF DISTRIBUTION SYSTEM OF CANADIAN RIVER RECLAMATION PROJECT, TEXAS, TO TRANSPORT NONPROJECT WATER.

The Act of December 29, 1950 (chapter 1183; 43 U.S.C. 600b, 600c), authorizing construction, operation, and maintenance of the Canadian River reclamation project, Texas, is amended by adding at the end the following new section:

"SEC. 4. (a) The Secretary of the Interior shall allow use of the project distribution system (including all pipelines, aqueducts, pumping plants, and related facilities) for transport of water from the Canadian River Conjunctive Use Groundwater Project to municipalities that are receiving water from the project. Such use shall be subject only to such environmental review as is required under the Memorandum of Understanding, No. 97-AG-60-09340, between the Bureau of Reclamation and the Canadian River Municipal Water Authority, and a review and approval of the engineering design of the interconnection facilities to assure the continued integrity of the project. Such environmental review shall be completed within 90 days after the date of enactment of this section.

"(b) The Canadian River Municipal Water Authority shall bear the responsibility for all costs of construction, operation, and maintenance of the Canadian River Conjunctive Groundwater Project, and for costs incurred by the Secretary in conducting the environmental review of the project. The Secretary shall not assess any additional charges in connection with the Canadian River Conjunctive Use Groundwater Project.".

SEC. 9. OLIVENHAIN WATER STORAGE PROJECT LOAN GUARANTEE.

(a) LOAN GUARANTEE.—The Secretary of the Interior may guarantee a loan made to either the Olivenhain Municipal Water District (in this section referred to as the "District") or to a nongovernmental developer selected by the District, for building and financing the Olivenhain Water Storage Project in northern San Diego County, California. The amount of a loan guaranteed under this subsection may not exceed $70,000,000. Before making any such loan guarantee, the Secretary shall evaluate the design and justification for the proposed project. The Secretary may make such a loan guarantee only after the Secretary determines that the proposed project is economically feasible and the design for the proposed project is technically and environmentally adequate.

(b) INTEREST RATE.—Any loan guaranteed under subsection (a) shall bear interest at a rate agreed upon by the borrower and lender.

(c) OBLIGATION OF UNITED STATES.—Any loan guarantee under this section shall constitute an obligation, in accordance with the terms and conditions of such guarantee, of the United States Government, and the full faith and credit of the United States is hereby pledged to full performance of the obligation.

(d) SECURITY.—

(1) RESERVE FUND AND COMMITMENT OF DISTRICT REVENUES.—To ensure the repayment of any loan guaranteed under this section and as a condition of providing the guarantee, the Secretary of the Interior shall require that—

(A) the borrower establish and maintain, with a trustee designated by the Secretary, a reserve fund in the amount of 115 percent of the next year's principal and interest payments on the loan;

(B) the District agree to use its revenues to make all payments required under the terms of the loan prior to any payment by the United States under the guarantee, and to make those payments through the trustee designated under subparagraph (A); and

(C) the trustee designated under subparagraph (A) agree to use all amounts received for repayment of the loan to repay the loan.

(2) RESERVE FUND REQUIREMENTS.—The reserve fund under this subsection shall be established under terms that provide that—

(A) all moneys in the reserve fund shall constitute a trust fund for the repayment of the loan guaranteed under subsection (a); and

(B) the reserve fund shall be administered in accordance with and pursuant to provisions agreed upon by the borrower and lender for the loan guaranteed under subsection (a).

(3) PAYMENT OF LOAN AMOUNTS.—Proceeds from the loan guaranteed under subsection (a) shall—

(A) be deposited directly with the trustee designated by the Secretary of the Interior under paragraph (1)(A); and

(B) be disbursed by the trustee consistent with the terms of the loan.

(4) QUALIFICATIONS OF TRUSTEE.—Any trustee designated by the Secretary of the Interior under paragraph (1) must, at a minimum—

(A) be a trust company or a bank having the powers of a trust company;

(B) have a combined capital and surplus of at least $100,000,000; and

(C) be otherwise subject to supervision or examination by a Federal agency.

SEC. 10. FISH PASSAGE AND PROTECTIVE FACILITIES, ROGUE RIVER BASIN, OREGON.

The Secretary of the Interior is authorized to use otherwise available amounts to provide up to $2,000,000 in financial assistance to the Medford Irrigation District and the Rogue River Valley Irrigation District for the design and construction of fish passage and protective facilities at North Fork Little Butte Creek Diversion Dam and South Fork Little Butte Creek Diversion Dam in the Rogue River basin, Oregon, if the Secretary determines in writing that these facilities will enhance the fish recovery efforts currently underway at the Rogue River Basin Project, Oregon.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

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

I rise in support of this legislation, the Water-Related Technical Corrections Act of 1997, and urge its adoption by the House of Representatives.

H.R. 2402 is a compilation of amendments to the Federal reclamation law designed to clarify authorities to the Bureau of Reclamation or existing provisions of law. This legislation was compiled after canvassing members of the Subcommittee on Water and Power of the Committee on Resources, members of the Western Water Caucus, and the Bureau of Reclamation about any such needed changes.

Let me stress that most of these provisions are being sought to enhance water management capabilities at locations in several different states, Such as Oregon, California, Arizona, New Mexico, and Texas.

I urge my colleagues to support this bill and move its adoption.

Mr. SMITH of Oregon. Mr. Speaker, I would like to thank the Chairman of the House Resources Subcommittee on Water and Power, Mr. DOOLITTLE, for his many efforts this year on behalf of Oregon farmers. For the past year, he was worked diligently to help further the cause of common-sense solutions to the complex water conflicts in the West. Today's bill exemplifies his commitment to advancing this cause. H.R. 2402, the Water-Related Technical Corrections Act, contains a provision for Oregon farmers that can only be described as a win-win. It helps farmers in southern Oregon by stabilizing their operations, protects endangered and threatened anadromous fish runs, and provides substantial benefits to the adjacent federal Bureau of Reclamation (the Bureau) project.

The bill will provide financial assistance to the Medford Irrigation District and Rogue River Valley Irrigation District (the Districts), both located in the Rogue River basin in southwest Oregon, for the construction of fish passage and protective facilities. Despite the Bureau's desire to assist in this effort, the Interior Solicitor's Office provided a legal opinion in August stating that the Bureau does not have Congressional authority to provide financial assistance to the Districts. Without the authority granted by H.R. 2402, the Bureau will be able to provide technical assistance for the engineering designs of the improvements, but will not be able to assist with the implementation of the needed facilities. Several weeks ago, I was contacted by the Bureau's Boise field office to assist in granting this authority. With the help of Chairman DOOLITTLE, we are accomplishing this objective today.

The North Fork Little Butte Creek Diversion Dam is located in the North Fork Little Butte Creek about one mile upstream from the confluence with the South Fork and diverts water to the Medford Main Canal. The South Fork Little Butte Creek Diversion Dam is located on the South Fork Little Butte Creek about one mile upstream from the confluence with the North Fork, and diverts water from the South Fork Little Butte Creek to the Medford Main Canal. North and South Fork Little Butte Creeks are notable for runs of summer and winter steelhead, spring chinook salmon, and coho salmon as well as native cutthroat and rainbow trout, and have been identified as critical spawning and rearing areas for coho salmon and steelhead.

Both diversion dams are jointly owned and operated by the Districts. Fish passage and protective facilities associated with both diversions are old, have deteriorated, and do not meet current requirements for fish passage as

established by the National Marine Fisheries Service. Since the Rogue River Basin Project (the Project), a Federal Reclamation project, is appurtenant to those diversion dams, providing this assistance will ensure that improvements already made at the Project will be fully realized.

Once again, I would like to thank Chairman DOOLITTLE for working to include this minor provision in H.R. 2402. It represents the type of assistance that the federal government ought to be providing to irrigation districts struggling to comply with new regulations that have been imposed upon them, and ensures that the public interest in protecting fish runs is fulfilled.

I urge my colleagues to support this common-sense legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 2402, 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.

GENERAL LEAVE

Mr. DOOLITTLE. 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 the last two bills just passed.

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

There was no objection.

JIMMY CARTER NATIONAL HISTORIC SITE ACQUISITION

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 669) to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site.

The Clerk read as follows:

S. 669

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

SECTION 1. ACQUISITION OF PLAINS RAILROAD DEPOT.

Section 1(c)(2) of the Act entitled "An Act to establish the Jimmy Carter National Historic Site and Preservation District in the State of Georgia, and for other purposes", approved December 23, 1987 (16 U.S.C. 161 note; 101 Stat. 1435), is amended by striking ", the Plains Railroad Depot (described in subsection (b)(2)(B)),".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from Georgia [Mr. BISHOP] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, I rise in support of S. 669, which provides for the acquisition of land under the Plains Railroad Depot at the Jimmy Carter National Historic Site in Georgia.

I commend my colleague, the gentleman from Georgia [Mr. BISHOP], for his introduction of H.R. 714, the companion bill of 669, in the House of Representatives.

S. 669 amends Section 1(c)(2), Public Law 100–206, the establishment act for the Jimmy Carter National Historic Site, to remove the restrictions that the Plains Railroad Depot be acquired only by donation for inclusion in the national historic site.

The bill is necessary to clear the title of the railroad right-of-way due to restrictions contained in the 1888 deed from Mr. M.L. Hudson, stipulating that if the railroad ceased operation of the rail line, the land would revert to his heirs. Since the establishment of the historic site in 1987, the National Park Service has spent over 10 years attempting to locate all of the heirs, without success.

This bill allows a friendly condemnation to clear title to the land. Once this action is finalized, the National Park Service will complete the development of this historic depot, which was the headquarters for former President Carter's 1976 Presidential campaign.

The Subcommittee on National Parks and Public Lands held hearings on this legislation, and there was unanimous support. Mr. Speaker, I urge support and passage of this legislation and urge my colleagues to pass S. 669.

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

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

Mr. Speaker, I rise today to ask that my colleagues support S. 669, which would provide a legal fix needed by the Jimmy Carter National Historic Site in Plains, Georgia.

This Presidential site is located within my congressional district and enjoys bipartisan support. The bill is identical to H.R. 1714, a bill I introduced in the House. I would like to thank the Speaker, the majority leader, minority leader, Committee on Resources, and all of those responsible for helping to bring this bill to the floor today.

Public Law 100–206, which created the site at the old Plains Depot, requires that the Seaboard Railroad donated land under it. However, since Congress passed that law, it has been discovered that the CSX Railroad, which is the successor to the old Seaboard Railroad, does not have the legal capacity to donate the land under the depot, nor are there remaining heirs of the original land owners available to make the donation. With that being the case, the plan to work on the site cannot proceed.

Because of the confusion over identification of the heirs, the depot has not been developed to its full potential as an element of the historic site. For example, the small parking lot is muddy during the wet weather and dusty during the dry weather. The depot is currently served by a substandard septic tank because hookup with the town sewer system has not been possible without a clear title. As a result, the depot has been boarded up and unavailable for visitation despite the fact that, in 1990, close to 40,000 schoolchildren from across the country visited the depot.

This measure would amend the law to provide that the land under the depot can be acquired by purchase. This would be effected by the Park Service depositing the appraised value into a court escrow account so that if any heirs ever surfaced, they would receive just compensation.

The National Park Service, in its testimony to both the House and Senate Committees on Resources, testified that it supports this change, and the Congressional Budget Office reports that the budgetary impact of this legal fix is negligible. The Senate has acted favorably on this bill by unanimous consent. So I feel confident that swift action by the full House can help this change become law this year.

I would like to urge my colleagues to support this important bill, because this particular piece of property is a very, very important ingredient to the full development of the Carter Presidential site in Plains, Georgia.

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

Mr. BISHOP. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I think the gentleman from Utah [Mr. HANSEN] has meritorious suggestions before the House, and I would urge Members to support it.

But beyond that, at the moment, I would like to go to another issue which I will not be allowed to raise because of restricted rules of the House, and I would have raised it as a point of privilege to the honor and integrity of the House.

It came to my attention and the attention of a number of other Members that directly below this chamber, in H–137, for a number of days that private-interest lobbyists, paid registered lobbyists, have been conducting what is called the war room right here on Capitol grounds using taxpayer-funded phones, lights, facilities, a beautiful room, something not made available to people who are opposing fast track, but only to a group of industries who are supporting the fast track legislation. I believe that this demeans the integrity of the House.

A number of my colleagues intend to put this question to the Speaker. My understanding is that, because of restricted rules of the House, at the moment we cannot raise it as a privilege on the floor. But this is certainly something that the public and other Members should be aware of.

We do not normally make facilities available to private outside interests and or the National Association of Manufacturers, Boeing Company, and other large corporations, at taxpayer expense, to lobby on behalf of legislation right here in the Capitol right beneath us, absolutely prime real estate. I think it is outrageous. And I think that Members should raise this question with the Speaker privately if we are not allowed to do it publicly.

I thank the gentleman from Georgia [Mr. BISHOP] for yielding me the time, and I wish him luck with the bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the Senate bill, S. 669.

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.

ARCHES NATIONAL PARK EXPANSION ACT OF 1997

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2283) to expand the boundaries of Arches National Park in the State of Utah to include portions of the following drainages, Salt Wash, Lost Spring Canyon, Fish Sheep Draw, Clover Canyon, Cordova Canyon, Mine Draw, and Cottonwood Wash, which are currently under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Sheep Draw, which is currently owned by the State of Utah, as amended.

The Clerk read as follows:

H.R. 2283

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 "Arches National Park Expansion Act of 1997".

SEC. 2. EXPANSION OF ARCHES NATIONAL PARK, UTAH.

(a) BOUNDARY EXPANSION.—Subsection (a) of the first section of Public Law 92–155 (16 U.S.C. 272; 85 Stat. 422) is amended as follows:

(1) By inserting after the first sentence the following new sentence: "Effective on the date of the enactment of the Arches National Park Expansion Act of 1997, the boundary of the park shall also include the area consisting of approximately 3,140 acres and known as the 'Lost Spring Canyon Addition', as depicted on the map entitled 'Boundary Map, Arches National park, Lost Spring Canyon Addition', numbered 138/60,000–B, and dated April 1997.".

(2) In the last sentence, by striking "Such map" and inserting "Such maps".

(b) INCLUSION OF LAND IN PARK.—Section 2 of Public Law 92–155 (16 U.S.C. 272a) is amended by adding at the end the following new sentences: "As soon as possible after the date of the enactment of the Arches National Park Expansion Act of 1997, the Secretary of the Interior shall transfer jurisdiction over the Federal lands contained in the Lost Spring Canyon Addition from the Bureau of Land Management to the National Park Service. The lands included in the park pursuant to the Arches National Park Expansion Act of 1997 shall be administered in accordance with the laws and regulations applicable to the park.".

(c) PROCTECTION OF EXISTING GRAZING PERMIT.—Section 3 of Public Law 92–155 (16 U.S.C. 272b) is amended as follows:

(1) By inserting "(a)" before "Where".

(2) By adding at the end the following new subsection:

"(b)(1) In the case of any grazing lease, permit, or license with respect to lands within the Lost Spring Canyon Addition that was issued before the date of the enactment of the Arches National Park Expansion Act of 1997, the Secretary of the Interior shall, subject to periodic renewal, continue such lease, permit, or license for a period of time equal to the lifetime of the permittee as of that date and any direct descendants of the permittee born before that date. Any such grazing lease, permit, or license shall be permanently retired at the end of such period. Pending the expiration of such period, the permittee (or a descendant of the permittee who holds the lease, permit, or license) shall be entitled to periodically renew the lease, permit, or license, subject to such limitations, conditions, or regulations as the Secretary may prescribe.

"(2) Any such grazing lease, permit, or license may be sold during the period specified in paragraph (1) only on the condition that the purchaser shall, immediately upon such acquisition, permanently retire such lease, permit, or license. Nothing in this subsection shall affect other provisions concerning leases, permits, or licenses under the Taylor Grazing Act.

"(3) Any portion of any grazing lease, permit, or license with respect to lands within the Lost Spring Canyon Addition shall be administered by the National Park Service.".

(d) WITHDRAWAL FROM MINERAL ENTRY AND LEASING; PIPELINE MANAGEMENT.—Section 5 of Public Law 92–155 (16 U.S.C. 272d) is amended by adding at the end the following new subsection:

"(c)(1) Subject to valid existing rights, Federal lands within the Lost Spring Canyon Addition are hereby appropriated and withdrawn from entry, location, selection, leasing, or other disposition under the public land laws, including the mineral leasing laws.

"(2) The inclusion of the Lost Spring Canyon Addition in the park shall not affect the operation or maintenance by the Northwest Pipeline Corporation (or its successors or assigns) of the natural gas pipeline and related facilities located in the Lost Spring Canyon Addition on the date of the enactment of the Arches National Park Expansion Act of 1997.".

(e) EFFECT ON SCHOOL TRUST LANDS.—

(1) FINDINGS.—The Congress finds the following:

(A) A parcel of State school trust lands, more specifically described as section 16, township 23 south, range 22 east, of the Salt Lake base and meridian, is partially contained within the Lost Spring Canyon Addition included within the boundaries of Arches National Park by the amendment by subsection (a).

(B) The parcel was originally granted to the State of Utah for the purpose of generating revenue for the public schools through the development of natural and other resources located on the parcel.

(C) It is in the interest of the State of Utah and the United States for the parcel to be exchanged for Federal lands of equivalent value outside the Lost Spring Canyon Addition, in order to permit Federal management of all lands within the Lost Spring Canyon Addition.

(2) LAND EXCHANGE.—Public Law 92–155 is amended by adding at the end the following new section:

"SEC. 8. LAND EXCHANGE INVOLVING SCHOOL TRUST LANDS.

"(a) EXCHANGE REQUIREMENTS.—If, not later than one year after the date of the enactment of the Arches National Park Expansion Act of 1997, and in accordance with this section, the State of Utah offers to transfer all right, title and interest of the State in and to the parcel of school trust lands described in subsection (b)(1) to the United States, the Secretary of the Interior shall accept the offer on behalf of the United States and, within 180 days after the date of such acceptance, transfer to the State of Utah all right, title and interest of the United States in and to the parcel of land described in subsection (b)(2). Title to the State lands shall be transferred at the same time as conveyance of title to the Federal lands by the Secretary of the Interior. The exchange of lands under this section shall be subject to valid existing rights, and each party shall succeed to the rights and obligations of the other party with respect to any lease, right-of-way, or permit encumbering the exchanged lands.

"(b) DESCRIPTION OF PARCELS.—

"(1) STATE CONVEYANCE.—The parcel of school trust lands to be conveyed by the State of Utah under subsection (a) is section 16, township 23 south, range 22 east of the Salt Lake base and meridian.

"(2) FEDERAL CONVEYANCE.—The parcel of Federal lands to be conveyed by the Secretary of the Interior consists of approximately 639 acres and is identified as lots 1 through 12 located in the S½N½ and the N½N½N½S½ of section 1, township 25 south, range 18 east, Salt Lake base and meridian.

"(3) EQUIVALENT VALUE.—The Federal lands described in paragraph (2) are of equivalent value to the State school trust lands described in paragraph (1).

"(c) MANAGEMENT BY STATE.—At least 60 days before undertaking or permitting any surface disturbing activities to occur on the lands acquired by the State under this section, the State shall consult with the Utah State Office of the Bureau of Land Management concerning the extent and impact of such activities on Federal lands and resources and conduct, in a manner consistent with Federal laws, inventory, mitigation, and management activities in connection with any archaeological, paleontological, and cultural resources located on the acquired lands. To the extent consistent with applicable law governing the use and disposition of State school trust lands, the State shall preserve existing grazing recreational, and wildlife uses of the acquired lands. Nothing in this subsection shall be construed to

preclude the State from authorizing or undertaking surface or mineral activities authorized by existing or future land management plans for the acquired lands.

"(d) IMPLEMENTATION.—Administrative actions necessary to implement the land exchange described in this section shall be completed within 180 days after the date of the enactment of the Arches National Park Expansion Act of 1997.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

I rise in support of H.R. 2283, the Arches National Park Expansion Act of 1997, which was introduced by my colleague, the gentleman from Utah [Mr. CANNON].

This worthwhile legislation would expand the boundaries of the park by approximately 3,140 acres, consisting primarily of public lands currently managed by the Bureau of Land Management. The expansion, known as the Lost Spring Canyon Addition, would follow canyons and rims and natural forms instead of section lines and other manmade features. This addition to the 73,400-acre Arches National Park adds additional concentrations of stone arches and numerous geologic features such as spires, pinnacles, pedestals, and balanced rocks.

Mr. Speaker, I commend my colleague, the gentleman from Utah [Mr. CANNON], for his work in developing a consensus on H.R. 2283 within the State of Utah, conservation organizations, the Congress, and the administration. I urge my colleagues to support this important legislation.

Mr. Speaker, I yield 5 minutes to the gentleman from Utah [Mr. CANNON], the sponsor of the bill.

Mr. CANNON. Mr. Speaker, I am pleased today to rise as the sponsor of the Arches National Park Expansion Act of 1997. I represent Utah's Third Congressional District, a huge and incredibly scenic district that is nearly the size of Ohio.

One of the true gems of my district is the Arches National Park. Arches is world-renowned as the home of hundreds of spectacular stone arches created by wind and water erosion. This poster depicts one of those arches, Delicate Arch.

When Arches National Park was created, the park boundaries were drawn here in Washington using straight lines. But Mother Nature's creations are not linear. In the northeast corner of the park, the boundary was drawn through the middle of the arch through Lost Springs Canyon, leaving it half in the park and half outside. Currently, the Bureau of Land Management manages the upper half of this canyon, while the National Park Service manages the lower portion.

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This bill will simply move the park boundary to the far edge of the canyon to include all of Lost Spring Canyon. By doing so, the park boundary will be redrawn where it should have been originally. In doing so, this bill adds approximately 3,140 acres to one of our most spectacular national parks. This is an area of hundred-foot canyon walls, gentle grass valleys and delicate sandstone arches. This common-sense boundary adjustment will bring at least 10 new arches under park protection. It will also have the side benefit of allowing the park to offer a backcountry experience, an aspect that is currently missing.

But this addition does not just make sense aesthetically. It also makes sense from a management standpoint. The proposed new boundary will put the National Park Service in charge of an area with clear geographic division, specifically the rim of a canyon. Visitors, park, and BLM employees will know where the park ends and BLM land begins.

Part of the proposed addition also includes a section of school trust land owned by Utah's school children. That section really should be part of Arches. My staff sat down with the Utah School Trust and the Bureau of Land Management to find a section of Federal land that could be traded for the school trust section. A section was identified, and a trade for that section is in the bill. I believe this is one of the key provisions of the measure. In Utah we have had a long history of our school children being forced to bear the burden of Federal land management decisions. In contrast, this bill protects both the land and Utah's school children.

We worked long to ensure that this bill had the input of all the different parties concerned with the park expansion. Comments were taken from elected officials, local citizens, interest groups, Government agencies, and a wide variety of groups who cherish this land. Their opinions were considered carefully during the drafting and redrafting of this bill. I feel strongly that this bill is a good balance of the competing interests.

I believe that is why 49 of my colleagues, Republicans and Democrats, have joined me on this measure. That is why the Utah School Trust, local officials and I believe a majority of the residents of Grand County favor this proposal. That is why both the Grand Canyon Trust and the National Parks and Conservation Association are on board, and that is why the National Park Service and the administration have indicated support. This is a pro-environment, pro-open process, pro-park vote and, most importantly, it is the right thing to do.

Mr. Speaker, I ask for an affirmative vote.

Mr. HANSEN. Mr. Speaker, I submit for the CONGRESSIONAL RECORD the attached language that clarifies the operation and maintenance of the existing natural gas pipeline in Arches National Park and the proposed Lost Spring Canyon addition to the park.

This language has been agreed to by the majority and minority staffs of the National Parks and Public Lands Subcommittee, the sponsor of the bill, Mr. CANNON, the National Park Service, and the operator of the pipeline.

Section 2(d)(2) provides that the natural gas pipeline currently located within the boundary of Arches National Park, and that is located in the Lost Spring Canyon addition to the park, can continue to be operated and maintained in a manner necessary to achieve compliance with Federal pipeline safety regulations.

This language does not give the operator of the pipeline authority to expand the pipeline's current capacity, replace the pipeline, or construct new facilities. Section 2(d)(2) simply recognizes that the operator is bound by the Federal pipeline safety law and implementing regulations to maintain certain safety standards. The committee believes the operator should not be forced into a position where the operator is in violation of those requirements and where the safe operation of the pipeline is jeopardized.

For example, safety regulations require that pipeline operators maintain certain levels of cathodic protection along pipelines to protect against corrosion. Cathodic protection involves the creation of a small electrical current along the pipe to counter the current that naturally occurs between the pipe and the soil. By neutralizing this natural current, corrosion of the pipe is avoided. The committee understands that the pipeline operator now maintains a cathodic protection facility in the Lost Spring Canyon addition to the park. This language insures that such facility could continue to operate if retaining a facility in this area is necessary to achieve the levels of cathodic protection required by Federal regulation.

The committee understands that the National Park Service periodically renews the permit governing the operation of the pipeline located within the park. This language in no way is intended to interfere with the National Park Service's ability to require operation of the pipeline in a manner that minimizes its impact on the park. Again, the language is intended to ensure that the pipeline operator is not forced to operate the pipeline in a manner that is unsafe and inconsistent with Federal law and regulations governing safety.

Mr. COOK. Mr. Speaker, I rise in support of H.R. 2283, the Arches National Park Expansion Act. This bill simply expands the existing national park by 3,140 acres to include scenic wonders that were left out when the park boundaries were drawn 25 years ago. These sites belong in the park and should have been included the first time around. Let me give you an example: Lost Spring Canyon is a spectacular canyon. Nature has carved at least 10 arches in the walls of this dramatic canyon. Yet, only a small portion of the canyon is part of the Arches National Park. The rest was cut out because park boundaries were drawn along sectional lines. This bill now brings the entire canyon into the park.

This is an inexpensive, practical move that has the broad support of the people in my district and my State. I urge the passage of H.R. 2283. Thank you. I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. CALLAHAN). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 2283, 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.

The title of the bill was amended so as to read: "A bill to expand the boundaries of Arches National Park in the State of Utah to include portions of the following drainages: Salt Wash, Lost Spring Canyon, Fish Seep Draw, Clover Canyon, Cordova Canyon, Mine Draw, and Cottonwood Wash, which are currently under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw, which is currently owned by the State of Utah.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the two bills just passed.

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

There was no objection.

TRIBUTE TO HONORABLE THOMAS M. FOGLIETTA

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

Mr. TRAFICANT. Mr. Speaker, there will be some debate on the floor about the gentleman from Pennsylvania [Mr. FOGLIETTA] who has been named ambassador to Italy. I just wanted to take this time this evening in the event that I am not here on the floor when that tribute is made that I want to really salute our colleague for that tremendous achievement. He started out in Philadelphia as the youngest city councilman ever elected. He worked tirelessly for his constituents. I know that the gentleman in the chair has served with him for years in the Committee on Appropriations. He was always fair. While we wait here for the next legislation, I think it is absolutely proper and fitting to pay tribute. I just wanted to put my little two cents in and thank the gentleman from Pennsylvania for the great job he has done for the country, for his constituents and all the help he has given me and my constituents.

JAMES L. FOREMAN U.S. COURTHOUSE

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1502) to designate the U.S. Courthouse located at 301 West Main Street in Benton, IL, as the "James L. Foreman United States Courthouse".

The Clerk read as follows:

H.R. 1502

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

SECTION 1. DESIGNATION.

The United States Courthouse located at 301 West Main Street in Benton, Illinois, shall be known and designated as the "James L. Foreman United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "James L. Foreman United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume. H.R. 1502 designates the United States courthouse located in Benton, Illinois as the James L. Foreman United States Courthouse.

Judge Foreman was appointed to the Federal bench in 1972 and became Chief Judge in 1978, continuing in this position until 1992, when he assumed senior status. As Chief Judge, Judge Foreman initiated the efforts to redesignate the judicial districts for the State of Illinois. Judge Foreman also was instrumental in instituting a formal case management system for the Federal courts and establishing court facilities at the United States Penitentiary in Marion, Illinois.

Additionally, Judge Foreman served on the Judicial Resource Committee of the Judicial Conference of the United States. On several occasions he has been appointed to sit by designation in cases before the United States Court of Appeals for the Seventh Circuit and in the United States District Court for the Western District of Kentucky.

Judge Foreman has served with honor and distinction during his tenure on the Federal bench, and this is a fitting tribute for his service. I support the bill and urge my colleagues to support the bill.

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the hardworking gentleman from Illinois [Mr. POSHARD], the sponsor of this bill.

Mr. POSHARD. Mr. Speaker, I thank the gentleman for yielding me this time. As the sponsor of H.R. 1502, I appreciate the opportunity to pass this legislation today before the end of the session. This bill will designate the United States courthouse located in Benton, Illinois as the James L. Foreman United States Courthouse.

I introduced identical legislation in both the 103rd and 104th Congresses and am pleased to note that they easily passed the House both times. Unfortunately, in both cases the Senate adjourned before the bills were brought before the Senate for consideration.

Benton, a southern Illinois town in Franklin County, was once a member of the Eastern Judicial District of Illinois. This district covered a large area ranging from the outskirts of Chicago south to Champagne-Urbana and covered the entire southern section of the State.

Today Franklin County is one of 38 southern Illinois counties located in the renamed Southern District. The boundaries of this district were reviewed and adjusted at Judge Foreman's suggestion. Judge Foreman has had an outstanding career of service on the Federal bench. Appointed in 1972 after serving as an assistant attorney general for Illinois and Massac County state's attorney during the early 1960s, his hard work and dedication did not go unnoticed. He was appointed Chief Judge in 1978 and continued in this position until 1992, when he was promoted to a senior district judge position.

Long before formal case management systems were mandated for Federal courts, Judge Foreman instituted such a system in the Southern Illinois District. Judge Foreman was also instrumental in establishing court facilities at the maximum security United States Penitentiary in Marion, Illinois to accommodate the community's special security concerns with the prisoners there.

Judge Foreman's honored and distinctive term of service on the Federal bench accompanies his work with the Judicial Resource Committee of the Judicial Conference of the United States, the United States Court of Appeals for the Seventh District Circuit, and the U.S. District Court for the Western District of Kentucky, as proof of his outstanding character and dedication to this great Nation. I believe it would be most appropriate to recognize Judge Foreman's many contributions by naming the courthouse in Benton, Illinois after him.

Mr. Speaker, I am proud to represent Judge Foreman and the citizens of his judicial district. I urge all the Members of the 105th Congress to join me in commending his outstanding record of service to our country and to pass this bill.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume. I want to join with the gentleman from Illinois [Mr. POSHARD], the gentleman from Tennessee [Mr. DUNCAN], and the gentleman from California [Mr. KIM] in supporting this bill to designate the courthouse in Benton, Illinois as the James L. Foreman United States Courthouse. In addition to all that has been said, Judge Foreman is best known perhaps for his diligence in instituting a formal case management system long before that concept was ever mandated for all of our Federal courts. He will be remembered for that innovative and decisive action. It is absolutely fitting and proper that we honor Judge Foreman with this designation. I again want to thank the gentleman from Illinois [Mr. POSHARD], who has worked hard to salute the fine judge that we honor here this evening.

Mr. OBERSTAR. Mr. Speaker, I join with Mr. POSHARD, sponsor of H.R. 1502, in honoring Judge James L. Foreman. H.R. 1502 would designate the United States Courthouse located at 301 West Main St., Benton, Illinois as the James L. Foreman United States Courthouse.

Judge Foreman has enjoyed an outstanding career on the Federal bench. During the early years of his career he served as the Massac County State's attorney from 1960 to 1964. In 1972, he was appointed to the Federal bench after serving as the assistant attorney general for the State of Illinois. From 1978 to 1992 he served as the chief judge and in 1992 he took senior status.

Judge Foreman was instrumental in instituting formal case management long before it became mandatory in the Federal system. His service to the legal community is marked with diligence, honor and distinction.

It is fitting and proper to honor Judge Foreman with this designation.

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

Mr. DUNCAN. 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 Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the bill, H.R. 1502.

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.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1502.

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

There was no objection.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 AMENDMENT

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1258) to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act.

The Clerk read as follows:

S. 1258

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

SECTION 1. DISPLACED PERSONS NOT ELIGIBLE FOR ASSISTANCE.

Title I of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) is amended by adding at the end the following:

"SEC. 104. DISPLACED PERSONS NOT ELIGIBLE FOR ASSISTANCE.

"(a) IN GENERAL.—Except as provided in subsection (c), a displaced person shall not be eligible to receive relocation payments or nay other assistance under this Act if the displaced person is an alien not lawfully present in the United States.

"(b) DETERMINATIONS OF ELIGIBILITY.—

"(1) PROMULGATION OF REGULATIONS.—Not later than 1 year after the date of enactment of this section, after providing notice and an opportunity for public comment, the head of the lead agency shall promulgate regulations to carry out subsection (a).

"(2) CONTENTS OF REGULATIONS.—Regulations promulgated under paragraph (1) shall—

"(A) prescribe the process, procedures, and information that a displacing agency must use in determining whether a displaced person is an alien not lawfully present in the Untied States;

"(B) prohibit a displacing agency from discriminating, against any displaced person;

"(C) ensure that each eligibility determination is fair and based on reliable information; and

"(D) prescribe standards for a displacing agency to apply in making determinations relating to exceptional and extremely unusual hardship under subsection (c).

"(c) EXCEPTIONAL AND EXTREMELY UNUSUAL HARDSHIP.—If a displacing agency determines by clear and convincing evidence that a determination of the ineligibility of a displaced person under subsection (a) would result in exceptional and extremely unusual hardship to an individual who is the displaced person's spouse, parent, or child and who is a citizen of the United States or an alien lawfully admitted for permanent residence in the United States, the displacing agency shall provide relocation payments and other assistance to the displaced person under this Act if the displaced person would be eligible for the assistance but for subsection (a).

"(d) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section affects any right available to a displaced person under any other provision of Federal or State law.".

SEC. 2. DUTIES OF LEAD AGENCY.

Section 213(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633(a)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (4), (5), and (6), respectively; and (2) by inserting after paragraph (1) the following:

"(2) provide, in consultation with the Attorney General (acting through the Commissioner of the Immigration and Naturalization Service), through training and technical assistance activities for displacing agencies, information developed with the Attorney General (acting through the Commissioner on proper implementation of section 104;

"(3) ensure that displacing agencies implement section 104 fairly and without discrimination in accordance with section 104(b)(2)(B);".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

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

□ 2230

Mr. Speaker, today we bring to the floor S. 1258, a bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act to prohibit an illegal alien unlawfully present in the United States from receiving assistance under the act.

Earlier this year the House passed a virtually identical bill, H.R. 849, originally introduced by the gentleman from California [Mr. PACKARD].

When House Resolution 849 was last before this body, on the corrections calendar it passed by a vote 399 to 0, an overwhelming indication of House Resolution 849's bipartisan appeal.

S. 1258 and H.R. 849 plugs a loophole left open in last year's immigration reform bill by amending the Uniform Relocation Assistance Act to prohibit illegal aliens from receiving relocation assistance. Acting at the request of the administration, the Senate bill extends the time which the Department of Transportation will have to write the implementing regulation from 6 months to 1 year. I recommend to my colleagues we accommodate the administration on this issue.

I want to once again thank the gentleman from Minnesota [Mr. OBERSTAR] and their staff for the cooperative way in which they have worked with us to prepare this bill for final consideration today. I want to also thank the gentleman from California [Mr. PACKARD] for sponsoring his legislation and bringing this important issue to the House's attention today. This is a good simple bipartisan bill that plugs a loophole in immigration law. I urge my colleagues to support the bill.

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

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

Mr. Speaker, the only substantive difference between the Senate bill and

H.R. 849 is the time period the Department of Transportation will have to develop the regulations that prescribe the processes, the procedures and the information a displacing agency must use to determine whether a displaced person is ineligible for assistance because of immigration status. The House bill provided 6 months; the Senate bill provides 1 year. These regulations will, in large part, determine whether this policy change is implemented fairly, that is all displaced persons must demonstrate the immigration status, or whether we are creating a new tool to, in fact, discriminate.

The administration believes it needs a full year, the Senate responded to those concerns, and I am satisfied with changing the time period for the rulemaking involved and also the fact I want to thank the gentleman from California [Mr. KIM], the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from California [Mr. PACKARD] for agreeing for key safeguards the Democrats insisted must accompany the policy that illegal immigrants will not be eligible for assistance under this act.

So with that again I thank the gentleman from California [Mr. PACKARD] for his timely work on this issue. Having no other requests for time, I urge an aye vote.

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

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

The SPEAKER pro tempore (Mr. CALLAHAN). All time has expired.

The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the Senate bill, S. 1258.

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.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on S. 1258.

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

There was no objection.

CITY OF CLEVELAND, OHIO, LAND TRANSFER

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1347) to permit the city of Cleveland, Ohio, to convey certain lands that the United States conveyed to the city.

The Clerk read as follows:

S. 1347

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

SECTION 1. DEFINITIONS.

For purposes of this section, the term "fair market value" shall have the meaning provided that term by the Secretary of Transportation, by regulation.

SEC. 2. AUTHORITY TO GRANT WAIVERS.

(a) IN GENERAL.—Notwithstanding any other provision of law and subject to section 47153 of title 49, United States Code, and section 3, the Secretary of Transportation may waive any of the terms contained in the deed of conveyance described in subsection (b).

(b) DEED OF CONVEYANCE.—The deed of conveyance described in this subsection is the deed of conveyance issued by the United States and dated January 10, 1967, for the conveyance of lands to the city of Cleveland, Ohio, for use by the city for airport purposes.

SEC. 3. CONDITIONS.

(a) FAIR MARKET VALUE OR EQUIVALENT BENEFIT.—As a condition to receiving a waiver under this section, the city of Cleveland, Ohio, may convey an interest in the lands described in section 2(b) only if the city receives, in exchange for the interest—

(1) an amount equal to the fair market value of the interest; or

(2) an equivalent benefit.

(b) Use of Amounts or Equivalent Benefits.—Any amount or equivalent benefit that is received by the city of Cleveland shall be used by the city for—

(1) the development, improvement, operation or maintenance of a public airport; or

(2) lands (including any improvements to those lands) that produce revenues that are used for airport development purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

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

Mr. Speaker, I rise in strong support of this legislation. S. 1347 simply expedites the conveyance of land from Cleveland Hopkins International Airport to the city of Brook Park, OH. The Cleveland Airport has a major capacity expansion program that includes the construction of a new runway and the extension of an existing runway. It is my understanding that this important project is the result of many years of negotiations between the cities of Cleveland and Brook Park. This project cannot go forward unless the current deed restrictions are waived.

Mr. Speaker, this legislation will ensure that the city of Cleveland shall receive fair market value for this parcel, and the city will be required to use any and all of the funds for the development, improvement of operations or maintenance of the Cleveland Airport.

I want to commend the gentleman from Ohio [Mr. LATOURETTE] for his leadership and strong support for this legislation and his willingness to answer the call of his constituents on this very important matter.

Mr. Speaker, I urge all of my colleagues to support S. 1347.

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

Mr. LIPINSKI. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of S. 1347, a bill which would remove a deed restriction and permit land to be transferred from Cleveland Hopkins International Airport to the city of Brook Park, OH.

For several years the cities of Brook Park and Cleveland have been trying to reach agreement on an airport project which necessities the transfer of land between the two cities. An agreement has now been reached. Eighty-five acres of land currently belonging to the airport will be transferred to Brook Park in exchange for approximately 300 acres which are needed for the runway project.

This legislation is not controversial. It is supported by both local Congressmen, the gentleman from Ohio [Mr. LATOURETTE] and the gentleman from Ohio [Mr. KUCINICH]. The administration does not object. It has already passed the Senate. Economic development in the Cleveland area will benefit from the passage of this legislation. I urge my colleagues to join me in passing S. 1347.

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

Mr. DUNCAN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman from Tennessee [Mr. DUNCAN] for not only his leadership, but for making sure that this bill expeditiously gets to the floor.

Mr. Speaker, the purpose of this legislation is to provide authority to the Secretary of Transportation to waive a deed restriction on the parcel of land currently under the ownership of the city of Cleveland for aviation purposes. Since 1970, Congress has granted this authority to the Secretary; however, the parcel in question was deeded by the Federal Government to the city of Cleveland in 1967 and is currently restrained by a reverter clause.

This noncontroversial conveyance of the land from the city of Cleveland to the city of Brook Park is critical to the expansion plans for Cleveland Hopkins Airport. It is supported by the Federal Aviation Administration given its importance for public aviation purposes.

I have been honored to have the assistance of my colleague from Cleveland, OH [Mr. KUCINICH]. He represents this portion of the city of Cleveland, and I represent the city of Brook Park, and he cosponsored the House companion language to S. 1347. We also are thankful to our senior Senator from the State of the Ohio for moving this bill through the Senate. The bill enjoys bipartisan support from the leadership of the House Committee on Transportation and Infrastructure.

Mr. Speaker, Congress has a history of enacting specific provisions that

allow the Secretary to waive reverters and other deed restrictions for deeds preceding 1970. I would appreciate the support of the House to support this technical correction for public aviation purposes.

Mr. LIPINSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Cleveland, OH [Mr. KUCINICH].

Mr. KUCINICH. Mr. Speaker, I first want to begin by thanking the gentleman from Tennessee [Mr. DUNCAN] for his leadership and for his help in moving this along. Certainly that could not have been done without his help and with the help of my good friend the gentleman from Ohio [Mr. LATOURETTE] with whom we share this project.

The gentleman from Ohio [Mr. LATOURETTE] has made sure that all the things that needed to be done to get this through the legislative process have been accomplished and really deserves a lot of credit for his assistance.

I also want to thank my good friend the gentleman from Illinois [Mr. LIPINSKI] for his efforts and for his willingness to be here to help us move this legislation. I appreciate his help in this, and it is gratefully appreciated, the guidance that he has given us as to how we could achieve this moment.

The gentleman from Illinois [Mr. LIPINSKI] and the gentleman from Ohio [Mr. LATOURETTE] both know the help that we got from Senator GLENN on this as well.

This particular bill will assist and improve airport transportation not only in the city of Cleveland, but throughout this country. It has the strong support of Cleveland's business community, which has worked for years to try to achieve this agreement between Brook Park and Cleveland, which can now be consummated through the approval of this legislation.

I appreciate the support, the bipartisan support, which brought us to this moment. I appreciate the support of the Congress on this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the Senate bill, S. 1347.

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.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the Senate bill just passed.

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

There was no objection.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. LATOURETTE. Mr. Speaker, I wish to announce the following suspensions for the 1-hour notice requirement: H.R. 2977, S. 1378, S. Con. Res. 61, S. Con. Res. 62, S. Con. Res. 63, H.R. 2979, H.R. 764, H.R. 2440, H.J. Res. 95, H.J. Res. 96, S. 1079 and H.R. 1604.

CLARIFICATIONS TO PILOT RECORDS IMPROVEMENT ACT OF 1996

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2626) to make clarifications to the Pilot Records Improvement Act of 1996, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2626

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

SECTION 1. RECORDS OF EMPLOYMENT OF PILOT APPLICATIONS.

Section 44936(f) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking "Before hiring an individual" and inserting "Subject to paragraph (14), before allowing an individual to begin service"; (2) in paragraph (1)(B) by inserting "as a pilot of a civil or public aircraft" before "at any time"; (3) in paragraph (4)—

(A) by inserting "and air carriers" after "Administrator"; and

(B) by striking "paragraph (1)(A)" and inserting "paragraphs (1)(A) and (1)(B)";

(4) in paragraph (5) by striking "this paragraph" and inserting "this subsection";

(5) in paragraph (10)—

(A) by inserting "who is or has been" before "employed"; and

(B) by inserting ", but not later than 30 days after the date" after "reasonable time"; and (6) by adding at the end the following:

"(14) SPECIAL RULES WITH RESPECT TO CERTAIN PILOTS.—

"(A) PILOTS OF CERTAIN SMALL AIRCRAFT.—Notwithstanding paragraph (1), an air carrier, before receiving information requested about an individual under paragraph (1), may allow the individual to begin service for a period not to exceed 90 days as a pilot of an aircraft with a maximum payload capacity (as defined in section 119.3 of title 14, Code of Federal Regulations) of 7,500 pounds or less, or a helicopter, on a flight that is not a scheduled operation (as defined in such section). Before the end of the 90-day period, the air carrier shall obtain and evaluate such information. The contract between the carrier and the individual shall contain a term that provides that the continuation of the individual's employment, after the last day of the 90-day period, depends on a satisfactory evaluation.

"(B) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier, without obtaining information about an individual under paragraph (1)(B) from an air carrier or other person that no longer exists, may allow the individual to begin service as a pilot if the air carrier required to request the information has made a documented good faith attempt to obtain such information.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

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

Mr. Speaker, H.R. 2626, as amended, was approved by the Subcommittee on Aviation on October 23 and by the full Committee on Transportation and Infrastructure on October 29. This bill was introduced on October 7 by myself; the chairman of the full Committee on Transportation and Infrastructure, the gentleman from Pennsylvania [Mr. SHUSTER]; the ranking member of the full committee, the gentleman from Minnesota [Mr. OBERSTAR]; and the ranking member of the Subcommittee on Aviation, the gentleman from Illinois [Mr. LIPINSKI]. We also have many additional cosponsors representing all areas of the country.

Last year this subcommittee and the Congress passed legislation, H.R. 3536, requiring airlines to check a pilot's performance records before hiring them. In fact, the House approved the bill by a vote of 401 to 0. This legislation followed seven fatal accidents involving commuter airlines in which pilot error was to blame. The pilot had a record of poor performance at his previous employer, and the record of that poor performance was not checked before the airline hired him.

The Subcommittee on Aviation held 2 days of hearings on this subject in December 1995 before passing H.R. 3536 in July of last year. H.R. 3556 was eventually incorporated into the FAA Reauthorization Act, which the President signed in October of last year. This law currently requires airlines and the FAA to share a pilot's performance record with the prospective employer within 30 days of a request from that employer.

The problem is that the FAA is not meeting the 30-day deadline. This creates problems for many small aviation businesses that need to hire pilots quickly. In fact, I have heard from several of these small businesses from all across the Nation. As a result, H.R. 2626 was introduced with bipartisan support, as I have previously mentioned.

The bill would first allow all airlines to hire and train pilots, but not actually fly passengers while waiting to receive the pilot's records; and, secondly, allow small air taxis, those that one

can charter, but that do not fly scheduled service, to hire and train and also to fly passengers for 90 days while waiting to receive the pilot's records.

□ 2245

Finally, Mr. Speaker, H.R. 2626, as amended, would also require an airline to provide a pilot with his or her records as requested within 30 days. This was based on a recommendation from the Air Line Pilots Association and is consistent with other sections of the law.

H.R. 2626 is a good bill, a bipartisan bill, and enjoys support from all sectors of the aviation industry. I urge its adoption.

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

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

Mr. Speaker, I rise in support of H.R. 2626, a bill making clarifications to the Pilots Records Improvement Act. The act, which was passed last year, required airlines hiring pilots to obtain pertinent safety information from the Federal Aviation Administration, the National Drivers Registry, and former airline employers. Ensuring that potential employers had access to this type of information enhanced safety and that airlines could make more informed hiring decisions.

The modifications contained in this bill clarify certain provisions in last year's legislation. In addition, it permits carriers to hire and train pilots prior to receiving records but would still require that they could not operate commercial flights until the records were received and reviewed. The House passed a version of this bill last year that contained this provision, but it was modified in conference.

Finally, it recognizes that air taxis are a unique segment of the aviation industry and one that has been disproportionately impacted by last year's legislation. Typically air taxis are small businesses. Although there is a legislative requirement that a requesting carrier be forwarded pertinent records within 30 days, we recognize that this is frequently not happening. Carriers sometimes wait for several months before receiving requested records.

This delay, while troubling, is not a significant problem for major carriers with a large pilot work force. However, when a single pilot represents 20 to 25 percent of the work force, the company's finances are severely affected. While I do not condone the failure of various entities to comply with the statutory requirement to provide pilot records within 30 days, I recognize that this failure threatens to put many air taxis out of business.

Consequently, this bill would allow air taxis to permit pilots to begin to fly commercial operations for up to 90 days while waiting for required records. I believe the provision's limited applicability does not undermine the intent of the original legislation.

I urge the FAA to enforce this existing requirement that records be provided within 30 days and take whatever enforcement action may be necessary to ensure that records are forwarded within this time frame.

Mr. Speaker, both last year's legislation on this matter and the bill before us today have broad bipartisan support. I commend the gentleman from Tennessee, [Mr. DUNCAN], for his leadership on this bill. The bipartisan manner in which he guides the subcommittee strongly enhances our ability to improve aviation safety. I also recognize the help and support of the chairman and ranking member of the committee, the gentleman from Pennsylvania [Chairman SHUSTER], and the gentleman from Minnesota, the ranking member [Mr. OBERSTAR]. I urge my colleagues to join me in supporting this important legislation.

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

Mr. DUNCAN. Mr. Speaker, I would simply at this point like to thank the gentleman from Illinois [Mr. LIPINSKI] for the cooperation and the friendship and the bipartisan way in which he has conducted all of his activities and has represented his side on all aviation matters. I have been told by several people that he and I have about the best relationship of any chairman and ranking Member in the Congress. I do not know whether that is true or not, but if it is not true, it is close anyway. I just wanted to say that for the record.

Mr. Speaker, I have no further speakers at this 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 Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the bill, H.R. 2626, 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.

GENERAL LEAVE

Mr. DUNCAN. 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. 2626, as amended.

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

There was no objection.

ANNOUNCEMENT OF BILL TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. DUNCAN. Mr. Speaker, I would like at this time to announce the following additional suspension: H.R. 765.

FOREIGN AIRLINES FAMILY ASSISTANCE ACT

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2476) to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers, as amended.

The Clerk read as follows:

H.R. 2476

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

SECTION 1. PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN FOREIGN AIR CARRIER ACCIDENTS.

(a) IN GENERAL.—Chapter 413 of title 49, United States Code, is amended by adding at the end the following:

"§ 41313. Plans to address needs of families of passengers involved in foreign air carrier accidents

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) AIRCRAFT ACCIDENT.—The term 'aircraft accident' means any aviation disaster, regardless of its cause or suspected cause, that occurs within the United States; and

"(2) PASSENGER.—The term 'passenger' includes an employee of a foreign air carrier or air carrier aboard an aircraft.

"(b) SUBMISSION OF PLANS.—A foreign air carrier providing foreign air transportation under this chapter shall transmit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in an aircraft accident that involves an aircraft under the control of the foreign air carrier and results in a significant loss of life.

"(c) CONTENTS OF PLANS.—To the extent permitted by foreign law which was in effect on the date of the enactment of this section, a plan submitted by a foreign air carrier under subsection (b) shall include the following:

"(1) TELEPHONE NUMBER.—A plan for publicizing a reliable, toll-free telephone number and staff to take calls to such number from families of passengers involved in an aircraft accident that involves an aircraft under the control of the foreign air carrier and results in a significant loss of life.

"(2) NOTIFICATION OF FAMILIES.—A process for notifying, in person to the extent practicable, the families of passengers involved in an aircraft accident that involves an aircraft under the control of the foreign air carrier and results in a significant loss of life before providing any public notice of the names of such passengers. Such notice shall be provided by using the services of—

"(A) the organization designated for the accident under section 1136(a)(2); or

"(B) other suitably trained individuals.

"(3) NOTICE PROVIDED AS SOON AS POSSIBLE.—An assurance that the notice required by paragraph (2) shall be provided as

soon as practicable after the foreign air carrier has verified the identity of a passenger on the foreign aircraft, whether or not the names of all the passengers have been verified.

"(4) LIST OF PASSENGERS.—An assurance that the foreign air carrier shall provide, immediately upon request, and update a list (based on the best available information at the time of the request) of the names of the passengers aboard the aircraft (whether or not such names have been verified), to—

"(A) the director of family support services designated for the accident under section 1136(a)(1); and

"(B) the organization designated for the accident under section 1136(a)(2).

"(5) CONSULTATION REGARDING DISPOSITION OF REMAINS AND EFFECTS.—An assurance that the family of each passenger will be consulted about the disposition of any remains and personal effects of the passenger that are within the control of the foreign air carrier.

"(6) RETURN OF POSSESSIONS.—An assurance that, if requested by the family of a passenger, any possession (regardless of its condition) of that passenger that is within the control of the foreign air carrier will be returned to the family unless the possession is needed for the accident investigation or a criminal investigation.

"(7) UNCLAIMED POSSESSIONS RETAINED.—An assurance that any unclaimed possession of a passenger within the control of the foreign air carrier will be retained by the foreign air carrier for not less than 18 months after the date of the accident.

"(8) MONUMENTS.—An assurance that the family of each passenger will be consulted about construction by the foreign air carrier of any monument to the passengers built in the United States, including any inscription on the monument.

"(9) EQUAL TREATMENT OF PASSENGERS.—An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(10) SERVICE AND ASSISTANCE TO FAMILIES OF PASSENGERS.—An assurance that the foreign air carrier will work with any organization designated under section 1136(a)(2) on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following an accident.

"(11) COMPENSATION TO SERVICE ORGANIZATIONS.—An assurance that the foreign air carrier will provide reasonable compensation to any organization designated under section 1136(a)(2) for services and assistance provided by the organization.

"(12) TRAVEL AND CARE EXPENSES.—An assurance that the foreign air carrier will assist the family of any passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

"(13) RESOURCES FOR PLAN.—An assurance that the foreign air carrier will commit sufficient resources to carry out the plan.

"(14) SUBSTITUTE MEASURES.—If a foreign air carrier does not wish to comply with paragraphs (10), (11), or (12), a description of proposed adequate substitute measures for the requirements of each paragraph with which the foreign air carrier does not wish to comply.

"(d) PERMIT AND EXEMPTION REQUIREMENTS.—The Secretary shall not approve an application for a permit under section 41302 unless the applicant has included as part of the application or request for exemption a plan that meets the requirements of subsection (c).

"(e) LIMITATION ON LIABILITY.—A foreign air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the foreign air carrier in preparing or providing a passenger list pursuant to a plan submitted by the foreign air carrier under subsection (c), unless the liability was caused by conduct of the foreign air carrier which was grossly caused by conduct of the foreign air carrier which was grossly negligent or which constituted intentional misconduct.".

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following:

"41313. Plans to address needs of families of passengers involved in foreign air carrier accidents.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 180th day following the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

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

Mr. Speaker, the Subcommittee on Aviation unanimously approved H.R. 2476, as amended, on Thursday, October 23, and the full Committee on Transportation and Infrastructure approved the bill on October 29. This legislation was introduced by the gentleman from Guam [Mr. UNDERWOOD] shortly after the terrible Air Korea disaster which recently occurred on Guam. Both the gentleman from Illinois [Mr. LIPINSKI], the ranking member of the subcommittee, and I, are original cosponsors of the bill.

It essentially mirrors legislation in the Aviation Disaster Family Assistance Act, H.R. 3823, which the Subcommittee on Aviation unanimously approved and the House overwhelmingly supported by a vote of 401 to 4 last year. This legislation was eventually incorporated into the Federal Aviation Administration Reauthorization Act which the President signed in October of last year.

H.R. 2476 would require foreign airlines that have permits to fly in the United States to file family assistance plans with the Department of Transportation and the National Transportation Safety Board. These assistance plans would be activated when a foreign carrier crashes on U.S. soil.

The plans must include provisions such as the establishment of a toll-free telephone number for families, the efficient notification of passengers' families before public notice is given, the return of victims' possessions to family members, unless they are needed for the investigation, and many other similar provisions which all U.S. carriers must comply with now.

H.R. 2476 will surely help the families who have lost loved ones in these tragic air disasters by providing the needed support and coordination necessary to assist in these unfortunate events.

Mr. Speaker, it is my understanding that the Senate Committee on Commerce has already acted on similar legislation. This bill has the support of both the Department of Transportation and the National Transportation Safety Board. Again, I believe this is an outstanding bill, a bill that is very much needed, and I urge its adoption.

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

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

Mr. Speaker, I am an original cosponsor of H.R. 2476, the Foreign Airlines Family Assistance Act. This bill would amend the Aviation Disaster Family Assistance Act which was passed last year as a result of several tragic accidents last year. It came to the attention of the subcommittee that the treatment of the families of airline accident victims needed to be improved.

Last year's legislation required all airlines to submit accident action plans to the Department of Transportation. It also designated the National Transportation Safety Board to act as a liaison between various Federal, State, and local government agencies, the airlines, and the families to ensure that they were receiving accurate and timely information.

Last year's legislation attempted to address the many concerns that the subcommittee heard in the two hearings that were held on this issue. What the subcommittee neglected to appreciate was that every day U.S. citizens fly on foreign carriers, which was not included in that legislation.

This omission was tragically highlighted when a Korean Airline flight crashed short of the runway in Guam earlier this year. The support and coordination that the legislation would have required to have been in place did not exist for the families of those victims. The gentleman from Guam [Mr. UNDERWOOD] saw this inequity and worked with the subcommittee and administration to expand the applicability of the Aviation Disaster Family Assistance Act to foreign carriers and flights between the United States and a foreign point.

Thanks to his efforts, the subcommittee's omission last year is being corrected today. This bill has broad support, bipartisan support, as well as the support of the administration.

I would like to say at this particular time I appreciate the work of the gentleman from Guam [Mr. UNDERWOOD] and I thank my colleagues, the gentleman from Tennessee [Mr. DUNCAN], the gentleman from Pennsylvania [Chairman SHUSTER], and the ranking Democratic member, and the gentleman from Minnesota [Mr. OBERSTAR] for their assistance in this effort. I urge all my colleagues to pass this very important piece of legislation.

Mr. Speaker, at this time I want to say it has been a pleasure once again this year working with the chairman of the Subcommittee on Aviation, my very good friend, the gentleman from Tennessee [Mr. DUNCAN]. I look forward to another very productive year next year, and I am sure that our bipartisan spirit will continue to pave the way in the area of aviation.

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

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

Mr. Speaker, I also would like to once again thank the gentleman from Illinois [Mr. LIPINSKI] and say maybe if they want to pass some of this controversial legislation, they should just turn it over to the gentleman from Pennsylvania [Mr. SHUSTER] and me.

Mr. UNDERWOOD. Mr. Speaker, I introduced this bill on September 15, 1997, about a month after the crash of Korean Air Flight 801 on Guam. As many of my colleagues know, the Foreign Air Carrier Family Support Act is a consequence of this tragic episode. Of the 254 people on board the flight, 228 perished. And linked to these 254 people are numerous family members and friends who suffered along with their loved ones as they waited to hear news about the crash victims.

The people of Guam combined efforts with Federal officials, military personnel, and volunteers from Guam and off-island to search, rescue, and treat victims involved in the Korean Air crash. I cannot emphasize enough the diligence and compassion demonstrated by these groups of individuals.

As in any major disaster, there are many things which we think could have been done differently. The ValuJet and TWA disasters produced the Aviation Disaster Family Assistance Act of 1996, requiring domestic airlines to submit family assistance plans. With H.R. 2476, I am asking my colleagues to make this law applicable to foreign airlines which operate in the United States and its territories. The Foreign Air Carrier Family Support Act would require foreign air carriers to submit family assistance plans should their air carrier crash on American soil.

From establishing a toll-free number for victims' families to consulting family members on the construction of monuments dedicated to a crash, H.R. 2476 provides guidelines for foreign air carrier family assistance plans. Other points include that upon request, foreign air carriers will provide and update a list of passengers' names, and an assurance that, upon request, possessions owned by the victim will be returned to families. Although I have mentioned only a couple of measures contained in H.R. 2476, I hope I have demonstrated the fact that this bill will increase the level of efficient service provided to family members as they cope with the loss of a relative.

I wish to thank Chairman DUNCAN and Congressman LIPINSKI, ranking member of the Aviation Subcommittee, for agreeing to be original cosponsors of this bill and to help pass this legislation in committee. I also wish to thank the National Transportation Safety Board, the Department of Transportation, Task Force on Assistance to Families in Aviation Disasters, the State Department, and 23 of my colleagues who have chosen to cosponsor H.R. 2476.

I encourage the rest of my colleagues to vote for the passage of the Foreign Air Carrier Family Support Act. American families all over the world will thank you.

Ms. JACKSON-LEE of Texas.

Mr. Speaker, I rise today in strong support of H.R. 2476, the Foreign Airline Family Disaster Assistance Act. This bill extends to foreign airlines operating in the United States the same family assistance requirements imposed upon U.S. airlines.

Following the July 1996 crash of TWA Flight 800 off the coast of Long Island, Congress passed legislation requiring the National Transportation Safety Board and all U.S. airlines to take certain actions to compassionately address the needs of the families of airline crash victims. This law applied to U.S. airlines only, however, and not to foreign airlines—even if a foreign airline crashes in the United States.

Since that time, the need to extend this legislation to foreign airlines, has become clear. The pain, frustration, and turmoil experienced by the families of the 228 victims of the August 1997 Korean Airlines Flight 801 crash in Guam brought this need home to us all. At a time, when they were faced with immense grief and a terrible loss, they were mired in an insensitive and unresponsive bureaucracy.

We hope that with the passage of H.R. 2476, we can forestall others from suffering these same pains. This legislation will require foreign airlines to submit to the Transportation Department and the National Transportation Safety Board a plan for providing special assistance to the families of victims of fatal airline crashes that occur in the United States. Airlines would be required to publicize a reliable toll-free number and provide staff to handle calls from family members. Additionally, the airline would be required to notify families as soon as possible, and in person when possible, of the fate of their loved ones, using suitably trained individuals for this purpose. Airlines would be required to provide passenger lists to the National Transportation Safety Board's family advocate and to the Red Cross. The airline would also be required to return a victim's personal effects to the family when requested to do so. An airline would be required to consult with family members regarding any monuments to the victims that may be built. Finally, airlines would be required to assist families in traveling to the accident site, and to provide for their comfort while there. Under the measure, airlines that do not meet this plan could be denied permission to operate in the United States.

The loneliest people in the world are those left behind when their loved ones are killed in such a tragic and terrible manner. These are catastrophic accidents and while we are not always able to prevent such disasters, we can vote now to ensure that families touched by such tragedy will receive competent, compassionate, and efficient assistance during their time of great need. I urge my colleagues to vote in support of this compassionate legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the bill, H.R. 2476, 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.

GENERAL LEAVE

Mr. DUNCAN. 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. 2476, as amended.

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

There was no objection.

CONFERENCE REPORT ON S. 1026, EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 1997

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the conference report on the Senate bill (S. 1026) to reauthorize the Export-Import Bank of the United States.

(For conference report and statement, see proceedings of the House of November 7, 1997, at page H10210.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] each will control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

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

Mr. Speaker, this important bipartisan legislation reauthorizes the Export-Import Bank of the United States, Eximbank, for an additional 4 years.

Reauthorizing Exim is critical to supporting America's ability to export and will help ensure that American businesses and American workers are able to compete and win against subsidized foreign competition in today's global market. This common-sense legislation is good for America; it advances the national interests, helps reduce the trade deficit, and enhances our export competitiveness.

Briefly, the conference report provides for the following: First, a 4-year extension of the bank's authority through September 30, 2001; second, an extension of tied-aid authority; third, an extension of the authority for providing financing for the export of nonlethal defense articles; fourth, a clarification of the President's authority to deny bank financing based on national interest concerns; fifth, creation of an Assistant General Counsel for Administration; sixth, authorization for the establishment of an Advisory Committee

to assist the bank in facilitating U.S. exports to sub-Saharan Africa; seventh, a requirement that two labor representatives be appointed to the Bank's Advisory Committee; eighth, a requirement that the bank's chairman design an outreach program for companies that have never used its services; ninth, identification of child labor as a human right which can serve as a basis for a Presidential determination to deny applications for credit based on national interest concerns; and, tenth, the denial of export financing for sales to the Russian Government or military if that country transfers SS-N-22 missile systems to China, the President determines that such action represents a significant and imminent threat to the security of the United States, and the President also requests the Bank to cease that export financing.

□ 2300

At this time, I would like to extend my deep appreciation to all of the members of the conference committee and others who have worked so hard in support of Exim, beginning with the chairman of the Committee on Banking and Financial Services, the gentleman from Iowa [Mr. LEACH], as well as the gentleman from New York [Mr. LAFALCE], the gentleman from Nebraska [Mr. BEREUTER], and the gentleman from Illinois [Mr. MANZULLO].

In particular, I would like to express my gratitude for the extraordinary help and cooperation of the gentleman from New York [Mr. FLAKE], not only on this legislation, but for the extraordinarily productive partnership we have shared in serving together on the Subcommittee on Domestic and International Monetary Policy. It has been a privilege for me to serve with the gentleman on this subcommittee. Frankly, I cannot imagine how we are going to manage without the gentleman, or his first rate chief of staff Shawn Peterson. We will miss them both.

In closing, I believe this is a noncontroversial conference report. It deserves enthusiastic bipartisan support. I urge its immediate adoption.

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

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

I rise this evening in support of the conference report, S. 1026, the Export-Import Bank Reauthorization Act of 1997. The gentleman from Delaware [Mr. CASTLE] and I are proud to preserve the ideas and efforts of the House in our deliberations with the other body. We both believe that this conference report is indicative of our good working relationship on the Subcommittee on Domestic and International Monetary Policy.

First, we instruct the State Department to expressly use the CHAFEE amendment process when it has national interest concerns with potential Exim deals. Moreover, this provision has been enhanced to explicitly include child labor abuses in recipient countries. We also preserved an advisory panel to counsel the bank on efforts to increase the U.S. exports to Sub-Saharan Africa. These efforts reflect a bipartisan commitment to increasing trade with Africa, and are indicative of and positive efforts by the administration, the Congressional Black Caucus, the Speaker, the trade-oriented leaders of Congress. I believe this is the right thing to do, and I am happy to have created this panel as I leave Congress.

The conference report preserves a mandated ethics counseling unit within Exim. Consequently, we ensure that employees have the best possible ethical advice when major financing decisions are made.

The conference report also adopted modified provisions of the House bill that experience the labor communities' representation on the bank's advisory panel, a provision that instructs the bank to reach out to small businesses and language which clarifies the bank's role in expanded job opportunities and economic growth within the United States.

Let me expand my remarks by stating that we need the Export-Import Bank. The need was always in mind during the rather difficult negotiations with the other body with respect to most of the House amendments that had been adopted on this floor. I am pleased to state that the gentleman from Iowa [Mr. LEACH], the gentleman from New York [Mr. LAFALCE], the gentleman from Delaware [Mr. CASTLE], the gentleman from Nebraska [Mr. BEREUTER], and I were never in disagreement on these issues. Accordingly, our belief in bipartisan solidarity, our belief in the necessity of the bank, and our duty to preserve the House provisions are reflected in this conference report.

It is in this spirit that we reached a very difficult agreement on prohibiting export financing to Russia, should it export SS-22 missile systems to China. This provision clearly identifies a major policy concern of the Congress and still cedes to the executive branch the flexibility to use its expertise in the areas of intelligence and threat assessment.

So while we keep what most conferees consider to be a difficult and dangerous precedent with respect to Exim's role in foreign policy, we arrived at this consensus position, which, in my opinion, will work for both the bank and the author of this amendment.

I close by noting that there are detractors of the agency, and we certainly are cognizant of corporate welfare arguments. This line of reasoning, however, ignores the fact that 81 percent of Exim's financing deals go to small businesses. It also ignores the reality that for the 19 percent of deals that Exim does with large enterprises, it inherently still maintains the operations of small businesses as contractors and suppliers. These enterprises operate throughout the Nation and employ thousands of Americans. Thus, if we examine the institution's impact on American employment, we cannot come to the conclusion that Exim is the exclusive concessional window of credit to corporate America. Rather, it is the lender of last resort, and is successful in financing billions of dollars in U.S. exports for a rather small budget. In short, we need Exim, and I intend to support its reauthorization and I ask my fellow colleagues to please join me in doing so.

I am grateful to the gentleman from Iowa [Mr. LEACH], the gentleman from New York [Mr. LAFALCE], the gentleman from Texas [Mr. GONZALEZ], and particularly to the gentleman from Delaware [Mr. CASTLE], who I have had the privilege of working with over the last 3 years as he has served as chairman of this committee with judiciousness, with balance, and with a bipartisan spirit. I would pray that whoever replaces me as the ranking member of this committee will approach the gentleman from Delaware [Mr. CASTLE] with the same spirit that he will approach them. That is as a gentleman, as a person who really understands what it means to do legislation in a fashion where there is a degree of comity.

I would also like to thank Mr. John Lopez of his staff and Mr. Shawn Peterson of my staff, for without them we would not have been able to be as successful as we have been over these last 3 years.

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

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

Mr. Speaker, I appreciate the comments of the gentleman from New York [Mr. FLAKE]. I hope that whoever his successor is in the position as ranking member approaches it with at least 50 percent of the spirit he has for what we do and we will be well served.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH], the distinguished chairman of the Committee on Banking and Financial Services.

Let me just say that he is a wonderful individual to work with on these issues, a man that truly understands international financing, as well as international relations, and it made a big difference on this legislation, and we appreciate it.

Mr. LEACH. Mr. Speaker, let me thank the distinguished chairman of the subcommittee and say in behalf of the House what a wonderful job he has done in leading this Congress on this issue, and also what a wonderful job

the gentleman from New York [Mr. FLAKE] has done. I think, speaking for this side, it is pretty self-apparent we are going to miss the gentleman very badly, and we hope in prayerful consultation he will figure out another way to rejoin the public fray at some point in the future.

Let me make a couple of process observations and then go to the substance.

First, I know of no issue that has been addressed in a more bipartisan, bicameral, biinstitutional way, bipartisan symbolized by the gentleman from New York [Mr. FLAKE] and the gentleman from New York [Mr. LAFALCE], who has been so thoughtful in his additions to this subject matter, and frankly who, in an amendment that did not prevail and I am hopeful that in the next year will, because it is one of the most thoughtful amendments that I think has come up on this subject matter in recent years.

Second, it is interesting, because the time this is being considered is 8 or 10 hours before this Congress is about to be divided, divided philosophically and divided by interest groups. Labor and the business community really have their dukes up on what is called the fast track bill.

In this bill, the organized labor community of the United States and the business community is in total concert, with thorough support. I would like to give an example.

When I recently spoke at a group in my home area in the Quad Cities in East Moline, Illinois, on the other side of the Mississippi River, the United Auto Workers and the leadership of Deere & Company came together to express their thanks for what the Eximbank had done to be able to provide them the resources to in effect send a large number of combines to the Newly Independent States, the former Soviet Union. If there was a greater example of swords into plough shares, I do not know it, all made possible by the Export-Import Bank.

Sometimes it is important to use examples, and let me use a couple of others from my congressional district. In River Dale, Iowa, is the largest Alcoa processing plant for the development of aluminum that goes on the wings of every single Boeing aircraft sold. In Cedar Rapids, also in my congressional district, is the Collins Radio Division of Rockwell, which makes instrument panels of the vast majority of aircraft exported from the United States of America. Without the Export-Import Bank, literally in my congressional district, we would have thousands fewer jobs. What should be stressed is that these are fewer jobs of the highest, best kind in my district.

So from a district perspective, this makes good sense. But we have to look at things first from the national perspective. And here I think this country, as we look around the world and look at the export versus import equation, which is running against the United States, not to give the benefit of the doubt to those programs that advance exports would be a major mistake.

In terms of cost, there is a modest cost in this bill. On the other hand, over the last several decades, the Export-Import Bank has approximately broken even on the ledger sheet, but more importantly, if one combined the income from the taxes to corporations and individuals based upon jobs that are created, the country is running well ahead of the game. So this is a very cost-effective program.

Finally, let me just say with regard to an observation of the gentleman from New York [Mr. FLAKE], I want to commend the leadership of this Export-Import Bank under the Clinton administration for moving more impressively towards the small business community. And even though, if we take an order for combines that might come from Deere & Company, there might be foundries that are small business, seat manufacturers that are small business and other suppliers that will be small business. There are also small business ventures themselves that are getting increasing attention from the Export-Import Bank, and I think that is a very fine trend.

So let me just say in conclusion, I believe this is a good judgment of the Members, a good judgment of the administration, and good policy for the United States.

Mr. FLAKE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, I rise to support the adoption of the conference report to accompany Senate 1026, the Export-Import Bank Reauthorization Act of 1997.

Mr. Speaker, 63 years ago the Congress chartered the Export-Import Bank to support the financing of United States exports when private sector financing was not available to support those exports for sale in overseas developing markets.

The United States economy in 1934 was quite different than today's financial good times, but the need for export financing is as necessary in 1997 as it was in those post-depression days. For small businesses alone in fiscal year 1996, there were almost 2000 Export Bank transactions valued at $2.4 billion, and the volume of Export Bank business grows daily.

The conference report we consider today extends the authority of the Export Bank and its Tied Aid Credit Fund through September 2001. For the most part, each of the amendments adopted in the House are reflected in the conference report. The conferees worked diligently, however, to ensure that the thrust of the House amendments be reflected in the overall policy and practices of the Export Bank. Yet, we made sure that there would be no provisions in the report which would impair the bank's ability to function effectively to support the export market.

So on balance, this conference report is very good public policy and deserves the bipartisan support of the entire House.

In closing, Mr. Speaker, I would be very remiss if I did not recognize the support of the gentleman from Iowa [Mr. LEACH], the chairman of the Committee on Banking and Financial Services, and the extraordinary work of the chairman and ranking member of the Subcommittee on Domestic and International Monetary Policy. The gentleman from Delaware [Mr. CASTLE], the subcommittee chairman, led the reauthorization fight, despite the fact that Members in this body might have been pleased to see the work of the bank abandoned.

Also, the tremendous work of the gentleman from New York [Mr. FLAKE], the subcommittee's ranking member, has been widely discussed because he is leaving the House shortly. There are many things for which he can be remembered, but now the 4-year extension of the Export Bank can remain as another visible reminder of the outstanding quality of Congressman FLOYD FLAKE's contributions to the United States Congress and to the American public.

□ 2315

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER], another gentleman who has a strong understanding of international finance and the importance of it to America.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me this time and for his kind words.

Mr. Speaker, I was in my office, turned on the TV, and realized that the conference report was on the floor and hurried over here quickly. I am extremely pleased to see that the House and the Congress will have a chance to complete its work on the reauthorization of the Export-Import Bank. I think it is a very good step for America.

I am very pleased that the House conferees have also been able to take the sense and the spirit and the wording and the dramatic impact of what the House had earlier voted upon. I feel that the five conferees in the House have stood together and brought a very good result to the House. Everyone should feel comfortable and enthused, in fact, about passing this legislation. I do appreciate the words of commendation and join in them for the chairman, the gentleman from Iowa [Mr. LEACH], who gave us the support to get this legislation through conference and to the floor here tonight.

I particularly, however, want to concentrate my remarks on the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE], who have worked in excellent fashion, and in tandem and individually have done a tremendous job on this legislation as it came to the floor, as it was crafted in committee and in the conference.

The gentleman from New York, of course, as mentioned, is leaving, but whether or not he was leaving, he should be commended for the kind of work that he has done on the Committee on Banking and Financial Services over the years.

I did not get a chance to join in those commendations on the House floor earlier, but his work on urban development, housing, and exports has been really extraordinarily positive for the country, and for his constituents as well.

So we are going to miss him, I say to the gentleman from New York [Mr. FLAKE], and we wish him very great success in his continued work with his religious flock and for the development activities he is so much involved in in his own State.

Mr. Speaker, in closing, I want to say that I think that the work we have done to refine the CHAFEE amendment, the work we have done to extend the provisions for the sale of, the financing of the guarantees of dual use technology, especially as it relates to the air control system, have proven to be a very important step as the nations of Eastern and Central Europe have moved from communism to embrace democracy.

This has been good for our national interest, for our defense, and for our industrial base. Likewise, we have seen those kinds of benefits come to American industry with respect to sales in Latin America.

So Mr. Speaker, I urge strongly support for this legislation. It is in the best interests of this country.

Mr. FLAKE. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would just like to say to the gentleman, I thank him for his remarks. If I had any second thoughts about it, when I finished my sermon about 1 o'clock this morning, I was up at 5 o'clock to preach my 6:30, 8:30 and 11 o'clock services, I was on the shuttle at 2 o'clock and on the floor at 11:20, so any second thoughts I had, the Lord removed them today with this schedule.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. KEN BENTSEN].

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

Mr. Speaker, I rise in support of this conference report. I want to commend the chairman of the subcommittee on which I served and the ranking member, the gentleman from New York [Mr. FLAKE], as well as the chairman and ranking member of the Committee on Banking and Financial Services for the work they did, and the other conferees.

Mr. Speaker, this is a terribly important bill that we are passing. Sometime later tonight or perhaps early tomorrow morning, we may or may not take up the issue of fast track. There will be a lot of debate held about trade and what the United States ought to be doing in trade. But the bill that we are considering right now is terribly important because markets are not always efficient. We know in the finance market and in the export market that we have many allies who heavily subsidize their exports, some to the extent of 20 or 30 percent of their export market.

What we do in the United States through the Export-Import Bank is to provide in effect a matching subsidy for the banks and the other financial institutions where the private market will not go. It only makes up, I believe, about 2 percent or so of our export market, but it is a very important part, because without it, many U.S. companies would just simply not be able to participate in these world markets. Therefore, we would lose any competitive advantage we might have, and ultimately we would lose jobs in those industries.

So regardless of how Members intend to vote, either later tonight or sometime tomorrow, whenever we do this, however long we keep the gentleman from New York [Mr. FLAKE] here for that particular debate, I hope that they will support this bill, because this is very important. This is not corporate welfare.

In closing, Mr. Speaker, let me also add my support and accolades for the ranking member, the gentleman from New York [Mr. FLAKE]. I think it is important to note, and it was not mentioned in great detail, that the gentleman from New York, while a Representative from New York, has only been there on assignment from a higher authority and will return there, but he and I are both from Houston, Texas, originally. At some point we hope that he will return.

He is often back in Houston and in my district, and I look forward to seeing him in his other and now to be his main or only capacity in preaching. He has a great number of followers in Houston, not just for his religious activities, but was in Houston recently and met with a number of fellow ministers from my district, all of whom are very eager to come up and see the model which he has built in his district. We look forward to doing that. I appreciated the opportunity to have served with the gentleman in the Congress, and I look forward to working with him later on.

Mr. FLAKE. Mr. Speaker, I thank the gentleman for his comments, and I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in support of this conference committee report on the Export-Import Bank. I want to thank the subcommittee and committee chairmen for their work in conference, as well as our friend and colleague, the gentleman from New York, Mr. FLOYD FLAKE, and to add my positive recognition of his work and their work, his work throughout his service in Congress, and the work especially in this conference committee.

Mr. Speaker, I had added an amendment on the floor, an important amendment to me, one that I think built on the protocols in terms of some of the strictures in the export administration law with regard to child labor, and I am appreciative of the fact that the Members did go to conference and keep the spirit if not the letter of that particular provision within the bill. I really appreciate being consulted upon that matter while it was in conference, and the work that was done to in fact keep it within the context of this conference.

This is an important tool that we have in terms of export. Historically, of course, it has been used by some of the larger manufacturing concerns in the U.S. in the jobs that they create. Some of the companies and institutions have been mentioned this evening. We have some, certainly, from Minnesota. But more importantly, it has in recent years been the focus on smaller- and middle-sized businesses that are moving into the export market.

While we will have a big debate on trade tonight, I think all of us recognize we are going to be involved in the global economy. These tools that provide the type of direct credit, the guarantees and credit insurance, are enormously important in order to facilitate that process.

I would point out to my colleagues, certainly the members of the committee on which I serve, the Committee on Banking and Financial Institutions, are aware of it, but so often this credit is put in place and these newly emerging nations, for instance, the nations of the former Soviet Union, the newly emerging states, where in fact the type of financial underpinning and structure is not in place, and they need the additional credit in order to facilitate the purchase of U.S. products or other products. We could do it with subsidies; we could do it with other types of assistance. This has been an effective and very efficient way to do it, which capitalizes or builds and leverages our private sector banks and financial institutions to accomplish this.

But in any case, Mr. Speaker, this is a good measure. It has been an especially difficult year to deal with it, because of the climate with regard to this

type of institution. For that, I think the gentleman from Delaware, Mr. MIKE CASTLE, subcommittee chairman, and Chairman LEACH and others that have worked in this really did a masterful job in terms of advocating this on the floor, and through the Congress to enactment or to the President, and final enactment today hopefully will be successful.

I certainly support it.

Mr. Speaker, I rise today in support of the Export-Import (Ex-Im) Bank Reauthorization bill. Typically, this authorization is an exercise that receives scant attention and afterthought. Granted it has its detractors that denounce its practices as corporate welfare, but the criteria of Ex-Im assistance has remained relatively intact. I am pleased that this bill breaks with tradition, and includes an amendment I offered to the House bill that denies U.S. Ex-Im assistance to companies that violate child labor laws. For the first time child labor violations will serve as the basis for a determination to deny companies U.S. Ex-Im assistance.

By directing loans, loan guarantees, and credit insurance, Ex-Im Bank fills an important niche in our sales abroad, especially in environments where financial institutions are not stable. That could be the Newly Independent States of the former Soviet Union or any other region where the economy is developing anew. This is a sound program that speaks to American jobs and U.S. businesses. It is a partnership with the federal government that works. Clearly, in the context of extending these specific credit assurances of opportunities, we should be certain that worker rights, environmental issues, and intellectual and financial property rights are safeguarded. As we move forward to reauthorize the Ex-Im program for an additional four years, and as we continue to push for smaller business export loans and benefits, we should initiate new policy guidelines to enhance our efforts and goals. The Vento child labor amendment is one such important effort.

Child labor practices today reveal an unprecedented tragedy of a far greater magnitude than what transpired in a less global economic marketplace. The International Labor Organization estimates that over 250 million children worldwide under the age of 15 are working instead of receiving basic education. That is 250 million reasons to ensure that U.S. Ex-Im guarantees, insurance, and loans take the extra step to protect against the exploitation of child labor by U.S. companies and partners. Because we neither investigate nor know the child labor practices of the companies we assist, this language is essential in drawing attention to the child labor practices. It also presents the potential for increased involvement on behalf of Non-Governmental Organizations to discover and publicize specific child labor abuses.

I realize no single nation or single agency can eradicate the child labor problem. However, we should deliberately pursue each opportunity in order to turn the tide on the inappropriate employment of young children. If we help these U.S. companies, then we should expect that they and their partners reflect and follow fundamental U.S. values and laws. Both symbolically and substantively, the U.S. must set an example as we advance and engage in the global marketplace.

There is no other practice so universally condemned, yet so universally practiced as the exploitation of child labor. Crimes committed against children around the world, that this Congress is so adamant to speak out against, should not be encouraged or tolerated by our own government policies. We all recognize the depth of this problem, yet as a nation we do little to protect children from exploitation. For example, one of the most important measures of the 105th Congress, fast track negotiating authority, does not recognize child labor protections as a legitimate negotiating objective. Foreign investment, intellectual property, both made the list of trade objectives. We have always gone to great lengths to enhance and protect the profits and rights of companies at home and abroad, while ignoring the rights of working people, particularly children. Are the world's children not deserving of the same support? For those that want to keep child labor protections out of trade agreements, child labor is merely a harsh reality that makes good economic sense.

I hope that this language will help make the invisible visible and generate the significant public pressure that is necessary to make political progress on child labor protections. Our trade policy must promote progress in wages, living standards, and human rights here in the U.S. and around the globe. It should not undermine progress in these important areas or legitimatize the status quo. This language ensures that there will be more U.S. responsibility in the strategy for the eradication of exploitative child labor. It gives each of us the opportunity to stand up for children, who even marginally, may be contributing to a subsidized U.S. export product.

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

Mr. Speaker, I would also like to include among our thanks Mr. Jamie McCormick of the staff of the gentleman from Iowa [Mr. LEACH], because without the cooperation of the full committee chairman and the cooperation of his staff, much of what the gentleman from Delaware [Mr. CASTLE] and I have been able to achieve could not have happened.

I thank again all of those who have offered remarks, and certainly I look forward to, as I leave this place, remaining in relationship and friendship with all of the Members.

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

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

Mr. Speaker, I would, too, like to thank all the great staff. I mentioned Sean Peterson before, but Jamie McCormick and John Lopez of our staff, they all did really a wonderful job on that. I would like to thank all those who spoke tonight who are very thoughtful, from the chairman, the gentleman from Iowa [Mr. LEACH] on down. These are people who have thought a lot about this, and do, I think, a wonderful job of handling these difficult and complex issues.

Mr. Speaker, obviously, in final words for our friend, the gentleman from New York, Mr. FLOYD FLAKE, I thought it was just me for a while who thought he was an exceptional individual to work with, and then I began to realize that a lot of people in this House thought that.

I missed the tribute on the floor. I got there when he was actually speaking. I came back to my office from actually being down and meeting on this particular bill. I realized later what everybody said about him. I guess we always say nice things about each other, but I do not know of anyone in this House who is truly more respected, liked and admired than the gentleman from New York, Mr. FLOYD FLAKE. He has done an exceptional job, not just in this subcommittee, but in general, and it is with a great amount of sadness that, while it may not be, we still have a coin bill coming along, but it may be the last bill we are going to handle, and I would like to add my homage to what everybody has said about him.

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 Delaware [Mr. CASTLE] that the House suspend the rules and agree to the conference report on S. 1026.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENDING CERTAIN PROGRAMS UNDER THE ENERGY POLICY AND CONSERVATION ACT

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 317) providing for the agreement of the House to the Senate amendment to the bill, H.R. 2472, with an amendment.

The Clerk read as follows:

H. RES. 317

Resolved, That, upon the adoption of this resolution, the bill H.R. 2472, to extend certain programs under the Energy Policy and Conservation Act, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment to the text of the bill be, and the same is hereby, agreed to with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

The Energy Policy and Conservation Act is amended—

(1) in section 166 (42 U.S.C. 6246) by striking "1997" and inserting in lieu thereof "1998";

(2) in section 181 (42 U.S.C. 6251) by striking "September 30, 1997" both places it appears and inserting in lieu thereof "September 1, 1998"; and

(3) in section 281 (42 U.S.C. 6285) by striking "September 30, 1997" both places it appears

and inserting in lieu thereof "September 1, 1998".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. DAN SCHAEFER] and the gentleman from Texas [Mr. HALL] each will control 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. DAN SCHAEFER].

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. 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 matter on the resolution under consideration.

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

There was no objection.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill we will be sending back to the other body reauthorizes a provision of the Energy and Conservation Act related to the Strategic Petroleum Reserve and the U.S. participation in the international agreement for 1 fiscal year.

These provisions, which expired September 30, assure that if there is an energy emergency, the President's authority to draw down the Strategic Petroleum Reserve and the ability of U.S. oil companies to participate in the international energy agreement without violating antitrust laws is preserved for another year.

As I stated when the House passed this bill earlier this year, because of their importance to the U.S. national energy security, I believe these programs should not go unauthorized. At the same time, I believe requiring them to be reauthorized annually is appropriate as long as oil from the Reserve continues to be sold for budgetary purposes.

□ 2330

It is my hope that when DOE completes its review of the SPR policies, we can work with the administration and the appropriators to develop a coherent and consistent policy regarding the future of the reserve.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will not have any speakers. I rise in support of the bill. I would like to have a colloquy with the gentleman from Colorado, Mr. DAN SCHAEFER.

I thank the chairman for his leadership and for his hard work to ensure that the Energy Policy and Conservation Act is reauthorized. EPCA provides the authority for the U.S. to cooperate with their international allies during world oil crises, to alleviate shortages in calm markets.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, will the gentleman yield?

Mr. HALL of Texas. I yield to the gentleman from Colorado.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I thank the gentleman from Texas [Mr. HALL] for his work and agree that we must have EPCA in place, particularly in light of the ongoing events in the Middle East.

Mr. HALL of Texas. Mr. Speaker, reclaiming my time, I would like to propose to my good friend from Colorado also that while this simple extension of existing authority is a good thing, we need to take a closer look early next year at the need to update EPCA's antitrust provisions.

Mr. DAN SCHAEFER of Colorado. If the gentleman would continue to yield, I thank the gentleman again for his remarks, and I agree that the Committee on Commerce and other affected committees should take a closer look at this issue to ensure that our national interests are fully protected and we can meet our treaty obligations.

Mr. HALL of Texas. Mr. Speaker, I thank the gentleman from Colorado, Mr. DAN SCHAEFER. I think we ought to get on top of this sooner rather than later next year, when we have time to consider the matter thoroughly. We ought not to wait until EPCA expires next September. Maybe by then we will be comfortable providing for a longer-term reauthorization.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I certainly agree with the comments of my colleague. We have worked very closely together in the past, and I want to continue to do that, particularly on this issue and any other issue that deals with our committee. But we have to ensure that we have energy policy in this country that is going to be best for the American citizens.

Mr. DINGELL Mr. Speaker, I rise with a sense of profound disappointment to speak reluctantly in support of H. Res. 317, and only because we have no better alternative. Notwithstanding disturbing hourly reports from the Middle Ease, Members of the House has been presented with an unpleasant and wholly unnecessary choice. We can either vote for this barebones, better-than-nothing reauthorization of the most essential parts of the Energy Policy and Conservation Act—our nation's first line of defense in dealing with an international oil crisis—or we can take our chances that the Act, which has already been allowed to lapse, will not have to be deployed during the next 2 months while the Congress is out of session.

Since 1984, the United States has sought to persuade our international partners to graduate from a cumbersome and outdated oil allocation plan to a more market oriented "coordinated stock drawdown" policy under which each country would release petroleum stocks to forestall any shortages. This type of approach, which was tried out during Desert Storm, shows great promise and has finally been accepted by our allies and the International Energy Agency.

Neither of these policies, however, can work without the cooperation and assistance of both U.S. and international oil companies. In times of severe supply shortages or market instability, the I.E.A. needs real time information about the location and movement of oil stocks and refined produces with only these companies can provide. EPCA was drafted with an appreciation of these need for partnership, and included from the beginning a "limited antitrust defense" to ensure companies are not prosecuted for actions they are requested to take by government during an oil emergency.

This is exactly the type of voluntary cooperation Congress should be encouraging. For three years now, the Administration and the U.S. oil industry have been asking Congress to update EPCA's antitrust provisions to permit them to assist the U.S. government and the I.E.A. in carrying out a coordinated stock drawdown. The Senate's bill includes language supported by both the Administration and industry.

Unfortunately, H. Res. 317 does not address the antitrust issue. Hearings have been held, testimony has been provided, and no objection has been voiced to the type of changes the Administration has proposed and the Senate has adopted. This is an entirely unnecessary omission, and represents a failure by the House and its leadership to properly discharge their responsibilities. Let no one be mistaken—in the event that international oil markets suffer a severe shock in the coming months, the I.E.A. will be hamstrung in its ability to temper the impact on consumers and financial markets because U.S. oil companies will not be able to participate fully. This is a mistake which could have been averted had the necessary homework been done at the proper time.

While I support H. Res. 317 and urge members to vote for the resolution, I do so with a sense of regret and measure of anger at the choice with which this body has been presented.

Mr. HYDE. Mr. Speaker, I ask that this exchange of letters between me and Chairman BLILEY be placed in the RECORD following debate on H.R. 2472.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, November 8, 1997.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR HENRY: Thank you for your letter regarding H.R. 2472, a bill to extend provisions of the Energy Policy and Conservation Act (EPCA) through September 1, 1998.

EPCA is one of the legislative cornerstones of our national energy security policy. Among other things, it authorizes the operation and maintenance of the Strategic Petroleum Reserve and provides limited immunity to American oil companies to participate in activities pursuant to the International Energy Agreement. In light of current actions in the Middle East and the important activities authorized by this Act, prompt passage of this EPCA extension is necessary.

I appreciate your interest in H.R. 2472 and I acknowledge that I will bring it to the House Floor in the form of a simple extension through September 1, 1998 without any substantive change to the antitrust provisions. I also acknowledge that your action in

allowing this legislation to go forward does not affect any future rights of the Committee on the Judiciary. Consistent with the Judiciary Committee's jurisdiction over anti-trust issues under rule X and with the Commerce Committee's jurisdiction over energy issues under Rule X, I would be pleased to work with you to develop legislation which ensures an effective national energy security policy.

In keeping with your request, I will place your letter and this response in the record of the debate on H.R. 2472.

Sincerely,

TOM BLILEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 8, 1997.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, U.S. House of Representatives, Washington, DC.

DEAR TOM: I understand that today or tomorrow you intend to move to suspend the rules and concur in the Senate amendment to H.R. 2472 with an amendment.

The version of H.R. 2472 you plan to bring up would extend through September 1, 1998 certain provisions of the Energy Policy and Conservation Act, 42 U.S.C. §6201 *et seq.* Under Rule X, the Committee on the Judiciary has jurisdiction over provisions of the Act: the antitrust defense provided in Section 252, 42 U.S.C. §6272, the participation of the antitrust enforcement agencies in activities under that section, and any amendment, extension, or expansion of these provisions or any other antitrust immunity provided in the Act.

Because of the urgency of passing this important national security legislation, I am willing to waive this Committee's right to a sequential referral of H.R. 2472. I will allow this legislation to go forward so long as it remains a simple extension through September 1, 1998 without any substantive change to the existing antitrust defense or the participation of the antitrust agencies. However, my doing so does not constitute any waiver of the Committee's jurisdiction over these provisions and does not prejudice its rights in any future legislation relating to these provisions or any other antitrust immunity provided in the Act. I will, of course, insist that Members of this Committee be named as conferees on these provisions or any other antitrust immunity provided in the Act should the bill go to conference.

If the foregoing meets with your understanding of the matter, I would appreciate your placing this letter and your response in the record during the debate on H.R. 2472. Thank you for your cooperation in this matter.

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. HALL of Texas. Mr. Speaker, I thank the gentleman from Colorado for his leadership on this issue, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. DAN SCHAEFER] that the House suspend the rules and agree to the resolution, H. Res. 317.

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

A motion to reconsider was laid on the table.

ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996 AMENDMENT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2920) to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system.

The Clerk read as follows:

H.R. 2920

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

SECTION 1. MODIFICATION OF ENTRY-EXIT CONTROL SYSTEM.

Section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 is amended—

(1) in subsection (a), in the matter preceding paragraph (1), strike "Act," and insert "Act (and not later than 3 years after the date of the enactment of this Act in the case of land border points of entry),";

(2) in subsection (a)(1), strike "and" at the end;

(3) in subsection (a)(2), strike the period at the end and insert "; and";

(4) by adding at the end of subsection (a) the following:

"(3) not significantly disrupt trade, tourism, or other legitimate cross-border traffic at land border points of entry.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. SMITH] and the gentleman from Michigan [Mr. CONYERS] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SMITH].

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days in 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 Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Congress has required the Immigration and Naturalization Service to develop and implement a system to track the entry and exits of those crossing our borders. The purpose of this bill is to make sure that such a system will not substantially impede trade or traffic across our borders, both northern and southern.

The intent is, first, to set a reasonable time frame for the development and implementation of an exit/entry system and, second, to reaffirm that it is the policy of this Congress that such a system is to be developed so that, upon implementation, it will not substantially impede trade or border crossings.

Understandably, this matter may be of particular concern to those States along our northern border. Unlike the southern border, there are relatively few northern border entry points and they already are congested by high volumes of traffic frequently using one- and two-lane highways and bridges. Any further slowdown in the flow of such traffic could be seen as hurting the economies of many States, especially New York, Michigan, and Washington State, but also Minnesota, Wisconsin, Maine, Pennsylvania, Idaho, Montana, North Dakota, Vermont, and New Hampshire.

States along our southern border, where 2½ times as many individuals were inspected than were along our northern border in fiscal year 1997, are more experienced in addressing these kinds of problems. For instance, today in San Diego thousands drove across the border and were monitored electronically. Some entry points on our southern border have as many as 23 lanes to speed traffic.

Increased trade with Mexico has spurred investments in the construction of major new crossings elsewhere. What this bill does is reassure all Americans and our neighbors both to the north and to the south that, as the United States exercises its right to control its borders, it is also committed to facilitating trade.

We should expand our Nation's capacities to trade with our neighbors as well as facilitate the lawful crossing of citizens on both sides of our borders. Unfortunately, many people enter our country along our northern and southern borders legally but, wrongfully, never return home. Forty percent of the estimated 5 million illegal aliens in the country today entered in such a manner, overstaying their visas.

The United States needs to develop an entry-exit system to fairly and effectively address these illegal overstays, but we must do so in a manner that does not significantly disrupt trade, tourism, or other legitimate cross-border traffic.

Some may suggest this bill would set a different standard for people crossing our northern border. Any such suggestion is contradicted by the facts. This bill treats our southern and northern borders exactly the same. It makes no distinction.

Again, this bill is an affirmation of two important national policies; one, that we have a right and duty to control our borders; and, two, that it is in the best interest of the United States and our neighbors both to the north and south to act so as to facilitate trade and border crossings.

Our task in the House today is to ensure that border crossings will not be substantially impeded while we also protect the Nation's interest in being

able to control our borders. And that is exactly what this bill does.

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

Mr. CONYERS. Mr. Speaker, I yield as much time as he may consume to the gentleman from North Carolina [Mr. WATT], the ranking minority member.

Mr. WATT of North Carolina. Mr. Speaker, I rise in opposition to H.R. 2920.

As the ranking member of the Subcommittee on Immigration and Claims, I have had the opportunity this year to learn a great deal about America's borders and the importance of securing the borders against illegal immigration, narcotic, and alien smugglers, and potential terrorists. Because of this, I have supported efforts by the chairman of our subcommittee to increase security along the southwest border of the United States.

Because of the success along the southwest border, pressure has increased along the northern border. I recognize that there is a long tradition of openness between the United States and Canada along the northern border, but times are changing, and I believe our policies must adjust to reflect these changes.

There have been numerous incidents of alien smugglers bringing in hundreds of illegal immigrants across the border between Ontario and upstate New York. One of the terrorists on trial for participating in the conspiracy to blow up the Lincoln Tunnel in New York entered the United States from Canada. The Canadian border must be as secure as the southern border. Otherwise, we might as well put a neon light over the Canadian border inviting immigrants to come across it with impunity.

Section 110 provides that by October 1, 1998, the Attorney General will develop an automated entry and exit control system that will collect a record of departure of every alien departing the United States and match the records of departure with the records of aliens arriving in the United States. This would enable the Attorney General to identify folks who are overstaying their visas or staying in the country illegally.

In fairness, the language of this bill is neutral on its face and makes no direct reference to Canada. Make no mistake about it, however; this bill is about treating Canada and the northern border differently from Mexico and the southern border.

There are already stringent entry control systems in place along the southwest border. Because the INS has a record of every entry from Mexico, it is able to determine when someone entered the United States and whether they overstayed or violated the terms of that entry. This is not the case along the Canadian border.

Crossing into the United States from Canada is not unlike driving through a toll booth. Passengers answer some routine questions, and if they are citizens or legal permanent residents of either Canada or the United States, they are flagged through. Once in the United States, Canadians are virtually indistinguishable from other Americans. Perhaps that is why Canada ranks fourth as the source country for illegal immigrants in the United States.

There are at least 120,000 Canadians working illegally in the United States, and none of these people entered the country illegally. Nearly half of all the illegal immigrants in the United States overstaying the terms of their valid tourist or student visa came in through the Canadian border. Overstaying or violating the terms of valid visas is the illegal immigration method of choice for Canadian, Europeans, and others who know that the INS will never find them.

Section 110 of the illegal immigration reform bill was specifically designed to give the INS the tools to combat this problem. If my colleagues are truly committed to combating illegal immigration in all its forms, if my colleagues want an immigration policy that does not distinguish between white Canadians and colored Mexicans, then we must enforce the laws on an equal basis and do it in a racially color-blind way.

I think this bill does not support that proposition, and I rise in opposition to the bill.

Mr. CONYERS. Mr. Speaker, I reserve the balance of our time.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Texas [Mr. SMITH] for yielding me the time.

I really am sorry that this bill is being characterized as dealing with only one of our borders. And I really am upset with the Congressional Quarterly, which put out a publication this morning here which said "U.S.-Canadian border controls," and it talks about our legislation.

Well, our legislation is sponsored by Members from all of the borders from all over the country. It is not just, sure, I am concerned about it because it deals with New York State. But my colleagues ought to, I think, listen carefully to the debate.

Last year, Congress did pass legislation which would require the Immigration and Naturalization Service to document the entry and departure of every alien in the United States beginning no later than September 30, 1998. That is really just around the corner when we start talking about putting in this kind of a program.

This legislation, with the best of intentions, was designed to prevent visa overstays and control the flow of illegal immigrants and the transmission of illegal drugs, terrorism, and other things. The problem is that this legislation, as it is currently drafted, could have a devastating effect on commerce, on tourism, along the Texas border, the California border, and all across all of the borders across the northern United States, on both sides of the borders.

□ 2345

In New York State, we have many, many corporations that have corporations right across the border, and many United States citizens, New Yorkers, live in New York and work in Canada. There are many other corporations who have the same businesses in both countries and they have Canadian citizens that come across the border daily. Many of them are nurses and doctors, of which we have a real shortage in northern New York, for jobs.

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

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

Mr. MCHUGH. The gentleman made mention of treating the two borders differently and I think that is an important fact. It is my understanding that this bill treats both borders equally, that the delay applies equally to both borders. So I would suggest to the gentleman that is not an issue in this particular context.

Mr. SOLOMON. Let me just say that this bill is simple. It delays the implementation of the exit and entry control system until 1999. It will take that long to implement the system, anyway, even if we were to let it go ahead.

In addition, it adds statutory language which specifically requires, and I think this is what we need to listen to, because this affects American jobs, this adds statutory language which specifically requires that any automated system, implemented by the INS, will not disrupt trade, tourism or any other legitimate border crossing traffic.

Mr. Speaker, the value of trade crossing on all our borders is immense. For instance, direct trade between New York State and Canada totaled $24 billion last year alone. I could go on and on. In New York State, many merchants and communities along the Canadian border owe at least 50 percent of their business to Canadian visitors. The same thing is true in Texas and in California. I hope my colleagues can support the legislation. It is very important to us.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, first, I strongly support this bill, although the bill does not go far enough. I support it in the hope that we can go further within conference with the Senate. Why does the bill not go far enough? Because it simply delays the effective date with respect to land borders from September 30, 1998 to September 30,

1999. The Clinton administration has said to this Congress section 110 cannot be enforced. The Clinton administration has said to this Congress with respect to land borders, repeal section 110 because it cannot be implemented. They have submitted legislation to this Congress calling for its repeal, and all we are doing in this bill is delaying the effective date for one year. The Clinton administration says it cannot be enforced, repeal it with respect to land borders.

Mr. Speaker, I have introduced some other bills. In September I introduced H.R. 2481. Yesterday I introduced a companion bill to Senator ABRAHAM's bill, H.R. 2955. I believe that the bill that Senator ABRAHAM has introduced in the United States Senate, to which a few dozen of us cosponsored yesterday, is the more appropriate approach.

I am not an expert on the Mexican border. I consider myself an expert on the Canadian border, however. When I was a young boy, I lived perhaps two blocks away from the Peace Bridge going from the United States to Canada and vice versa. That is where I played baseball, that is where I learned how to swim, play tennis. We used to walk across the Peace Bridge to Canada, to go swimming, to go fishing as easily as one would go from Virginia to Maryland to the District of Columbia, as easily as one would go from North Carolina to South Carolina. We pride ourselves on a shared border, on an open border. Do not regress in history. Do not turn aside 200 years of history and build a wall around the United States. Do not say to individuals, before you can leave the United States, we must document each and every person leaving the United States. We have never done that before, we ought not to do it now. At the very least, delay its implementation until September 30, 1999 rather than September 30, 1998, when cooler heads might be able to prevail.

Mr. SMITH of Texas. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Speaker, I rise to enter into a colloquy with the gentleman from Texas [Mr. SMITH]. I have some concerns about H.R. 2920 that have been raised by the gentleman from New York [Mr. LAFALCE]. I do believe that section 110 of this immigration reform bill does require some revision, or some study.

As a Representative from Michigan, a State which shares a wide border with Canada, I have strong concerns about the impact that section 110 may have on States all across the northern border. Implementation of this system would slow commerce to a virtual standstill. Let me give Members an example in my State of Michigan. For example, in Detroit alone, in Port Huron, some 30,000 motorists, actually more than that, 30,000, at the Ambassador Bridge alone cross daily. In fact, the President of the International Bridge Company has testified that that could result in backups, delays, and I am talking about people that work on both sides of the river, both sides, it would back up traffic perhaps halfway to Flint, Michigan, 40 or 50 miles, and on the Canadian side even further. In particular, this system would cripple the automotive industry and the local economy which, as Members, know depends upon just in time deliveries.

What I would like to do, if I could, I wanted to enter into a colloquy with the gentleman to make a determination, and I think the way the bill reads right now is that border crossings will not be substantially impeded. We have a great deal at risk here. I wanted to get the gentleman's assurance that that would be the case.

Mr. SMITH of Texas. Mr. Speaker, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Texas.

Mr. SMITH of Texas. The gentleman is correct. The language in this bill is mandatory and says that the entry-exit system shall not significantly disrupt trade, tourism or other legitimate cross border traffic. I believe the bill will do exactly what the gentleman would like to see done.

Mr. KNOLLENBERG. If I could reclaim my time, I would like to just say that I think the gentleman from New York [Mr. LAFALCE] has an idea that is shared by a number of others. We want to do what obviously is best. We have some time now to do that. I thank the gentleman for making a clarification.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute.

To the distinguished gentleman from Texas, the chairman of the subcommittee, we never had hearings on this. This was introduced up in the Committee on Rules and shot through here like a bullet. This is a very important subject. Does the gentleman have any idea why we did not? It is our committee. It is the gentleman's subcommittee. We never had hearings. I guess that does not matter.

Now he comes here in the middle of the night telling us this is a very critical matter. We have all kind of hearings all year long on everything in the gentleman's subcommittee. I, for one, if I have any sympathies for this measure, do not like the process that it was carried on in.

I rise in strong opposition to H.R. 2920, providing for a 1-year delay in section 110 of last year's immigration bill (requiring a border card on the Canadian and Mexican borders).

No Member is more concerned about the potential problems caused by section 110 than I am. We can see Windsor, Canada from my district. Last year United States trade with Canada was over $355 billion making it the largest exchange between any two countries in the world. Of that figure, 57 billion dollars worth of goods were traded with Michigan—giving it a larger share of trade with Canada than any other State. The State Department has stated, "Section 110 represents a serious speed bump on the continued expansion of our economic relationships—one which could literally cause traffic across our northern land border to slow to a crawl."

However, H.R. 2920 is the wrong fix at the wrong time. This is a difficult problem which involves sensitive and complex issues concerning trade, drug running, tourism, and illegal immigration. Yet, the bill comes to this floor without the benefit of any committee hearings, debate, or report.

The bill is strongly opposed by the Canadian Government. They have written:

> In a nutshell, Canada opposes the bill because it would only postpone a problem that really needs to be eliminated . . . under the present circumstances, the best course of action would be to refer H.R. 2920 to Committee, in order for it to be properly debated before being brought before the full House for a vote.

From my perspective, there are far preferable approaches available. The Senate has already conducted two hearings on the issue and Senator ABRAHAM has introduced legislation (S. 1360) which provides for a full exemption from the land border crossing requirements while we study the problems of implementing this vast new bureaucracy. A counterpart bill (H.R. 2955) has been introduced in the House which is supported by the administration.

In order to consider these and other responses, we need to vote this bill down today, so we can look at this issue in the Judiciary Committee with more than 24 hours notice.

H.R. 2920 is a "Band-Aid quick fix" which does not provide the proper solution for our border control concerns. Section 110 is not scheduled to be implemented until October 1998. We have plenty of time to hold committee hearings and develop a practical bipartisan solution to this problem.

I urge a "no" vote.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Speaker, I thank the gentleman for yielding me this time. I just want to mention that I know this legislation is approved also by the gentleman from Illinois [Mr. HYDE], the chairman of the committee. I think this is critical. I am glad that we are acting, because the implementation date of September 30, 1998 could cause tremendous disruption in Michigan, not only to tourist traffic but to trade and to our economy. I think this new statutory requirement that this automated system will be delayed until 1999, and it will not disrupt trade, tourism or other legitimate cross border traffic is a good thing. I strongly support the bill.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. I just find it very amazing that all of these representations are being said about what disruption is going to happen on

the Canadian border as if the same disruptions do not happen on the southeastern border and the southern border. There is absolutely no distinction between the northern border and the southern border. The same arguments that apply on the northern border apply on the southern border. All these people are talking about, well, 50 years ago I used to play on the Canadian border. Fifty years ago we all used to keep our doors unlocked at night. But nobody does that now. We have turned up the pressure on the southern border and people are going around, coming in the northern border as if it is a sieve. It was the Republicans who kept telling us last year that we had to secure our borders. Now they are back making exception after exception after exception.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore [Mr. EVERETT]. The gentleman will state it.

Mr. SOLOMON. Mr. Speaker, I am confused about who is managing the time on that side of the aisle. I have heard the gentleman from Michigan [Mr. CONYERS] yield time, but then I am told that the gentleman from North Carolina [Mr. WATT] has the time. Who is managing the time on that side of the aisle? And how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] is managing the time for the minority.

Mr. SOLOMON. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] has 10¼ minutes remaining, and the gentleman from Texas [Mr. SMITH] has 10½ minutes remaining.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. MCHUGH].

(By unanimous consent, Mr. MCHUGH was allowed to speak out of order.)

REQUEST FOR AUTHORITY FOR SPEAKER TO DESIGNATE TIME FOR RESUMPTION OF PROCEEDINGS ON REMAINING MOTIONS TO SUSPEND RULES CONSIDERED MONDAY, SEPTEMBER 29, 1997

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to designate a time not later than the legislative day of November 14, 1997, for resumption of proceedings on the seven remaining motions to suspend the rules originally debated on September 29, 1997.

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

Mr. WATT of North Carolina. Mr. Speaker, reserving the right to object, I am afraid I did not understand what the gentleman was doing in the midst of the debate on this bill. Would the gentleman restate what he is doing?

Mr. MCHUGH. Mr. Speaker, if the gentleman will yield, I am informed that the unanimous-consent request had already been agreed to and I was reading the text of that into the RECORD.

Mr. WATT of North Carolina. There cannot be a unanimous consent that is agreed to if he is asking unanimous consent on the floor.

Mr. SOLOMON. Mr. Speaker, regular order.

Mr. WATT of North Carolina. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. WATT] has reserved the right to object.

Mr. MCHUGH. Mr. Speaker, I withdraw the unanimous consent request, and I yield to the gentleman from New York [Mr. SOLOMON].

□ 0000

Mr. SOLOMON. Mr. Speaker, evidently my good friend, the gentleman from North Carolina [Mr. WATT], and he is a good friend, did not hear my testimony earlier. I spoke about the borders of California, about the borders of Texas.

As my colleagues know, we are talking about all of the borders of this land. This legislation affects the borders on California, the borders on Texas, the borders on all across the northern part of the country. They are all affected the same, and we should not be trying to mislead, and I thank the gentleman from New York for having yielded me the time.

Mr. MCHUGH. Mr. Speaker, I would just add to my friend, the gentleman from Michigan [Mr. CONYERS], he asked why have we not had any hearings, and I think that is an appropriate point. I would suggest to him that this arose very quickly because very quickly the Immigration and Naturalization Service came to us in my office and said, "By the way you will be the lucky recipient of a test program." We felt that that had not had hearings. That indeed had not been an issue discussed, and I would suggest to the gentleman that the entire point behind delaying the implementation of this bill for years was to provide the gentleman and the gentleman from Texas [Mr. SMITH] and others who have a direct and very understandable interest in this with the opportunity to have the hearings, and therefore I believe we should support this for the very reasons he stated.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute.

Now there is no urgency on this bill. This is not an appropriation. This is not anything. It has not had a hearing, and here we are at midnight and one of the last days of the first session of the 105th Congress talking about a 1-year extension. We had plenty of time to hold all the hearings in the world in the Committee on the Judiciary, which the gentleman from Texas [Mr. SMITH] has never held on this subject. Now the Senate has held hearings on this subject, and by the way, the other body has no inclination whatsoever, whatsoever to pass this measure.

So what I am saying is that the best reason to be against this measure is that we do not understand its import and we are not in any rush. This measure does not expire until October 1998.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

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

I do not want to get caught in the crossfire of who had or did not have hearings, but there is some urgency to this matter, and it is very uncomplicated.

Mr. Speaker, I did not vote for this immigration bill to begin with because I thought it was going to have many of the problems that have come up because it is so complicated, and the border between the United States and Canada is one of the most complex. It is also the longest open, free, unguarded border in the entire world. Every day a billion dollars in goods and services cross the border from Canada to the United States and back and forth.

In an era of just-in-time delivery of goods, it is extremely important that we have a smooth flow across the U.S.-Canada border for that billion dollars daily of economic activity to survive. But with this legislation the more than 76 million people who enter the United States by land from Canada are going to line up, be checked in, have long waiting lines.

And let me just tell, my colleagues, what happens from the International Falls Daily Journal newspaper, the northern border of my district, a place that most of my colleagues will recognize as the cold spot of America. Right across the water is Fort Francis, Canada. Mark Elliot crosses the International Bridge of the United States nearly every day to visit his girlfriend in International Falls. Crossing between these countries normally takes very little time because he is such a familiar face, he and many other residents. But a law scheduled to take effect in 1998 will make his visits more difficult.

That is what it is all about. It comes down to one human being. This is a border control, this is an entry/departure control measure, it is not an inspection requirement. It is going to build up complexity between our two countries. It is going to build up complexity between the United States and Mexico. The amendment that we are considering tonight applies to both borders, will resolve these complexities.

I do not address the United States-Mexico situation because I do not live there, and I do not understand that problem, but I do understand United States-Canada, and for every individual

to have to have an entry or departure control document is going to, for those 76 million crossings, is going to be extraordinarily complex. I can imagine it would be even worse on the United States-Mexican border.

It is not difficult to understand the problem. This is a very simple fix of 1 year delay. Give us time to adjust, to think out, what this language means. We should not have passed that bill in the first place, but having passed it, this mistake ought to be corrected.

Mr. CONYERS. Mr. Speaker, I yield myself 20 seconds.

To the gentleman from Minnesota [Mr. OBERSTAR], my ranking member on the Committee on Transportation and Infrastructure, my best friend, No. 1, that guy with the girlfriend in Canada, one of them ought to move. No. 2, the Canadian Government, not that we give a hoot about their opinion, is totally opposed to what we are doing, not that that matters.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. REYES].

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding this time to me, and now I can perhaps give some personal perspective to what is being discussed here this evening in the hypothetical, although I will tell my colleagues that hearing some of the impassioned reasons like trade, commerce, long waiting lines, tourism, congestion; as my colleagues know, they are discussing Canada, but they are describing the southern border with Mexico, and my good friend, the gentleman from Minnesota [Mr. OBERSTAR], made mention that perhaps this bill should never have been passed.

Well, absolutely there were a lot of things that were passed in this House before I was able to be here that should not have been passed. There were a lot of things that we are going to have to go back and address because they are simply not fair, and what we are doing here this evening is simply not fair.

And I can tell my colleagues as a ex-immigration officer, as an ex-border patrol chief, the gentleman from Michigan [Mr. CONYERS] is absolutely correct. If we shut down the southern border, guess where they are going to smuggle from? Guess where intelligence today tells the United States Border Patrol, the United States Customs, the United States Immigration Service, the United States Secret Service, guess where the focus of entry is? Guess where the only documented cases of entries into this country for terrorism have come through? It has not been through Mexico, because, no, we have been pretty darn tough on Mexico. It has been through the Canadian border, because, as several of my colleagues have said, heck, we have an open border up there.

I grew up there. I played baseball. I went back and forth. There is a gentleman that has got a girlfriend and goes back and forth. Well, guess what? Those same things could describe the relationship between Texans and Mexico, between New Mexicans and Mexico, between Arizona and Mexico, between southern California and Mexico. All of those things are appropriate, all of those things apply to the southern border of the United States as well.

And my point here tonight is that this issue is about fairness. This issue is about listening to ourselves as we make these arguments in some inane way where the people on the southern border cannot understand us. First my colleagues want to be tough, then they want to be not so tough on the northern border. Well, my colleagues, it does not work that way. It does not work that way because the men and women that enforce the laws of this country, myself included for 26½ years, are impartial. We do not want to enforce one law on the southern border and another law on the northern border. We do not want to treat Canadians one way and Mexicans a different way.

Let us get a grip. If we want to be fair, if this country is going to remain the beacon of fairness, the beacon of liberty, the beacon of opportunity, then for God's sake let us do the right thing and let us apply the law equally on the northern border as it is on the southern border.

Mr. SMITH of Texas. Mr. Speaker, I yield 20 seconds to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I simply want to respond to the concern of the gentleman and others who have spoken about shifting of drug trafficking from one border to another. I tell my colleagues we have got a wilderness border between the United States and Canada in my district, and the timberwolves will get them before anybody else gets across that border, believe me. There is no trafficking across that border.

Mr. CONYERS. Mr. Speaker, I yield myself 20 seconds.

There is not any trafficking across that part of the northern border, but there is plenty of drugs increasingly coming in at the northern border.

And one more thing, my colleagues. This bill is being represented as a temporary fix. What the real deal is is that it is going to be permanent, and we will never get to the hearings on the bill that everybody is for or against it. It never had hearings.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. QUINN].

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

I want to associate myself with the remarks of my good friend, the gentleman from New York [Mr. LAFALCE], earlier tonight. When my other dear friend, the gentleman from North Carolina [Mr. WATT], talks about the fact that there is absolutely no distinction between these two borders, we are simply coming here tonight to tell our colleagues in a very calm, experienced way that we think there might be some distinctions, and we would like to share some of those differences with our colleagues if we see some. My other friend from Texas says that they are all the same, and I would suggest to him that this is exactly the reason we want to try to treat them the same.

Now, we had an opportunity tonight to hear about statistics and numbers and the amount of trade and the tourism that goes back and forth between at least the border that we know best, the Canadian border. I would like to suggest to the rest of my colleagues as we look at 2920 that there is also the people that are involved here entering into that equation.

When my good friend, the gentleman from New York [Mr. LAFALCE], talks about his knowledge and experience in the Buffalo area at the Peace Bridge, I want to add to that my own experience, and it is not ancient history, colleagues, it is not something that happened 50 years ago or 60 years ago, it is happening today. It is happening right now, and it is happening with young people, experienced people, whether it is drivers, whether it happens to be jobs, it is happening now.

And all we are suggesting to our colleagues is that we would like the time that 2920 suggests to have some of the hearing and some of the time that has been talked about, but we are not just trying to tell our colleagues that we are telling someone else what they should do. We have some experiences there, we know what is happening at that border, and we are suggesting to our colleagues that if this plan is implemented now, it will be disastrous to affect not only trade, not only jobs, not only commerce, all the good things my friend from Texas talked about, but also affecting people's everyday lives.

And it is not political, and it is not Democrat, or it is not Republican. We have got people from both parties here trying to add some intelligence to the discussion.

□ 0015

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, we need experts like that to testify at a hearing. You know, we are at midnight talking about all the experts on immigration at the northern border, and we have not had one hearing on this whole thing. I suggest this suspension be turned back and that the Committee on the Judiciary do its job.

Mr. Speaker, I yield 1½ minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, sometimes we screw up, and when we do, we need to take steps to fix it. When we passed the illegal immigration reform

bill, that put on to the INS the requirement to develop a system for documenting every alien entering and leaving this country by October of 1998. We put in place a system that could not work, that will not work, and that threatens commerce on both borders.

This is about delaying the effective date of that one year, and I believe we will even have to take additional steps, as outlined by the gentleman from New York [Mr. LAFALCE] and others.

Let me just show you North Dakota. I represent this State. It is a State that shares one of the longest borders with Canada in the entire country. It is absolutely vital to our commerce, more than $50 million of commerce to North Dakota coming back and forth every year, 2 million border crossings in North Dakota alone.

This has not been a problem. What the people back home cannot understand is, when Congress makes a mistake, we all make mistakes, but why can we not fix the mistake before people get hurt?

I have got letters here from small businesses all across the State of North Dakota. Now, they are not involved in any of the high stakes and the high rhetoric about the immigration reform. All they know is, they need the daily flow of commerce like they have had it.

Please, please, do not hurt North Dakota's economy on a mistake that we did last year. Let us fix this mistake, or at least delay the implementation 1 year. Please pass this bill.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I ask my colleagues on both sides to listen to the discussion. I heard my colleague talk about when the borders used to be open in Canada. I remember walking up and down the beaches along the Mexican border all the time. We do it today.

But this debate is really showing that we need to have internal enforcement. Do not try to do it all at the border. I do not care if it is in my neighborhood, that of the gentleman from Texas [Mr. REYES] and mine with Mexico, or Canada.

I call on everyone saying that they want to see the good things continue to go across the border and to stop the bad things; let us finally sit down and work on internal enforcement. Do not try to do it all on the borders or all in the Canadian neighborhoods or in the Mexican neighborhoods of those of us who live next door to it.

Let us get together and say all of America should be participating in controlling illegal immigration. Not just those of us on the frontier who just happen to live along the border, but all Americans should join in this. Let us take this debate and accept that there is a problem here and in Mexico. Back and forth, we need to have a check system. In Canada we need it. But we also need a check system on every employer and every social program in America.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Maine [Mr. BALDACCI].

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Maine.

The SPEAKER pro tempore [Mr. PEASE]. The gentleman from Maine [Mr. BALDACCI] is recognized for 2 minutes.

Mr. BALDACCI. Mr. Speaker, I thank the gentlemen for yielding me this time.

Mr. Speaker, I am almost hesitant to wade into this discussion going on, but I feel I must, especially since Maine does border Canada and we have been very deeply involved in this.

This is a very technical matter. It is a technical correction that is being offered, and it is something that is not a fight between the Mexican border or the Canadian border. Unfortunately, Section 110 overlooks the history and tradition of the longest peaceful border in the world, and that is shared northern borders with Canada.

For decades, most Canadian nationals have been exempt from registering with the I–94 documentation for entry into the United States. In 1996, more than 116 million people entered the United States by land from Canada, and 76 million more were Canadian nationals or U.S. permanent residents. Imposing a registration requirement on Canadians who otherwise are not required to possess a visa or passport will cause traffic tie-ups of chaotic proportions.

All this bill purports to do is, it purports to delay the implementation of the requirements on both borders. It is a technical correction.

Mr. WATT or North Carolina. Mr. Speaker, will the gentleman yield?

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

Mr. WATT of North Carolina. Mr. Speaker, I just want to say, people keep saying that. Understand, the Mexican border, the entry system is already in place. So this notion that we are delaying and it is just applying to equally is just not true.

Mr. BALDACCI. Mr. Speaker, reclaiming my time, this bill is a technical bill that only delays the implementation on both borders. It does not show a preference on one border or the other. It delays the implementation of the rule on both borders, so it is not showing preference. This is very badly needed because of the interests, especially of what we are talking about, because the Canadian Government does not only support moving in this direction, but they want to do it permanently. They are not in opposition to the direction, they just would like to have more instead of less.

We are 99.9 percent problem-free. We have an agreement between the United States and Canada that was a border agreement accord which was the framework of the border inspections.

I urge Members to support this legislation.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. BECERRA].

Mr. Speaker, will the gentleman yield?

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

Mr. CONYERS. Mr. Speaker, I wanted to appeal to the distinguished subcommittee chairman to consider withdrawing this bill. It is clear we need hearings. The smart thing for us to do at 12:20 in the morning is to take this thing back to the Committee on the Judiciary, where it has never been.

Mr. BECERRA. Mr. Speaker, reclaiming my time, I thank the gentleman for yielding me this time.

Mr. Speaker, I believe it was the chairman in the beginning of this debate that said that this country has the right and the duty to control our borders. Well, if we pass H.R. 2920, we will be asserting our right but we will be ignoring our duty.

You see, back in 1996, just a year ago, we passed a law that said that we must inspect our borders, both in terms of people entering and people leaving. For Mexico, last year we imposed that entry check, so anyone coming into this country from our southern border right now must go through this entry check.

It was not until this year, a year later, that the exit check for both Mexico and Canada was to take effect, along with the entry check for Canada, which did not take effect when the entry check for Mexico took place. Only now is that entry check now going to take effect in Canada.

But where was the outrage about the disruption to commerce, to tourism, to family ties, when we imposed the entry check on the U.S.-Mexico border? Now we hear the outrage. The same thing applies, but it is different treatment. What people are saying today is, if it was good enough for one part of the border, it is good enough for the rest of the borders.

What we have to understand is, what we do today if we pass this bill is say we are allowing and willing to allow people to come into this country, overstay their visas, and become undocumented individuals in this country.

Understand, there are people that cross through all parts of our border. If you vote for this bill, you are saying you are willing to allow people to overstay and become, as many of you term it, "illegal aliens." So understand, do not make any mistake about it, this is not to just conform the law, this is not to try to take care of disruption for commerce and family, this is an attempt to try to withhold the function

of the law, the application of the law, for one place but not for others. If it is fair for one place, it should be fair for all the others.

The SPEAKER pro tempore. All time for the gentleman from Michigan [Mr. CONYERS] has expired.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I want to say my friend from California has, I believe, made a statement that was inaccurate. The point of this bill, H.R. 2920, is not to eliminate an entry-exit system but simply to make the system more workable.

Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, first of all, I want to reiterate one point: That is, the Clinton administration favors repeal of section 110 with respect to land borders. The Canadian Government favors repeal also. This bill does not call for repeal; it calls for a 1-year additional delay.

I also want to thank the distinguished ranking Democrat on the Committee on the Judiciary, the gentleman from Michigan [Mr. CONYERS], for, number one, being an original cosponsor of the bill, H.R. 2481, repealing it; for being an original cosponsor of H.R. 2955, repealing it; for having testified before Senator ABRAHAM's hearing in Detroit respecting it; and for indicating at that time that when the technical corrections bill is taken up in the Committee on the Judiciary, he would offer an amendment to the technical corrections bill seeking repeal of section 110 with respect to land borders.

Until we get to that point though, let us delay its effective date for 1 year.

Mr. SMITH of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Speaker, this issue is very critical to my district. I have the second largest traffic in the whole country, I believe, from the Blaine border crossing. It is very critical, very important. I believe this is a technical correction, and it is just very vital.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge my colleagues to support this bill, H.R. 2920. It will do two things: It will facilitate trade, and it will protect our borders. Most importantly of all, it has one fair standard for both borders, north and south.

Mr. Speaker, it will affirm America's commitment to facilitate lawful trade and border crossings with our northern and southern neighbors and also support development of a workable, and I emphasize the word "workable," border entry-exit system for all our borders.

Mr. NETHERCUTT. Mr. Speaker, I rise today in support of H.R. 2920, introduced by my colleague from New York, Mr. SOLOMON. H.R. 2920 would delay the implementation of Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act (P.L. 104–208) at land-based border entry ports from October 1, 1998, to October 1, 1999. Section 110 requires the Immigration and Naturalization Service [INS] to implement an entry-exit system at all entry points to the U.S. H.R 2920 would still require the INS to implement an entry-exit system at U.S. airports and seaports by October 1, 1998, and would also require the INS to implement Section 110 in such a way that would not significantly disrupt or impeded trade or tourism.

I was a proud supporter of immigration reform last year, and believe that an entry-exit system should be an integral part of U.S. efforts to address illegal immigration. However, I believe Congress should provide the INS additional time to implement Section 110 at land-based border entry points. There are simply too many land-based entry points into the U.S., six in my district, for the INS to implement an entry-entry system by the end of next year. Allowing the INS to first implement an entry-exit system at U.S. airports and seaports should give the INS additional time to implement an entry-exit system in such a way that would not cause unnecessary delays at border crossing. Mr. SPEAKER, there have been numerous legislative proposals to address concern about Section 110, and I have been supportive of legislative corrections to Section 110. It is possible that Congress will pass such corrective legislation next year, but I believe this is too important an issue to leave unresolved until then. I thank my colleague from New York for introducing his bill at this time, and ask my colleagues to support H.R. 2920.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 2920.

The question was taken.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 325, nays 90, not voting 18, as follows:

[Roll No. 627]

YEAS—325

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Davis (FL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Everett
Farr
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Rivers
Roemer
Rogan
Rogers
Ros-Lehtinen
Royce
Ryun
Sabo
Sanders
Sanford
Sawyer
Saxton
Schaefer, Dan
Schumer
Sensenbrenner
Sessions
Shaw
Shays
Shimkus
Shuster
Sisisky
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Young (AK)
Young (FL)

NAYS—90

Abercrombie
Baesler
Becerra
Bentsen
Berry
Bilbray

Bishop
Brown (CA)
Brown (FL)
Carson
Clay
Clayton
Clyburn
Coburn
Conyers
Cummings
Davis (IL)
Deal
Dellums
Doggett
Dooley
Edwards
Etheridge
Evans
Fattah
Filner
Ford
Frost
Green
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinojosa
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kennedy (RI)
Kleczka
Lantos
Lewis (GA)
LoBiondo
Martinez
Matsui
McKinney
Meek
Millender-McDonald
Miller (CA)
Mink
Ortiz
Owens
Pastor
Payne
Pelosi
Price (NC)
Rangel
Reyes
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Rush
Salmon
Sanchez
Sandlin
Scarborough
Schaffer, Bob
Scott
Serrano
Shadegg
Sherman
Skeen
Skelton
Snyder
Stark
Stenholm
Stokes
Strickland
Taylor (MS)
Thompson
Torres
Traficant
Turner
Velázquez
Waters
Watt (NC)
Wynn

NOT VOTING—18

Boucher
Burton
Cubin
Dingell
Ewing
Flake
Foglietta
Gonzalez
Johnson, Sam
Klug
Largent
McCrery
McDermott
Norwood
Riley
Roukema
Schiff
Yates

□ 0055

Messrs. WYNN, TORRES, ABERCROMBIE, LoBIONDO, SHADEGG, BOB SCHAFFER of Colorado, SCARBOROUGH, and SHERMAN changed their vote from "yeas" to "nays."

Mrs. MALONEY of New York, Mr. MOAKLEY, and Mr. KENNEDY of Massachusetts changed their vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question de novo of the Speaker's approval of the Journal of the last day's proceedings.

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

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

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1189. An act to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

S. 1228. An act to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

S. 1507. An act to amend the National Defense Authorization Act for Fiscal Year 1998 to make certain technical corrections.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 738, AMTRAK REFORM AND ACCOUNTABILITY ACT OF 1997

Mr. DIAZ-BALART (during consideration of H.R. 2920) from the Committee on Rules, submitted a privileged report (Rept. No. 105–400) on the resolution (H. Res. 319) providing for consideration of the bill (S. 738) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF CERTAIN RESOLUTIONS IN PREPARATION FOR THE ADJOURNMENT OF THE FIRST SESSION SINE DIE.

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 311 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 311

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House a joint resolution waiving certain enrollment requirements with respect to certain specified bills of the One Hundred Fifth Congress. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) One hour of debate equally divided and controlled by the majority leader and the minority leader or their designees; and (2) one motion to commit.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House a joint resolution appointing the day for the convening of the second session of the One Hundred Fifth Congress. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) One hour of debate equally divided and controlled by the majority leader and the minority leader or their designees; and (2) one motion to commit.

SEC. 3. The Speaker, the majority leader, and the minority leader may accept resignations and make appointments to commissions, boards, and committees following the adjournment of the first session sine die as authorized by law or by the House.

SEC. 4. A resolution providing that a committee of two Members of the House be appointed to wait upon the President of the United States and inform him that the House of Representatives has completed its business of the session and is ready to adjourn, unless the President has some other communication to make to them, is hereby adopted.

SEC. 5. A concurrent resolution providing that the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 27, 1998, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them is hereby adopted.

SEC. 6. House Resolution 306 is laid on the table.

□ 0100

The SPEAKER pro tempore (Mr. PEASE). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, on Friday night, with little debate, the Committee on Rules reported House Resolution 311 by voice vote. This rule provides for the consideration and adoption of resolutions in preparation for the adjournment of the first session of the 105th Congress sine die. The rule includes a laundry list of items that the House must take care of in preparation for the end of the year, when it is time for us to leave Washington and go home to our families and constituents.

For example, the rule makes in order a joint resolution that would waive certain enrollment requirements with respect to specified bills, so that after legislation is passed, it can be sent to the President for his signature without delay.

Further, the rule provides for consideration of a joint resolution that specifies the day when the 105th Congress will reconvene for a second session. Each of these resolutions will be debatable for 1 hour, equally divided between the majority and minority leaders, and will be subject to a motion to commit.

Further, with the adoption of this rule, a resolution to provide for the appointment of two Members of the House to inform the President that the House is ready to adjourn, unless he has some other communication to make to the House, will be adopted. Other housekeeping items this rule provides for will allow the Speaker, majority leader, and minority leader to accept resignations and make appointments to commissions, boards, and committees following adjournment.

This rule also disposes of H. Res. 306, which the House has no need to consider.

Finally, this rule looks forward to the time when we will return to Congress next year, refreshed and renewed, ready to work, by setting the date for the President's State of the Union on Tuesday, January 27, 1998, at 9 p.m.

Mr. Speaker, as we plan for adjournment, it is worthwhile to reflect on the accomplishments of the first session of the 105th Congress. And we have a lot to be proud of. Perhaps most notably,

the 105th Congress passed legislation to provide tax relief for the first time in 16 years. Through your efforts, we have given 41 million children a tax credit, we have slashed the capital gains tax to promote economic growth, and we have reined in the death tax to provide relief to family-owned farms and businesses.

At the same time, we reached our goal of enacting a balanced budget that will eliminate the deficit by slowing the growth of government spending and creating a small, more effective Federal Government. Through that same legislation, we saved the Medicare program from bankruptcy, extending its life for at least 10 years, so that today's seniors and future generations will have the affordable, quality health care they so strongly deserve.

And that is not all. This House has passed legislation to move children from foster care to permanent homes. We passed legislation to give workers the flexibility of opting for time off rather than overtime pay, and we passed housing reforms to help low-income families.

In recent days, we have started down the path to overhauling our onerous tax system by passing legislation to reform and restructure the IRS. And the education reform measures we have adopted will give hope to children eager to learn and the promise of choice to parents who want the best for their kids.

Mr. Speaker, we have worked hard, and it shows. Now it is time to wrap up our work, go home to our families and constituents, and renew ourselves for the legislative challenges that lie ahead. Adoption of this rule will take us one step closer to the completion of a very productive first session, and I urge its swift adoption.

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

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

Mr. Speaker, I appreciate that the two of us are about as popular as we can get this evening, holding this crowd. However, it is necessary for us to do this or the business of the Republic cannot go on; it is that important.

Mr. Speaker, for the most part, the rule provides for usual housekeeping duties that are required to bring a session of Congress to a close. I do not oppose those provisions, but I do believe that they should only be brought up at the appropriate time, when we have completed all of our vital pending business.

A major issue that needs to be addressed before we leave is campaign finance reform. The 1997 elections merely enforce the obvious problems with our campaign finance laws that we learned in the 1996 elections. The use of massive amounts of soft money on supposed "issue advertising," which was intended and succeeded in affecting the outcome of individual races; the failure of disclosure rules to adequately inform the public, because of noncompliance and delayed compliance with the current rules; the continued laundering of money through supposed nonpartisan, nonprofit interest groups must stop.

House Members on both sides of the aisle know it is necessary, because 187 Members of this Congress have taken the extraordinary step of signing Discharge Petition 3 to force a full discussion of a variety of proposals. The American public deserves better than our current out-of-control system, and we need to work on reform now. We all know the process will be difficult and contentious, but, nevertheless, reform is essential to ensure that citizens and not money decide who wins elections.

Finally, Mr. Speaker, I would like to comment on the last section of the rule, which lays on the table H.R. 306. H.R. 306, as we all remember, was the resolution that this House should have considered to expedite procedures at the end of the session. It was similar to the resolutions in previous Congresses.

Instead, this majority demonstrated its utter disregard for Members' basic right to assert their constitutional prerogatives as representatives elected by their constituents. For the first time in the 218-year history of the House of Representatives, we voted last Thursday to strip from Members the right to raise before the whole body questions of privilege affecting the rights of the House collectively, its safety, dignity, and integrity of its proceedings. And I am saddened that this dangerous precedent was set.

I would like to say that I think we also need to say before the close of this session of Congress that to drag on the question of the gentlewoman from California [Ms. SANCHEZ] in District 46 of California, to drag that on is the penultimate case of not being able to adjourn to go home, to leave unfinished business.

I regret with all my heart that we are at that state. And I hope when we come back next week we can remedy that problem.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, as everybody is as tired and interested in going home as I am, it bears repeating that, and I did not know that the gentlewoman from New York [Ms. SLAUGHTER] was going to mention the gentlewoman from California [Ms. SANCHEZ], but, as we leave, to repeat that this is the longest pending case in history under the Federal Contested Election Act, the longest in history.

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

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

Let me remind my colleagues who are focused so loud on campaign finance reform that the House will have that debate when we return in the spring. Currently, there is no consensus on what campaign finance should look like, as was evidenced by hearings held in the Committee on House Oversight.

Our hope is that by March or April, the House will find some consensus on this issue so that meaningful campaign finance reform can be passed and signed into law. I want to remind my colleagues who are focusing on what we have not done of what we have accomplished in the first session. And once again I will remind them.

We have passed legislation to provide for tax relief for the first time in 16 years, a balanced budget that eliminates the deficit by 2002, adoption reforms for children in foster care, comptime for America's workers, housing reform for low-income families, education reform for children eager to learn, and IRS reform for the taxpayers. I have to say very proudly that much of this has been accomplished in a bipartisan manner.

So, Mr. Speaker, we should be proud of these accomplishments and recognize that while we see a break in the action here soon, this resolution does not signify the end of the 105th. We will be back next year to add to our good works.

Further, Mr. Speaker, this resolution, in and of itself, should not be controversial. There were no objections heard in the Committee on Rules. So I urge my colleagues to support the rule.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 257, nays 159, not voting 17, as follows:

[Roll No. 628]

YEAS—257

Aderholt	Blunt	Chenoweth
Allen	Boehlert	Christensen
Archer	Boehner	Clement
Armey	Bonilla	Coble
Bachus	Bono	Coburn
Baker	Brady	Collins
Ballenger	Bryant	Combest
Barcia	Bunning	Cook
Barr	Burr	Cooksey
Barrett (NE)	Buyer	Cox
Barrett (WI)	Callahan	Cramer
Bartlett	Calvert	Crane
Bass	Camp	Crapo
Bateman	Campbell	Cunningham
Bereuter	Canady	Danner
Bilbray	Cannon	Davis (FL)
Bilirakis	Castle	Davis (VA)
Blagojevich	Chabot	Deal
Bliley	Chambliss	Delahunt

DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
McCarthy (NY)
McCollum
McDade
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Minge
Moakley
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Riggs
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Sabo
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stokes
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—159

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Becerra
Bentsen
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
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Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Doggett
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Doyle
Edwards
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Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
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Ford
Furse
Gejdenson
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Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
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Hoyer
Jackson-Lee (TX)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
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Lewis (GA)
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Markey
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Matsui
McCarthy (MO)
McHale
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
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Olver
Ortiz
Owens
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Payne
Peterson (MN)
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Rivers
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Roemer
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Taylor (MS)
Thompson
Thurman
Tierney
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Towns
Turner
Velázquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey

NOT VOTING—17

Barton
Burton
Cubin
Dingell
Flake
Foglietta
Gonzalez
Goodling
Klug
Martinez
McCrery
McDermott
Murtha
Riley
Schiff
Smith (OR)
Yates

□ 0143

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

H. Res. 306 was laid on the table.

The SPEAKER. Pursuant to House Resolution 311, House Resolution 320 and House Concurrent Resolution 194 are adopted.

The text of House Resolution 320 is as follows:

H. RES. 320

Resolved, That a committee of two Members of the House be appointed to wait upon the President of the United States and inform him that the House of Representatives has completed its business of the session and is ready to adjourn, unless the President has some other communication to make to them.

The text of House Concurrent Resolution 194 is as follows:

H. CON. RES. 194

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 27, 1998, at 9 p.m. for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

LEGISLATIVE PROGRAM

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

Mr. ARMEY. Mr. Speaker, I take this time to speak out of order for the purposes of announcing the schedule and pending business before the House.

Mr. Speaker, I want to thank all the Members for their patience and good humor at this very, very late hour on Sunday and early hour on Monday.

Mr. Speaker, I do not believe we will have any more business before the House this evening that will require a vote before the House. However, we have been working with the minority, and, I believe, and I am pleased to see the gentleman from Michigan [Mr. BONIOR], there for the purpose of concurrence on this, I believe that the minority agrees in some clearances for some unanimous consent requests that would still be taken tonight and for which we should not expect a vote.

We would conclude our legislative business for this week, but I should advise Members that we would resume legislative business at noon on Wednesday next, with no votes until after 5 o'clock on next Wednesday, with the expectation that we would conclude the legislative work for the year on that Wednesday evening and on Thursday.

In order to facilitate that work to be done on Wednesday and Thursday, we would, with the concurrence of the minority, be looking for unanimous consent to have a CR that would take us through Friday of next week, and then a unanimous consent to allow a rule that would give us same day authority under which we could consider any additional appropriations conference reports to come before us, the ISTEA legislation, the Amtrak legislation, the fast-track legislation, and any suspensions that we might properly notice in agreement with the minority. That authority, incidentally, Mr. Speaker, would last through Friday.

Those particular unanimous consents will be asked, of course, upon the conclusion of this advisory commentary on the schedule.

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

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

Mr. BONIOR. Mr. Speaker, I thank the gentleman for yielding.

I would ask the gentleman at this time if I heard correctly that the fast-track legislation has been put off indefinitely? Does the gentleman concur on that?

Mr. ARMEY. I am not sure I heard the word "definitely" or "indefinitely."

Mr. BONIOR. There was an "in" before the "D."

Mr. ARMEY. The fast-track legislation will not come up at this time. However, the gentleman may have noticed that we will be asking unanimous consent that that be included in that list of legislation that would be available for same-day authority on Wednesday night or Thursday.

Mr. BONIOR. So is the gentleman telling us this morning that he expects the fast-track legislation to come before us next Thursday or Friday?

Mr. ARMEY. I thank the gentleman. I guess I feel a little bit like Pip; I still have great expectations. They are shared at the White House. We are hopeful that might be worked out, but

I have no announcement or even, for that matter, prediction to make at this time. We just want to have that contingency available to us, should things develop favorable to that course of action.

If I could hold the gentleman's attention, I wonder if the gentleman can concur that we should expect no objections to the unanimous consent requests that I outlined?

Mr. BONIOR. That would be my recommendation on the two unanimous consents that the gentleman has propounded to the body this morning.

Mr. ARMEY. If that be the case, Mr. Speaker, I would like to propound some unanimous consents right now.

If I may, before I do so, for the benefit of my good friend, the gentleman from Pennsylvania [Mr. SHUSTER], who is very anxious about his own legislation and has worked very hard, and for so many Members who have unanimous consents, please understand that we are working with the minority. We may not be able to have officially cleared and prepared for the floor through the leadership of the minority and the majority your unanimous consent for today, but we are attentive to these matters, and we are hopeful to have those worked out for you before we conclude business next week. I do again appreciate everybody's patience.

AUTHORIZING SPEAKER TO DESIGNATE TIME FOR RESUMPTION OF PROCEEDINGS ON REMAINING MOTIONS TO SUSPEND RULES CONSIDERED MONDAY, SEPTEMBER 29, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to designate a time not later than the legislative day of November 14, 1997, for resumption of proceedings on the seven remaining motions to suspend the rules originally debated on September 29, 1997.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT TO WEDNESDAY, NOVEMBER 12, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on the legislative day of today, it adjourn to meet at 12 noon on Wednesday, November 12, 1997.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

WAIVING PRINTING ON PARCHMENT FOR REMAINING APPROPRIATION BILLS

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that H.J. Res. 103, a joint resolution waiving the printing on parchment for the remaining appropriation bills when presented to the President, be discharged, considered, and passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of H.J. Res. 103 is as follows:

H.J. RES. 103

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of sections 106 and 107 of title 1, United States Code, are waived for the balance of the first session of the One Hundred Fifth Congress with respect to the printing (on parchment or otherwise) of the enrollment of any bill or joint resolution making general appropriations for the fiscal year ending on September 30, 1998, or continuing appropriations for the fiscal year ending on September 30, 1998. The enrollment of any such bill or joint resolution shall be in such form as the Committee on House Oversight of the House of Representatives certifies to be a true enrollment.

The SPEAKER. Without objection, the joint resolution is considered and passed.

There was no objection.

A motion to reconsider was laid on the table.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1998

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from the further consideration of the joint resolution (H.J. Res. 105) making further continuing appropriations for the fiscal year 1998, and for other purposes, and that the House immediately consider and pass the joint resolution.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore [Mr. PEASE]. Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. Mr. Speaker, reserving the right to object, am I to understand that the continuing resolution which went into effect at midnight is now to be superseded by this continuing resolution, making the previous continuing resolution the shortest CR in the history of the United States Congress, and that under the resolution the gentleman is offering, that the CR will run until next Friday?

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

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, to the best of my knowledge, the continuing resolution that was passed by us just a few hours ago has been in effect for approximately 2 hours, and, as such, will now be superseded by H.J. Res. 105 and will carry the activities of Government forward through the end of business until midnight this forthcoming Friday.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The text of H.J. Res. 105 is as follows:

H.J. RES. 105

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(3) of Public Law 105–46 is further amended by striking "November 10, 1997" and inserting in lieu thereof "November 14, 1997", and each provision amended by sections 122 and 123 of such public law shall be applied as if "November 14, 1997" was substituted for "October 23, 1997".

The SPEAKER pro tempore. Without objection, the joint resolution is considered and passed.

There was no objection.

A motion to reconsider was laid on the table.

FEDERAL ADVISORY COMMITTEE ACT AMENDMENTS OF 1997

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2977) to amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration.

The Clerk read as follows:

H.R. 2977

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 "Federal Advisory Committee Act Amendments of 1997".

SEC. 2. AMENDMENTS TO THE FEDERAL ADVISORY COMMITTEE ACT.

(a) EXCLUSIONS FROM DEFINITION.—Section 3(2) of the Federal Advisory Committee act (5 U.S.C. App) is amended in the matter following subparagraph (C), by striking "such term excludes" and all that follows through the period and inserting the following: "such term excludes (i) any committee that is composed wholly of full-time, or permanent part-time, officers or employees of the Federal Government, and (ii) any committee that is created by the National Academy of Sciences or the National Academy of Public Administration.".

(b) REQUIREMENTS RELATING TO THE NATIONAL ACADEMY OF SCIENCES AND THE NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.—Such act is further amended by redesignating section 15 as section 16 and inserting after section 14 the following new section:

"REQUIREMENTS RELATING TO THE NATIONAL ACADEMY OF SCIENCES AND THE NATIONAL ACADEMY OF PUBLIC ADMINISTRATION

"SEC. 15. (a) IN GENERAL.—An agency may not use any advice or recommendation provided by the National Academy of Sciences or National Academy of Public Administration that was developed by use of a committee created by that academy under an agreement with an agency, unless—

"(1) the committee was not subject to any actual management or control by an agency or an officer of the Federal Government;

"(2) in the case of a committee created after the date of the enactment of the Federal Advisory Committee Act Amendments of 1997, the membership of the committee was appointed in accordance with the requirements described in subsection (b)(1); and

"(3) in developing the advice or recommendation, the academy complied with—

"(A) subsection (b)(2) through (6), in the case of any advice or recommendation provided by the National Academy of Sciences; or

"(B) subsection (b)(2) and (5), in the case of any advice or recommendation provided by the National Academy of Public Administration.

"(b) REQUIREMENTS.—The requirements referred to in subsection (a) are as follows:

"(1) The Academy shall determine and provide public notice of the names and brief biographies of individuals that the Academy appoints or intends to appoint to serve on the committee. The Academy shall determine and provide a reasonable opportunity for the public to comment on such appointments before they are made or, if the Academy determines such prior comment is not practicable, in the period immediately following the appointments. The Academy shall make its best efforts to ensure that (A) no individual appointed to serve on the committee has a conflict of interest that is relevant to the functions to be performed, unless such conflict is promptly and publicly disclosed and the Academy determines that the conflict is unavoidable, (B) the committee membership is fairly balanced as determined by the Academy to be appropriate for the functions to be performed, and (C) the final report of the Academy will be the result of the Academy's independent judgment. The Academy shall require that individuals that the Academy appoints or intends to appoint to serve on the committee inform the Academy of the individual's conflicts of interest that are relevant to the functions to be performed.

"(2) The Academy shall determine and provide public notice of committee meetings that will be open to the public.

"(3) The Academy shall ensure that meetings of the committee to gather data from individuals who are not officials, agents, or employees of the Academy are open to the public, unless the Academy determines that a meeting would disclose matters described in section 552(b) of title 5, United States Code. The Academy shall make available to the public, at reasonable charge if appropriate, written materials presented to the committee by individuals who are not officials, agents, or employees of the Academy, unless the Academy determines that making material available would disclose matters described in that section.

"(4) The Academy shall make available to the public as soon as practicable, at reasonable charge if appropriate, a brief summary of any committee meeting that is not a data gathering meeting, unless the Academy determines that the summary would disclose matters described in section 552(b) of title 5, United States Code. The summary shall identify the committee members present, the topics discussed, materials made available to the committee, and such other matters that the Academy determines should be included.

"(5) The Academy shall make available to the public its final report, at reasonable charge if appropriate, unless the Academy determines that the report would disclose matters described in section 552(b) of title 5, United States Code. If the Academy determines that the report would disclose matters described in that section, the Academy shall make public an abbreviated version of the report that does not disclose those matters.

"(6) After publication of the final report, the Academy shall make publicly available the names of the principal reviewers who reviewed the report in draft form and who are not officials, agents, or employees of the Academy.

"(c) REGULATIONS.—The Administrator of General Services may issue regulations implementing this section.".

(c) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) RETROACTIVE EFFECT.—Subsection (a) and the amendments made by subsection (a) shall be effective as of October 6, 1972, except that they shall not apply with respect to or otherwise affect any particular advice or recommendations that are subject to any judicial action filed before the date of the enactment of this Act.

SEC. 3. REPORT.

Not later than 1 year after the date of the enactment of this Act, the Administrator of General Services shall submit a report to the Congress on the implementation of and compliance with the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. HORN] and the gentleman from California [Mr. WAXMAN] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. HORN].

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

Mr. Speaker, we will use much less than the amount given to either of us. We know the House has been working hard and late, and we are going to keep our comments to just a very few minutes on either side.

Mr. Speaker, the Federal Advisory Committee Act was passed in 1972, as some of the senior Members will remember. For the last 25 years, the administration, Congress, and the various academies such as the National Academy of Sciences and the National Academy of Public Administration, have never questioned the applicability of this law. Recently, however, the United States Court of Appeals for the District of Columbia applied the law of the Federal Advisory Committee Act to the National Academy of Sciences.

Last week, the Supreme Court announced that it will not review the appeals court's decision. The proposal before the House has been cleared with both of the academies, the Office of Management and Budget, the minority and the majority, and the chairman of the House Committee on Science. This proposal would return the National Academy of Sciences to its previous status under law which this House had followed for a quarter century.

In addition, the legislation requires more openness when Federal agencies utilize the academies, similar to those of the National Academy of Sciences and the National Academy of Public Administration.

This increased openness that is now required with their consent is the following:

1. The names, biographies, and conflict of interest disclosures when committee members are nominated.

2. Most data gathering committee meetings will be open to the public unless the type of meeting is excepted under the Freedom of Information Act.

3. The names of reviewers of draft committee reports.

4. Summaries of any closed committee meetings.

The administration, the House and the Senate, both the majority and minority, all agree the academy should not be subject to the full process of the Federal Advisory Committee Act. The Senate is prepared to consider this legislation before the end of this session.

The gentleman from California, [Mr. WAXMAN], the gentlewoman from New York [Mrs. MALONEY], and the gentleman from Indiana [Mr. BURTON] are cosponsors of H.R. 2977. Last week, the Subcommittee on Government Management, which I chair, held a hearing on this matter. We heard most helpful testimony from both sides of the recent court case. The litigants that brought the court case agreed that the full brunt of the Federal Advisory Committee Act should not apply to the academies.

I strongly recommend favorable consideration of this bill to preserve the quality of the research provided to the Federal Government through the National Academy of Sciences and the National Academy of Public Administration.

Our respective staffs have done an excellent job in developing the legislation before us. The members of this team included: For the Republicans, Russell George, chief counsel and staff director of the Subcommittee on Government Management, Information and Technology; Robert Alloway, professional staff member; Mark Brasher, senior policy advisor.

For the Democrats, we are most appreciative of the work of Phil Barnett, chief counsel of the Committee on Government Reform and Oversight, who was joined by David McMillen, professional staff member, and Sheridan Pauker, research assistant.

We all greatly appreciate the find legal drafting and long hours put in by Harry A. Savage, assistant legislative counsel.

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

Mr. Speaker, I ask consent that correspondence from Franklin D. Raines, Director, Office of Management and Budget, Executive Office of the President, dated October 28, 1997, and two letters from Dr. Bruce Alberts, president, National Academy of Sciences, dated November 9, 1997.

Also included is my full statement in lieu of a committee report.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 28, 1997.

Hon. STEPHEN HORN,
Chairman, Subcommittee on Government Management, Information and Technology, Committee on Government Reform and Oversight, House of Representatives, Washington, DC.

DEAR CHAIRMAN HORN: This letter presents the views of the Administration on proposed legislation that would amend the Federal Advisory Committee Act, 5 U.S.C. App. 2, to clarify that the Act applies to committees that are subject to actual management and control by Federal officials.

The need for this legislation was created by the recent decision of the U.S. Court of Appeals for the District of Columbia Circuit in *Animal Legal Defense Fund, Inc.* v. *Shalala*, 114 F.3d 1209 (D.C. Cir. 1997), that FACA should apply to panels of the National Academy of Sciences. In so deciding, the court of appeals appears to have misinterpreted what Congress intended when it adopted FACA in 1972. The concept of extending FACA to privately managed and controlled organizations outside the Federal government such as the National Academy of Sciences was discussed and rejected when the FACA legislation was adopted by the House of Representatives. 118 Cong. Rec. 31.421 (1972). The Administration believes that Congress did not intend to apply FACA in this situation. The Executive Branch has consistently followed this interpretation of Congressional intent since 1973. The court decision is directly contrary to that longstanding interpretation.

Moreover, while the full impact of the court of appeal's decision remains to be clarified, implementing this decision may impose significant burdens on the Federal government. More than 450 NAS panels potentially could become subject to FACA. This is almost equal to the total number of discretionary committees (committees created under general agency authorization) that are now subject to FACA in all Federal agencies. Thus, implementation would almost double the number of discretionary committees subject to the FACA chartering requirements, almost double the number of discretionary committees that must be monitored by Federal officials, and significantly increase the administrative burdens on OMB and GSA in overseeing FACA committees. In addition, there is a risk that other entities outside the Federal government might subsequently be deemed "'quasi-public'' and thus subject to FACA.

As now written, FACA applies to advisory committees that are "established" or "utilized" by Federal agencies. 5 U.S.C. App. 2, section 3(2). Congress can remedy the problem created by the recent court decision by clarifying that a "utilized" committee means one that is subject to actual management and control by a Federal agency. This interpretation is consistent with decisions handed down by appellate courts prior to the 1997 decision in Animal Legal Defense Fund, which have held that FACA applies only when committees are subject to actual management and control by agency officials. See *Washington Legal Found*, v. *U.S. Sentencing Comm'n*, 17 F.3d 1446 (D.C. Cir. 1994); *Food Chemical News* v. *Young*, 900 F.2d 328 (D.C. Cir.), cert. denied, 498 U.S. 846 (1990). Adoption of this language would also be consistent with administrative policy that the Executive Branch has followed for the past 25 years.

Sincerely,

FRANKLIN D. RAINES,
Director.

"Strike Section 3(2)(C) and all that follows in Section 3(2) and insert in lieu thereof:

'3(2)(C) established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except that such terms exclude:

(i) any committee created by an entity other than an agency or officer of the Federal Government and not subject to actual management and control by such agencies or officers, and

(ii) any committee composed wholly of full-time, or permanent part-time, employees of the Federal Government. The Administrator shall prescribe regulations for the purposes of this subsection'."

NATIONAL ACADEMY OF SCIENCES,
Washington, DC, November 9, 1997.

Hon. STEPHEN HORN,
Chairman, Subcommittee on Government Management, Information and Technology, Committee on Government Reform and Oversight, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the National Academy of Sciences to explain how the Academy intends to apply the requirements of the Federal Advisory Committee Act of 1997 to Academy committees that are currently working on contracts or agreements with federal agencies.

Under the Act, the Academy is not required to apply the procedures of section 15 to committees that are currently underway. This makes sense, because the appointment provisions of section 15 could not be applied retroactively to committees whose members have already been appointed. There are, however, some provisions of section 15 that depending upon the stage of a committee's work could be reasonably applied to ongoing committees. For example, if a committee has not yet concluded its data gathering process, the requirement that data gathering meetings be open to the public could be followed by the committee.

On behalf of the Academy, you have my assurance that the Academy will apply the procedures set forth in section 15 to committees that are currently underway to the fullest extent that is reasonable and practicable.

Sincerely,

BRUCE ALBERTS,
President,
National Academy of Sciences.

NATIONAL ACADEMY OF SCIENCES,
Washington, DC, November 9, 1997.

Hon. STEPHEN HORN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HORN: I understand that some concerns have been raised concerning the use of the Section 552(b) exceptions as a basis for closing meetings provided in HR 2977.

I wish to assure you that we subscribe fully to the goal of providing as much openness as possible in our work. In particular, we have no intention of using Section 552(b)(5), which deals with interagency memoranda, as a basis for closing meetings of Academy committees. In fact, it is the Academy's standard practice not to treat the type of material covered by Section 552(b)(5) as confidential input to any Academy deliberative process. This procedure insures that, inasmuch as possible, all the information that a committee uses to reach its conclusion is in the public record.

Sincerely,

BRUCE ALBERTS,
President.

STATEMENT OF REPRESENTATIVE HORN ON THE FEDERAL ADVISORY COMMITTEE ACT AMENDMENTS OF 1997

Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 2977.

The Federal Advisory Committee Act was passed in 1972. It governs the activities of advisory committees created by the Government to obtain expert views and advice on complex issues confronting our Nation. The Act was designed to address two major concerns. First, at that time, advisory committees seemed to be disorganized, duplicative, and generally in need of oversight. Second, committee activities often took place without public participation, making it hard to know whether the committees were really acting in the public interest.

The Act required advisory committees to adhere to certain procedural rules. These rules included, among others: open meetings, involvement by Federal Government officials, and balanced membership. It also provided Office of Management and Budget oversight which was subsequently transferred to the General Services Administration.

Congress did not intend that this legislation would apply to the National Academy of Sciences. The National Academy of Sciences in an independent organization of scientists and academics that was chartered by Congress in 1863. It frequently sets up committees that provide independent advice to the Government: 90% of these reports are requested by government agencies and/or legislative committees of Congress.

The only other group affected by this bill is the National Academy of Public Administration. It is also an independent organization, founded in 1967 and chartered by Congress in 1984 to assist Federal, State, and local governments on matters of efficiency and accountability.

Congress did not intend for the Act to apply to either of these Academies. This intent in relation to the Academy of Sciences was expressly noted during the deliberations on the legislation in the House of Representatives.

[Quote from CONGRESSIONAL RECORD of September 20, 1972, H3142, follows:]

Mr. HORTON. Am I correct in the understanding that this bill does not apply to such organizations as the National Academy of Sciences and its various committees which

make studies and submit reports to the Federal agencies on request?

Mr. HOLIFIELD. The gentleman is quite correct. If he will refer to the joint explanatory statement of the committee of conference at page 10, the first full paragraph, it states as follows: "The Act does not apply to persons or organizations which have contractual relationships with Federal agencies nor to advisory committees not directly established by or for such agencies." As the gentleman knows, the National Academy of Sciences was founded by Congress and, therefore, it comes under that category.

Mr. HORTON. So it would be excluded?

Mr. HOLIFIED. That is correct.

For the last twenty-five years the Administration, Congress, and the Academies have never questioned the applicability of this law.

Recently, the United States Court of Appeals for the District of Columbia decision applied the law to the National Academy of Sciences. That case is the: *Animal Legal Defense Fund, Inc., et al.* v. *Donna E. Shalala, et al.*, 104 F.3rd 424 (D.C. Circuit 1997). Last week the Supreme Court announced it will not review the appeal court's decision.

The proposal before the house would return the National Academy of Sciences to the status under the law that it held before the recent court rulings. In addition, the legislation requires more openness when Federal agencies utilize the Academies.

These increased openness requirements are:

1. Post for public comment the names, biographies, and conflict of interest disclosures when committee members are nominated.

2. Invite public attendance at all data gathering committee meetings. (Of course, the exemptions established by the Freedom of Information Act would still apply for items such as privacy and national security issues.)

3. Post for the public record the names of reviewers of draft committee reports. And,

4. Make summaries available to the public of any committee meetings which are closed.

These changes will benefit the public and Federal agencies and will also contribute to the quality and credibility of Academy reports.

Furthermore, the proposal requires a General Services Administration [GSA] study within one year to assess the implementation of this legislation.

There seems to be broad agreement on this bill. The Administration, the House, and the Senate—both the Majority and the Minority—all agree that the Academies should not be subject to the full process of the Federal Advisory Committee Act.

The Academies are valuable to America precisely because they are independent of agency influence; because they bring together the best professionals and experts with impressive backgrounds and because they derive their recommendations from multiple perspectives. They are asked to study and issue *only* when it is important, complex, and controversial. This bill will help preserve their high quality, objective, independent studies while also adding more openness.

The Senate is prepared to quickly consider this legislation before the end of this session. The Senate is awaiting House action.

The subcommittee on Government Management, Information and Technology, which I chair, held a hearing on this matter last week. GSA, GAO, and OMB have expressed support for this effort. This legislative is fully supported by Mr. Burton, chairman of the full committee. Mr. Waxman, the Ranking Democratic Member on the full Committee on Government Reform and Oversight is also a co-sponsor of this bill, so is Ms. Maloney, the Ranking Democratic Member on the Subcommittee. The litigants that brought the successful court case also testified before our subcommittee and they too agree that the full brunt of the Federal Advisory Committee Act should not apply to the Academies.

I strongly recommend favorable consideration of this bill to preserve the quality of the research provided to the Federal Government by the National Academy of Sciences and the National Academy of Public Administration.

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

Mr. Speaker, I rise in strong support of H.R. 2977, the Federal Advisory Committee Act Amendments of 1997. I ask unanimous consent to revise and extend my remarks and to insert extraneous material into the RECORD.

Recent federal court decisions have held that the National Academy of Sciences committees convened by federal agencies or Congress are subject to the Federal Advisory Committee Act.

The Federal Advisory Committee Act includes important measures that provide for public scrutiny of taxpayer-funded advisory committees. This Act, however, also imposes some procedures which may affect the independence of the National Academy of Sciences and the National Academy of Public Administration, an advisory body with a similar congressional charter to the National Academy of Sciences.

The Federal Advisory Committee Act Amendments of 1997 strike a balance between the Academies' need for independence and the public's right to know about the advisors and procedures used to produce technical or policy advice for the government.

These amendments require that the National Academy of Sciences appoint members without conflicts of interest—or else promptly disclose any unavoidable conflicts of interest to the public. The bill requires the Academy to make public the names and backgrounds of appointed committee members and creates a public comment period on these members. This public comment period must occur before committee members are finally appointed unless this is not practicable due to unusual time constraints.

More meetings of the National Academy of Sciences will be made open to the public. If meetings are closed, the Academy must provide summaries of closed meetings to the public. The purpose of this provision is to provide a summary of the committee's deliberations, as well as a list of the committee members present and other matters determined by the Academy.

The burden of insuring compliance with this legislation falls on the agencies. Agencies may not use the advice or recommendations provided by the Academy unless the procedural requirements set forth in the legislation have been followed by the Academy.

A letter from the National Academy of Sciences clarifies an important technical issue relating to the use of the section 552(b) exceptions. Pursuant to my earlier unanimous consent request, I am inserting this letter in the record for publication.

I urge my colleagues to adopt these amendments.

NATIONAL ACADEMY OF SCIENCES,
Washington, DC, November 9, 1997.

Hon. HENRY WAXMAN,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN WAXMAN: I understand that some concerns have been raised concerning the use of the Section 552(b) exceptions as a basis for closing meetings provided in H.R. 2977.

I wish to assure you that we subscribe fully to the goal of providing as much openness as possible in our work. In particular, we have no intention of using Section 552(b)(5), which deals with interagency memoranda, as a basis for closing meetings of Academy committees. In fact, it is the Academy's standard practice not to treat the type of material covered by Section 552(b)(5) as confidential input to any Academy deliberative process. This procedure insures that, in as much as possible, all the information that a committee uses to reach its conclusions is in the public records.

Sincerely,

BRUCE ALBERTS,
President.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. HORN] that the House suspend the rules and pass the bill, H.R. 2977.

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.

CONSIDERING AMENDMENT TO H. RES. 314 AS ADOPTED WHEN CONSIDERED

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House considers House Resolution 314, the amendment that I have placed at the desk be considered as adopted.

□ 0200

The Clerk read as follows:

Page 1, line 5, strike "November 11" and insert in lieu thereof "November 15".

Page 2, after line 13, insert the following:

(4) The bill (S. 1454) to provide a 6-month extension of highway, highway safety and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991.

Page 2, line 14, strike "November 11" and insert in lieu thereof "November 15".

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

Mrs. CLAYTON. Mr. Speaker, I was unavoidably delayed because of the

death of a staff member when the House voted on H.R. 2013. Had I been present, I would have voted "aye."

CONFERENCE REPORT ON S. 830, FOOD AND DRUG ADMINISTRATION MODERNIZATION ACT OF 1997

Mr. BLILEY submitted the following conference report and statement on the Senate bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–399)

The Committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Food and Drug Administration Modernization Act of 1997".

(b) REFERENCES.—Except as otherwise specified, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or a repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

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

Sec. 1. Short title; references; table of contents.
Sec. 2. Definitions.

TITLE I—IMPROVING REGULATION OF DRUGS

Subtitle A—Fees Relating to Drugs

Sec. 101. Findings.
Sec. 102. Definitions.
Sec. 103. Authority to assess and use drug fees.
Sec. 104. Annual reports.
Sec. 105. Savings.
Sec. 106. Effective date.
Sec. 107. Termination of effectiveness.

Subtitle B—Other Improvements

Sec. 111. Pediatric studies of drugs.
Sec. 112. Expediting study and approval of fast track drugs.
Sec. 113. Information program on clinical trials for serious or life-threatening diseases.
Sec. 114. Health care economic information.
Sec. 115. Clinical investigations.
Sec. 116. Manufacturing changes for drugs.
Sec. 117. Streamlining clinical research on drugs.
Sec. 118. Data requirements for drugs and biologics.
Sec. 119. Content and review of applications.
Sec. 120. Scientific advisory panels.
Sec. 121. Positron emission tomography.
Sec. 122. Requirements for radiopharmaceuticals.
Sec. 123. Modernization of regulation.
Sec. 124. Pilot and small scale manufacture.
Sec. 125. Insulin and antibiotics.
Sec. 126. Elimination of certain labeling requirements.
Sec. 127. Application of Federal law to practice of pharmacy compounding.
Sec. 128. Reauthorization of clinical pharmacology program.
Sec. 129. Regulations for sunscreen products.
Sec. 130. Reports of postmarketing approval studies.
Sec. 131. Notification of discontinuance of a life saving product.

TITLE II—IMPROVING REGULATION OF DEVICES

Sec. 201. Investigational device exemptions.
Sec. 202. Special review for certain devices.
Sec. 203. Expanding humanitarian use of devices.
Sec. 204. Device standards.
Sec. 205. Scope of review; collaborative determinations of device data requirements.
Sec. 206. Premarket notification.
Sec. 207. Evaluation of automatic class III designation.
Sec. 208. Classification panels.
Sec. 209. Certainty of review timeframes; collaborative review process.
Sec. 210. Accreditation of persons for review of premarket notification reports.
Sec. 211. Device tracking.
Sec. 212. Postmarket surveillance.
Sec. 213. Reports.
Sec. 214. Practice of medicine.
Sec. 215. Noninvasive blood glucose meter.
Sec. 216. Use of data relating to premarket approval; product development protocol.
Sec. 217. Clarification of the number of required clinical investigations for approval.

TITLE III—IMPROVING REGULATION OF FOOD

Sec. 301. Flexibility for regulations regarding claims.
Sec. 302. Petitions for claims.
Sec. 303. Health claims for food products.
Sec. 304. Nutrient content claims.
Sec. 305. Referral statements.
Sec. 306. Disclosure of irradiation.
Sec. 307. Irradiation petition.
Sec. 308. Glass and ceramic ware.
Sec. 309. Food contact substances.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Dissemination of information on new uses.
Sec. 402. Expanded access to investigational therapies and diagnostics.
Sec. 403. Approval of supplemental applications for approved products.
Sec. 404. Dispute resolution.
Sec. 405. Informal agency statements.
Sec. 406. Food and Drug Administration mission and annual report.
Sec. 407. Information system.
Sec. 408. Education and training.
Sec. 409. Centers for education and research on therapeutics.
Sec. 410. Mutual recognition agreements and global harmonization.
Sec. 411. Environmental impact review.
Sec. 412. National uniformity for nonprescription drugs and cosmetics.
Sec. 413. Food and Drug Administration study of mercury compounds in drugs and food.
Sec. 414. Interagency collaboration.
Sec. 415. Contracts for expert review.
Sec. 416. Product classification.
Sec. 417. Registration of foreign establishments.
Sec. 418. Clarification of seizure authority.
Sec. 419. Interstate commerce.
Sec. 420. Safety report disclaimers.
Sec. 421. Labeling and advertising regarding compliance with statutory requirements.
Sec. 422. Rule of construction.

TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

SEC. 2. DEFINITIONS.

In this Act, the terms "drug", "device", "food", and "dietary supplement" have the meaning given such terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

TITLE I—IMPROVING REGULATION OF DRUGS

Subtitle A—Fees Relating to Drugs

SEC. 101. FINDINGS.

Congress finds that—

(1) prompt approval of safe and effective new drugs and other therapies is critical to the improvement of the public health so that patients may enjoy the benefits provided by these therapies to treat and prevent illness and disease;

(2) the public health will be served by making additional funds available for the purpose of augmenting the resources of the Food and Drug Administration that are devoted to the process for review of human drug applications;

(3) the provisions added by the Prescription Drug User Fee Act of 1992 have been successful in substantially reducing review times for human drug applications and should be—

(A) reauthorized for an additional 5 years, with certain technical improvements; and

(B) carried out by the Food and Drug Administration with new commitments to implement more ambitious and comprehensive improvements in regulatory processes of the Food and Drug Administration; and

(4) the fees authorized by amendments made in this subtitle will be dedicated toward expediting the drug development process and the review of human drug applications as set forth in the goals identified, for purposes of part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the chairman of the Committee on Commerce of the House of Representatives and the chairman of the Committee on Labor and Human Resources of the Senate, as set forth in the Congressional Record.

SEC. 102. DEFINITIONS.

Section 735 (21 U.S.C. 379g) is amended—

(1) in the second sentence of paragraph (1)—

(A) by striking "Service Act, and" and inserting "Service Act,"; and

(B) by striking "September 1, 1992." and inserting the following: "September 1, 1992, does not include an application for a licensure of a biological product for further manufacturing use only, and does not include an application or supplement submitted by a State or Federal Government entity for a drug that is not distributed commercially. Such term does include an application for licensure, as described in subparagraph (D), of a large volume biological product intended for single dose injection for intravenous use or infusion.";

(2) in the second sentence of paragraph (3)—

(A) by striking "Service Act, and" and inserting "Service Act,"; and

(B) by striking "September 1, 1992." and inserting the following: "September 1, 1992, does not include a biological product that is licensed for further manufacturing use only, and does not include a drug that is not distributed commercially and is the subject of an application or supplement submitted by a State or Federal Government entity. Such term does include a large volume biological product intended for single dose injection for intravenous use or infusion.";

(3) in paragraph (4), by striking "without" and inserting "without substantial";

(4) by amending the first sentence of paragraph (5) to read as follows:

"(5) The term 'prescription drug establishment' means a foreign or domestic place of business which is at one general physical location consisting of one or more buildings all of which are within five miles of each other and at which one or more prescription drug products are manufactured in final dosage form.";

(5) in paragraph (7)(A)—

(A) by striking "employees under contract" and all that follows through "Administration," the second time it occurs and inserting "contractors of the Food and Drug Administration,"; and

(B) by striking "and committees," and inserting "and committees and to contracts with such contractors,";

(6) in paragraph (8)—

(A) in subparagraph (A)—

(i) by striking "August of" and inserting "April of"; and

(ii) by striking "August 1992" and inserting "April 1997"; and

(B) in subparagraph (B)—

(i) by striking "section 254(d)" and inserting "section 254(c)";

(ii) by striking "1992" and inserting "1997"; and

(iii) by striking "102d Congress, 2d Session" and inserting "105th Congress, 1st Session"; and

(7) by adding at the end the following:

"(9) The term 'affiliate' means a business entity that has a relationship with a second business entity if, directly or indirectly—

"(A) one business entity controls, or has the power to control, the other business entity; or

"(B) a third party controls, or has power to control, both of the business entities.".

SEC. 103. AUTHORITY TO ASSESS AND USE DRUG FEES.

(a) TYPES OF FEES.—Section 736(a) (21 U.S.C. 379h(a)) is amended—

(1) by striking "Beginning in fiscal year 1993" and inserting "Beginning in fiscal year 1998";

(2) in paragraph (1)—

(A) by striking subparagraph (B) and inserting the following:

"(B) PAYMENT.—The fee required by subparagraph (A) shall be due upon submission of the application or supplement.";

(B) in subparagraph (D)—

(i) in the subparagraph heading, by striking "NOT ACCEPTED" and inserting "REFUSED";

(ii) by striking "50 percent" and inserting "75 percent";

(iii) by striking "subparagraph (B)(i)" and inserting "subparagraph (B)"; and

(iv) by striking "not accepted" and inserting "refused"; and

(C) by adding at the end the following:

"(E) EXCEPTION FOR DESIGNATED ORPHAN DRUG OR INDICATION.—A human drug application for a prescription drug product that has been designated as a drug for a rare disease or condition pursuant to section 526 shall not be subject to a fee under subparagraph (A), unless the human drug application includes an indication for other than a rare disease or condition. A supplement proposing to include a new indication for a rare disease or condition in a human drug application shall not be subject to a fee under subparagraph (A), if the drug has been designated pursuant to section 526 as a drug for a rare disease or condition with regard to the indication proposed in such supplement.

"(F) EXCEPTION FOR SUPPLEMENTS FOR PEDIATRIC INDICATIONS.—A supplement to a human drug application proposing to include a new indication for use in pediatric populations shall not be assessed a fee under subparagraph (A).

"(G) REFUND OF FEE IF APPLICATION WITHDRAWN.—If an application or supplement is withdrawn after the application or supplement was filed, the Secretary may refund the fee or a portion of the fee if no substantial work was performed on the application or supplement after the application or supplement was filed. The Secretary shall have the sole discretion to refund a fee or a portion of the fee under this subparagraph. A determination by the Secretary concerning a refund under this paragraph shall not be reviewable.";

(3) by striking paragraph (2) and inserting the following:

"(2) PRESCRIPTION DRUG ESTABLISHMENT FEE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each person that—

"(i) is named as the applicant in a human drug application; and

"(ii) after September 1, 1992, had pending before the Secretary a human drug application or supplement, shall be assessed an annual fee established in subsection (b) for each prescription drug establishment listed in its approved human drug application as an establishment that manufactures the prescription drug product named in the application. The annual establishment fee shall be assessed in each fiscal year in which the prescription drug product named in the application is assessed a fee under paragraph (3) unless the prescription drug establishment listed in the application does not engage in the manufacture of the prescription drug product during the fiscal year. The establishment fee shall be payable on or before January 31 of each year. Each such establishment shall be assessed only one fee per establishment, notwithstanding the number of prescription drug products manufactured at the establishment. In the event an establishment is listed in a human drug application by more than one applicant, the establishment fee for the fiscal year shall be divided equally and assessed among the applicants whose prescription drug products are manufactured by the establishment during the fiscal year and assessed product fees under paragraph (3).

"(B) EXCEPTION.—If, during the fiscal year, an applicant initiates or causes to be initiated the manufacture of a prescription drug product at an establishment listed in its human drug application—

"(i) that did not manufacture the product in the previous fiscal year; and

"(ii) for which the full establishment fee has been assessed in the fiscal year at a time before manufacture of the prescription drug product was begun;

the applicant will not be assessed a share of the establishment fee for the fiscal year in which the manufacture of the product began."; and

(4) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i), by striking "is listed" and inserting "has been submitted for listing"; and

(ii) by striking "Such fee shall be payable" and all that follows through "section 510." and inserting the following: "Such fee shall be payable for the fiscal year in which the product is first submitted for listing under section 510, or is submitted for relisting under section 510 if the product has been withdrawn from listing and relisted. After such fee is paid for that fiscal year, such fee shall be payable on or before January 31 of each year. Such fee shall be paid only once for each product for a fiscal year in which the fee is payable."; and

(B) in subparagraph (B), by striking "505(j)." and inserting the following: "505(j), under an abbreviated application filed under section 507 (as in effect on the day before the date of enactment of the Food and Drug Administration Modernization Act of 1997), or under an abbreviated new drug application pursuant to regulations in effect prior to the implementation of the Drug Price Competition and Patent Term Restoration Act of 1984.".

(b) FEE AMOUNTS.—Section 736(b) (21 U.S.C. 379h(b)) is amended to read as follows:

"(b) FEE AMOUNTS.—Except as provided in subsections (c), (d), (f), and (g), the fees required under subsection (a) shall be determined and assessed as follows:

"(1) APPLICATION AND SUPPLEMENT FEES.—

"(A) FULL FEES.—The application fee under subsection (a)(1)(A)(i) shall be $250,704 in fiscal year 1998, $256,338 in each of fiscal years 1999 and 2000, $267,606 in fiscal year 2001, and $258,451 in fiscal year 2002.

"(B) OTHER FEES.—The fee under subsection (a)(1)(A)(ii) shall be $125,352 in fiscal year 1998, $128,169 in each of fiscal years 1999 and 2000, $133,803 in fiscal year 2001, and $129,226 in fiscal year 2002.

"(2) TOTAL FEE REVENUES FOR ESTABLISHMENT FEES.—The total fee revenues to be collected in establishment fees under subsection (a)(2) shall be $35,600,000 in fiscal year 1998, $36,400,000 in each of fiscal years 1999 and 2000, $38,000,000 in fiscal year 2001, and $36,700,000 in fiscal year 2002.

"(3) TOTAL FEE REVENUES FOR PRODUCT FEES.—The total fee revenues to be collected in product fees under subsection (a)(3) in a fiscal year shall be equal to the total fee revenues collected in establishment fees under subsection (a)(2) in that fiscal year.".

(c) INCREASES AND ADJUSTMENTS.—Section 736(c) (21 U.S.C. 379h(c)) is amended—

(1) in the subsection heading, by striking "INCREASES AND";

(2) in paragraph (1)—

(A) by striking "(1) REVENUE" and all that follows through "increased by the Secretary" and inserting the following: "(1) INFLATION ADJUSTMENT.—The fees and total fee revenues established in subsection (b) shall be adjusted by the Secretary";

(B) in subparagraph (A), by striking "increase" and inserting "change";

(C) in subparagraph (B), by striking "increase" and inserting "change"; and

(D) by adding at the end the following flush sentence:

"The adjustment made each fiscal year by this subsection will be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 1997 under this subsection.";

(3) in paragraph (2), by striking "October 1, 1992," and all that follows through "such schedule." and inserting the following: "September 30, 1997, adjust the establishment and product fees described in subsection (b) for the fiscal year in which the adjustment occurs so that the revenues collected from each of the categories of fees described in paragraphs (2) and (3) of subsection (b) shall be set to be equal to the revenues collected from the category of application and supplement fees described in paragraph (1) of subsection (b)."; and

(4) in paragraph (3), by striking "paragraph (2)" and inserting "this subsection".

(d) FEE WAIVER OR REDUCTION.—Section 736(d) (21 U.S.C. 379h(d)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively and indenting appropriately;

(2) by striking "The Secretary shall grant a" and all that follows through "finds that—" and inserting the following:

"(1) IN GENERAL.—The Secretary shall grant a waiver from or a reduction of one or more fees assessed under subsection (a) where the Secretary finds that—";

(3) in subparagraph (C) (as so redesignated in paragraph (1)), by striking ", or" and inserting a comma;

(4) in subparagraph (D) (as so redesignated in paragraph (1)), by striking the period and inserting ", or";

(5) by inserting after subparagraph (D) (as so redesignated in paragraph (1)) the following:

"(E) the applicant involved is a small business submitting its first human drug application to the Secretary for review."; and

(6) by striking "In making the finding in paragraph (3)," and all that follows through "standard costs." and inserting the following:

"(2) USE OF STANDARD COSTS.—In making the finding in paragraph (1)(C), the Secretary may use standard costs.

"(3) RULES RELATING TO SMALL BUSINESSES.—

"(A) DEFINITION.—In paragraph (1)(E), the term 'small business' means an entity that has fewer than 500 employees, including employees of affiliates.

"(B) WAIVER OF APPLICATION FEE.—The Secretary shall waive under paragraph (1)(E) the application fee for the first human drug application that a small business or its affiliate submits to the Secretary for review. After a small business or its affiliate is granted such a waiver, the small business or its affiliate shall pay—

"(i) application fees for all subsequent human drug applications submitted to the Secretary for review in the same manner as an entity that does not qualify as a small business; and

"(ii) all supplement fees for all supplements to human drug applications submitted to the Secretary for review in the same manner as an entity that does not qualify as a small business.".

(e) ASSESSMENT OF FEES.—Section 736(f)(1) (21 U.S.C. 379h(f)(1)) is amended—

(1) by striking "fiscal year 1993" and inserting "fiscal year 1997"; and

(2) by striking "fiscal year 1992" and inserting "fiscal year 1997 (excluding the amount of fees appropriated for such fiscal year)".

(f) CREDITING AND AVAILABILITY OF FEES.—Section 736(g) (21 U.S.C. 379h(g)) is amended—

(1) in paragraph (1), by adding at the end the following: "Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of human drug applications.";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "Acts" and inserting "Acts, or otherwise made available for obligation,"; and

(B) in subparagraph (B), by striking "over such costs for fiscal year 1992" and inserting "over such costs, excluding costs paid from fees collected under this section, for fiscal year 1997"; and

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

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

"(A) $106,800,000 for fiscal year 1998;

"(B) $109,200,000 for fiscal year 1999;

"(C) $109,200,000 for fiscal year 2000;

"(D) $114,000,000 for fiscal year 2001; and

"(E) $110,100,000 for fiscal year 2002,

as adjusted to reflect adjustments in the total fee revenues made under this section and changes in the total amounts collected by application, supplement, establishment, and product fees.

"(4) OFFSET.—Any amount of fees collected for a fiscal year under this section that exceeds the amount of fees specified in appropriation Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.".

(g) REQUIREMENT FOR WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, AND REFUNDS.—Section 736 (21 U.S.C. 379h) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

"(i) WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, AND REFUNDS.—To qualify for consideration for a waiver or reduction under subsection (d), or for a refund of any fee collected in accordance with subsection (a), a person shall submit to the Secretary a written request for such waiver, reduction, or refund not later than 180 days after such fee is due.".

(h) SPECIAL RULE FOR WAIVERS AND REFUNDS.—Any requests for waivers or refunds for fees assessed under section 736 of the Federal Food, Drug, and Cosmetic Act (42 U.S.C. 379h) prior to the date of enactment of this Act shall be submitted in writing to the Secretary of Health and Human Services within 1 year after the date of enactment of this Act. Any requests for waivers or refunds pertaining to a fee for a human drug application or supplement accepted for filing prior to October 1, 1997 or to a product or establishment fee required by such Act for a fiscal year prior to fiscal year 1998, shall be evaluated according to the terms of the Prescription Drug User Fee Act of 1992 (as in effect on September 30, 1997) and part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (as in effect on September 30, 1997). The term "person" in such Acts shall continue to include an affiliate thereof.

SEC. 104. ANNUAL REPORTS.

(a) PERFORMANCE REPORT.—Beginning with fiscal year 1998, not later than 60 days after the end of each fiscal year during which fees are collected under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g et seq.), the Secretary of Health and Human Services shall prepare and submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 101(4) during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals.

(b) FISCAL REPORT.—Beginning with fiscal year 1998, not later than 120 days after the end of each fiscal year during which fees are collected under the part described in subsection (a), the Secretary of Health and Human Services shall prepare and submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

SEC. 105. SAVINGS.

Notwithstanding section 105 of the Prescription Drug User Fee Act of 1992, the Secretary shall retain the authority to assess and collect any fee required by part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act for a human drug application or supplement accepted for filing prior to October 1, 1997, and to assess and collect any product or establishment fee required by such Act for a fiscal year prior to fiscal year 1998.

SEC. 106. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect October 1, 1997.

SEC. 107. TERMINATION OF EFFECTIVENESS.

The amendments made by sections 102 and 103 cease to be effective October 1, 2002, and section 104 ceases to be effective 120 days after such date.

Subtitle B—Other Improvements

SEC. 111. PEDIATRIC STUDIES OF DRUGS.

Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after section 505 the following:

"SEC. 505A. PEDIATRIC STUDIES OF DRUGS.

"(a) MARKET EXCLUSIVITY FOR NEW DRUGS.—If, prior to approval of an application that is submitted under section 505(b)(1), the Secretary determines that information relating to the use of a new drug in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which shall include a timeframe for completing such studies), and such studies are completed within any such timeframe and the reports thereof submitted in accordance with subsection (d)(2) or accepted in accordance with subsection (d)(3)—

"(1)(A)(i) the period referred to in subsection (c)(3)(D)(ii) of section 505, and in subsection (j)(4)(D)(ii) of such section, is deemed to be five years and six months rather than five years, and the references in subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of such section to four years, to forty-eight months, and to seven and one-half years are deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

"(ii) the period referred to in clauses (iii) and (iv) of subsection (c)(3)(D) of such section, and in clauses (iii) and (iv) of subsection (j)(4)(D) of such section, is deemed to be three years and six months rather than three years; and

"(B) if the drug is designated under section 526 for a rare disease or condition, the period referred to in section 527(a) is deemed to be seven years and six months rather than seven years; and

"(2)(A) if the drug is the subject of—

"(i) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505 and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

"(ii) a listed patent for which a certification has been submitted under subsections (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under section 505(c)(3) or section 505(j)(4)(B) shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

"(B) if the drug is the subject of a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505, and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under section 505(c)(3) or section 505(j)(4)(B) shall be extended by a period of six months after the date the patent expires (including any patent extensions).

"(b) SECRETARY TO DEVELOP LIST OF DRUGS FOR WHICH ADDITIONAL PEDIATRIC INFORMATION MAY BE BENEFICIAL.—Not later than 180 days after the date of enactment of the Food and Drug Administration Modernization Act of 1997, the Secretary, after consultation with experts in pediatric research shall develop, prioritize, and publish an initial list of approved drugs for which additional pediatric information may produce health benefits in the pediatric population. The Secretary shall annually update the list.

"(c) MARKET EXCLUSIVITY FOR ALREADY-MARKETED DRUGS.—If the Secretary makes a written request to the holder of an approved application under section 505(b)(1) for pediatric studies (which shall include a timeframe for completing such studies) concerning a drug identified in the list described in subsection (b),

the holder agrees to the request, the studies are completed within any such timeframe, and the reports thereof are submitted in accordance with subsection (d)(2) or accepted in accordance with subsection (d)(3)—

"(1)(A)(i) the period referred to in subsection (c)(3)(D)(ii) of section 505, and in subsection (j)(4)(D)(ii) of such section, is deemed to be five years and six months rather than five years, and the references in subsections (c)(3)(D)(ii) and (j)(4)(D)(ii) of such section to four years, to forty-eight months, and to seven and one-half years are deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

"(ii) the period referred to in clauses (iii) and (iv) of subsection (c)(3)(D) of such section, and in clauses (iii) and (iv) of subsection (j)(4)(D) of such section, is deemed to be three years and six months rather than three years; and

"(B) if the drug is designated under section 526 for a rare disease or condition, the period referred to in section 527(a) is deemed to be seven years and six months rather than seven years; and

"(2)(A) if the drug is the subject of—

"(i) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505 and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

"(ii) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under section 505(c)(3) or section 505(j)(4)(B) shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

"(B) if the drug is the subject of a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505, and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under section 505(c)(3) or section 505(j)(4)(B) shall be extended by a period of six months after the date the patent expires (including any patent extensions).

"(d) CONDUCT OF PEDIATRIC STUDIES.—

"(1) AGREEMENT FOR STUDIES.—The Secretary may, pursuant to a written request from the Secretary under subsection (a) or (c), after consultation with—

"(A) the sponsor of an application for an investigational new drug under section 505(i);

"(B) the sponsor of an application for a new drug under section 505(b)(1); or

"(C) the holder of an approved application for a drug under section 505(b)(1),

agree with the sponsor or holder for the conduct of pediatric studies for such drug. Such agreement shall be in writing and shall include a timeframe for such studies.

"(2) WRITTEN PROTOCOLS TO MEET THE STUDIES REQUIREMENT.—If the sponsor or holder and the Secretary agree upon written protocols for the studies, the studies requirement of subsection (a) or (c) is satisfied upon the completion of the studies and submission of the reports thereof in accordance with the original written request and the written agreement referred to in paragraph (1). Not later than 60 days after the submission of the report of the studies, the Secretary shall determine if such studies were or were not conducted in accordance with the original written request and the written agreement and reported in accordance with the requirements of the Secretary for filing and so notify the sponsor or holder.

"(3) OTHER METHODS TO MEET THE STUDIES REQUIREMENT.—If the sponsor or holder and the Secretary have not agreed in writing on the protocols for the studies, the studies requirement of subsection (a) or (c) is satisfied when such studies have been completed and the reports accepted by the Secretary. Not later than 90 days after the submission of the reports of the studies, the Secretary shall accept or reject such reports and so notify the sponsor or holder. The Secretary's only responsibility in accepting or rejecting the reports shall be to determine, within the 90 days, whether the studies fairly respond to the written request, have been conducted in accordance with commonly accepted scientific principles and protocols, and have been reported in accordance with the requirements of the Secretary for filing.

"(e) DELAY OF EFFECTIVE DATE FOR CERTAIN APPLICATION.—If the Secretary determines that the acceptance or approval of an application under section 505(b)(2) or 505(j) for a new drug may occur after submission of reports of pediatric studies under this section, which were submitted prior to the expiration of the patent (including any patent extension) or the applicable period under clauses (ii) through (iv) of section 505(c)(3)(D) or clauses (ii) through (iv) of section 505(j)(4)(D), but before the Secretary has determined whether the requirements of subsection (d) have been satisfied, the Secretary shall delay the acceptance or approval under section 505(b)(2) or 505(j) until the determination under subsection (d) is made, but any such delay shall not exceed 90 days. In the event that requirements of this section are satisfied, the applicable six-month period under subsection (a) or (c) shall be deemed to have been running during the period of delay.

"(f) NOTICE OF DETERMINATIONS ON STUDIES REQUIREMENT.—The Secretary shall publish a notice of any determination that the requirements of subsection (d) have been met and that submissions and approvals under subsection (b)(2) or (j) of section 505 for a drug will be subject to the provisions of this section.

"(g) DEFINITIONS.—As used in this section, the term 'pediatric studies' or 'studies' means at least one clinical investigation (that, at the Secretary's discretion, may include pharmacokinetic studies) in pediatric age groups in which a drug is anticipated to be used.

"(h) LIMITATIONS.—A drug to which the six-month period under subsection (a) or (b) has already been applied—

"(1) may receive an additional six-month period under subsection (c)(1)(A)(ii) for a supplemental application if all other requirements under this section are satisfied, except that such a drug may not receive any additional such period under subsection (c)(2); and

"(2) may not receive any additional such period under subsection (c)(1)(B).

"(i) RELATIONSHIP TO REGULATIONS.—Notwithstanding any other provision of law, if any pediatric study is required pursuant to regulations promulgated by the Secretary and such study meets the completeness, timeliness, and other requirements of this section, such study shall be deemed to satisfy the requirement for market exclusivity pursuant to this section.

"(j) SUNSET.—A drug may not receive any six-month period under subsection (a) or (c) unless the application for the drug under section 505(b)(1) is submitted on or before January 1, 2002. After January 1, 2002, a drug shall receive a six-month period under subsection (c) if—

"(1) the drug was in commercial distribution as of the date of enactment of the Food and Drug Administration Modernization Act of 1997;

"(2) the drug was included by the Secretary on the list under subsection (b) as of January 1, 2002;

"(3) the Secretary determines that there is a continuing need for information relating to the use of the drug in the pediatric population and that the drug may provide health benefits in that population; and

"(4) all requirements of this section are met.

"(k) REPORT.—The Secretary shall conduct a study and report to Congress not later than January 1, 2001, based on the experience under the program established under this section. The study and report shall examine all relevant issues, including—

"(1) the effectiveness of the program in improving information about important pediatric uses for approved drugs;

"(2) the adequacy of the incentive provided under this section;

"(3) the economic impact of the program on taxpayers and consumers, including the impact of the lack of lower cost generic drugs on patients, including on lower income patients; and

"(4) any suggestions for modification that the Secretary determines to be appropriate.".

SEC. 112. EXPEDITING STUDY AND APPROVAL OF FAST TRACK DRUGS.

(a) IN GENERAL.—Chapter V (21 U.S.C. 351 et seq.), as amended by section 125, is amended by inserting before section 508 the following:

"SEC. 506. FAST TRACK PRODUCTS.

"(a) DESIGNATION OF DRUG AS A FAST TRACK PRODUCT.—

"(1) IN GENERAL.—The Secretary shall, at the request of the sponsor of a new drug, facilitate the development and expedite the review of such drug if it is intended for the treatment of a serious or life-threatening condition and it demonstrates the potential to address unmet medical needs for such a condition. (In this section, such a drug is referred to as a 'fast track product'.)

"(2) REQUEST FOR DESIGNATION.—The sponsor of a new drug may request the Secretary to designate the drug as a fast track product. A request for the designation may be made concurrently with, or at any time after, submission of an application for the investigation of the drug under section 505(i) or section 351(a)(3) of the Public Health Service Act.

"(3) DESIGNATION.—Within 60 calendar days after the receipt of a request under paragraph (2), the Secretary shall determine whether the drug that is the subject of the request meets the criteria described in paragraph (1). If the Secretary finds that the drug meets the criteria, the Secretary shall designate the drug as a fast track product and shall take such actions as are appropriate to expedite the development and review of the application for approval of such product.

"(b) APPROVAL OF APPLICATION FOR A FAST TRACK PRODUCT.—

"(1) IN GENERAL.—The Secretary may approve an application for approval of a fast track product under section 505(c) or section 351 of the Public Health Service Act upon a determination that the product has an effect on a clinical endpoint or on a surrogate endpoint that is reasonably likely to predict clinical benefit.

"(2) LIMITATION.—Approval of a fast track product under this subsection may be subject to the requirements—

"(A) that the sponsor conduct appropriate post-approval studies to validate the surrogate endpoint or otherwise confirm the effect on the clinical endpoint; and

"(B) that the sponsor submit copies of all promotional materials related to the fast track product during the preapproval review period and, following approval and for such period thereafter as the Secretary determines to be appropriate, at least 30 days prior to dissemination of the materials.

"(3) EXPEDITED WITHDRAWAL OF APPROVAL.—The Secretary may withdraw approval of a fast track product using expedited procedures (as prescribed by the Secretary in regulations which shall include an opportunity for an informal hearing) if—

"(A) the sponsor fails to conduct any required post-approval study of the fast track drug with due diligence;

"(B) a post-approval study of the fast track product fails to verify clinical benefit of the product;

"(C) other evidence demonstrates that the fast track product is not safe or effective under the conditions of use; or

"(D) the sponsor disseminates false or misleading promotional materials with respect to the product.

"(c) REVIEW OF INCOMPLETE APPLICATIONS FOR APPROVAL OF A FAST TRACK PRODUCT.—

"(1) IN GENERAL.—If the Secretary determines, after preliminary evaluation of clinical data submitted by the sponsor, that a fast track product may be effective, the Secretary shall evaluate for filing, and may commence review of portions of, an application for the approval of the product before the sponsor submits a complete application. The Secretary shall commence such review only if the applicant—

"(A) provides a schedule for submission of information necessary to make the application complete; and

"(B) pays any fee that may be required under section 736.

"(2) EXCEPTION.—Any time period for review of human drug applications that has been agreed to by the Secretary and that has been set forth in goals identified in letters of the Secretary (relating to the use of fees collected under section 736 to expedite the drug development process and the review of human drug applications) shall not apply to an application submitted under paragraph (1) until the date on which the application is complete.

"(d) AWARENESS EFFORTS.—The Secretary shall—

"(1) develop and disseminate to physicians, patient organizations, pharmaceutical and biotechnology companies, and other appropriate persons a description of the provisions of this section applicable to fast track products; and

"(2) establish a program to encourage the development of surrogate endpoints that are reasonably likely to predict clinical benefit for serious or life-threatening conditions for which there exist significant unmet medical needs.".

(b) GUIDANCE.—Within 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance for fast track products (as defined in section 506(a)(1) of the Federal Food, Drug, and Cosmetic Act) that describes the policies and procedures that pertain to section 506 of such Act.

SEC. 113. INFORMATION PROGRAM ON CLINICAL TRIALS FOR SERIOUS OR LIFE-THREATENING DISEASES.

(a) IN GENERAL.—Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i) the following:

"(j)(1)(A) The Secretary, acting through the Director of NIH, shall establish, maintain, and operate a data bank of information on clinical trials for drugs for serious or life-threatening diseases and conditions (in this subsection referred to as the 'data bank'). The activities of the data bank shall be integrated and coordinated with related activities of other agencies of the Department of Health and Human Services, and to the extent practicable, coordinated with other data banks containing similar information.

"(B) The Secretary shall establish the data bank after consultation with the Commissioner of Food and Drugs, the directors of the appropriate agencies of the National Institutes of Health (including the National Library of Medicine), and the Director of the Centers for Disease Control and Prevention.

"(2) In carrying out paragraph (1), the Secretary shall collect, catalog, store, and disseminate the information described in such paragraph. The Secretary shall disseminate such information through information systems, which shall include toll-free telephone communications, available to individuals with serious or life-threatening diseases and conditions, to other members of the public, to health care providers, and to researchers.

"(3) The data bank shall include the following:

"(A) A registry of clinical trials (whether federally or privately funded) of experimental treatments for serious or life-threatening diseases and conditions under regulations promulgated pursuant to section 505(i) of the Federal Food, Drug, and Cosmetic Act, which provides a description of the purpose of each experimental drug, either with the consent of the protocol sponsor, or when a trial to test effectiveness begins. Information provided shall consist of eligibility criteria for participation in the clinical trials, a description of the location of trial sites, and a point of contact for those wanting to enroll in the trial, and shall be in a form that can be readily understood by members of the public. Such information shall be forwarded to the data bank by the sponsor of the trial not later than 21 days after the approval of the protocol.

"(B) Information pertaining to experimental treatments for serious or life-threatening diseases and conditions that may be available—

"(i) under a treatment investigational new drug application that has been submitted to the Secretary under section 561(c) of the Federal Food, Drug, and Cosmetic Act; or

"(ii) as a Group C cancer drug (as defined by the National Cancer Institute).

The data bank may also include information pertaining to the results of clinical trials of such treatments, with the consent of the sponsor, including information concerning potential toxicities or adverse effects associated with the use or administration of such experimental treatments.

"(4) The data bank shall not include information relating to an investigation if the sponsor has provided a detailed certification to the Secretary that disclosure of such information would substantially interfere with the timely enrollment of subjects in the investigation, unless the Secretary, after the receipt of the certification, provides the sponsor with a detailed written determination that such disclosure would not substantially interfere with such enrollment.

"(5) For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary. Fees collected under section 736 of the Federal Food, Drug, and Cosmetic Act shall not be used in carrying out this subsection.".

(b) COLLABORATION AND REPORT.—

(1) IN GENERAL.—The Secretary of Health and Human Services, the Director of the National Institutes of Health, and the Commissioner of Food and Drugs shall collaborate to determine the feasibility of including device investigations within the scope of the data bank under section 402(j) of the Public Health Service Act.

(2) REPORT.—Not later than two years after the date of enactment of this section, the Secretary of Health and Human Services shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report—

(A) of the public health need, if any, for inclusion of device investigations within the scope of the data bank under section 402(j) of the Public Health Service Act;

(B) on the adverse impact, if any, on device innovation and research in the United States if information relating to such device investigations is required to be publicly disclosed; and

(C) on such other issues relating to such section 402(j) as the Secretary determines to be appropriate.

SEC. 114. HEALTH CARE ECONOMIC INFORMATION.

(a) IN GENERAL.—Section 502(a) (21 U.S.C. 352(a)) is amended by adding at the end the following: "Health care economic information provided to a formulary committee, or other similar entity, in the course of the committee or the entity carrying out its responsibilities for the selection of drugs for managed care or other similar organizations, shall not be considered to be false or misleading under this paragraph if the health care economic information directly relates to an indication approved under section 505 or under section 351(a) of the Public Health Service Act for such drug and is based on competent and reliable scientific evidence. The requirements set forth in section 505(a) or in section 351(a) of the Public Health Service Act shall not apply to health care economic information provided to such a committee or entity in accordance with this paragraph. Information that is relevant to the substantiation of the health care economic information presented pursuant to this paragraph shall be made available to the Secretary upon request. In this paragraph, the term 'health care economic information' means any analysis that identifies, measures, or compares the economic consequences, including the costs of the represented health outcomes, of the use of a drug to the use of another drug, to another health care intervention, or to no intervention.".

(b) STUDY AND REPORT.—The Comptroller General of the United States shall conduct a study of the implementation of the provisions added by the amendment made by subsection (a). Not later than 4 years and 6 months after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit to Congress a report containing the findings of the study.

SEC. 115. CLINICAL INVESTIGATIONS.

(a) CLARIFICATION OF THE NUMBER OF REQUIRED CLINICAL INVESTIGATIONS FOR APPROVAL.—Section 505(d) (21 U.S.C. 355(d)) is amended by adding at the end the following: "If the Secretary determines, based on relevant science, that data from one adequate and well-controlled clinical investigation and confirmatory evidence (obtained prior to or after such investigation) are sufficient to establish effectiveness, the Secretary may consider such data and evidence to constitute substantial evidence for purposes of the preceding sentence.".

(b) WOMEN AND MINORITIES.—Section 505(b)(1) (21 U.S.C. 355(b)(1)) is amended by adding at the end the following: "The Secretary shall, in consultation with the Director of the National Institutes of Health and with representatives of the drug manufacturing industry, review and develop guidance, as appropriate, on the inclusion of women and minorities in clinical trials required by clause (A).".

SEC. 116. MANUFACTURING CHANGES FOR DRUGS.

(a) IN GENERAL.—Chapter V, as amended by section 112, is amended by inserting after section 506 the following section:

"SEC. 506A. MANUFACTURING CHANGES.

"(a) IN GENERAL.—With respect to a drug for which there is in effect an approved application under section 505 or 512 or a license under section 351 of the Public Health Service Act, a change from the manufacturing process approved pursuant to such application or license may be made, and the drug as made with the change may be distributed, if—

"(1) the holder of the approved application or license (referred to in this section as a 'holder') has validated the effects of the change in accordance with subsection (b); and

"(2)(A) in the case of a major manufacturing change, the holder has complied with the requirements of subsection (c); or

"(B) in the case of a change that is not a major manufacturing change, the holder complies with the applicable requirements of subsection (d).

"(b) VALIDATION OF EFFECTS OF CHANGES.—For purposes of subsection (a)(1), a drug made with a manufacturing change (whether a major manufacturing change or otherwise) may be distributed only if, before distribution of the drug as so made, the holder involved validates the effects of the change on the identity, strength, quality, purity, and potency of the drug as the identity, strength, quality, purity, and potency may relate to the safety or effectiveness of the drug.

"(c) MAJOR MANUFACTURING CHANGES.—

"(1) REQUIREMENT OF SUPPLEMENTAL APPLICATION.—For purposes of subsection (a)(2)(A), a drug made with a major manufacturing change may be distributed only if, before the distribution of the drug as so made, the holder involved submits to the Secretary a supplemental application for such change and the Secretary approves the application. The application shall contain such information as the Secretary determines to be appropriate, and shall include the information developed under subsection (b) by the holder in validating the effects of the change.

"(2) CHANGES QUALIFYING AS MAJOR CHANGES.—For purposes of subsection (a)(2)(A), a major manufacturing change is a manufacturing change that is determined by the Secretary to have substantial potential to adversely affect the identity, strength, quality, purity, or potency of the drug as they may relate to the safety or effectiveness of a drug. Such a change includes a change that—

"(A) is made in the qualitative or quantitative formulation of the drug involved or in the specifications in the approved application or license referred to in subsection (a) for the drug (unless exempted by the Secretary by regulation or guidance from the requirements of this subsection);

"(B) is determined by the Secretary by regulation or guidance to require completion of an appropriate clinical study demonstrating equivalence of the drug to the drug as manufactured without the change; or

"(C) is another type of change determined by the Secretary by regulation or guidance to have a substantial potential to adversely affect the safety or effectiveness of the drug.

"(d) OTHER MANUFACTURING CHANGES.—

"(1) IN GENERAL.—For purposes of subsection (a)(2)(B), the Secretary may regulate drugs made with manufacturing changes that are not major manufacturing changes as follows:

"(A) The Secretary may in accordance with paragraph (2) authorize holders to distribute such drugs without submitting a supplemental application for such changes.

"(B) The Secretary may in accordance with paragraph (3) require that, prior to the distribution of such drugs, holders submit to the Secretary supplemental applications for such changes.

"(C) The Secretary may establish categories of such changes and designate categories to which subparagraph (A) applies and categories to which subparagraph (B) applies.

"(2) CHANGES NOT REQUIRING SUPPLEMENTAL APPLICATION.—

"(A) SUBMISSION OF REPORT.—A holder making a manufacturing change to which paragraph (1)(A) applies shall submit to the Secretary a report on the change, which shall contain such information as the Secretary determines to be appropriate, and which shall include the information developed under subsection (b) by the holder in validating the effects of the change. The report shall be submitted by such date as the Secretary may specify.

"(B) AUTHORITY REGARDING ANNUAL REPORTS.—In the case of a holder that during a single year makes more than one manufacturing change to which paragraph (1)(A) applies, the Secretary may in carrying out subparagraph (A) authorize the holder to comply with such subparagraph by submitting a single report for the year that provides the information required in such subparagraph for all the changes made by the holder during the year.

"(3) CHANGES REQUIRING SUPPLEMENTAL APPLICATION.—

"(A) SUBMISSION OF SUPPLEMENTAL APPLICATION.—The supplemental application required under paragraph (1)(B) for a manufacturing change shall contain such information as the Secretary determines to be appropriate, which shall include the information developed under subsection (b) by the holder in validating the effects of the change.

"(B) AUTHORITY FOR DISTRIBUTION.—In the case of a manufacturing change to which paragraph (1)(B) applies:

"(i) The holder involved may commence distribution of the drug involved 30 days after the Secretary receives the supplemental application under such paragraph, unless the Secretary notifies the holder within such 30-day period that prior approval of the application is required before distribution may be commenced.

"(ii) The Secretary may designate a category of such changes for the purpose of providing that, in the case of a change that is in such category, the holder involved may commence distribution of the drug involved upon the receipt by the Secretary of a supplemental application for the change.

"(iii) If the Secretary disapproves the supplemental application, the Secretary may order the manufacturer to cease the distribution of the drugs that have been made with the manufacturing change.".

(b) TRANSITION RULE.—The amendment made by subsection (a) takes effect upon the effective date of regulations promulgated by the Secretary of Health and Human Services to implement such amendment, or upon the expiration of the 24-month period beginning on the date of the enactment of this Act, whichever occurs first.

SEC. 117. STREAMLINING CLINICAL RESEARCH ON DRUGS.

Section 505(i) (21 U.S.C. 355(i)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(2) by inserting "(1)" after "(i)";

(3) by striking the last two sentences; and

(4) by inserting after paragraph (1) (as designated by paragraph (2) of this section) the following new paragraphs:

"(2) Subject to paragraph (3), a clinical investigation of a new drug may begin 30 days after the Secretary has received from the manufacturer or sponsor of the investigation a submission containing such information about the drug and the clinical investigation, including—

"(A) information on design of the investigation and adequate reports of basic information, certified by the applicant to be accurate reports, necessary to assess the safety of the drug for use in clinical investigation; and

"(B) adequate information on the chemistry and manufacturing of the drug, controls available for the drug, and primary data tabulations from animal or human studies.

"(3)(A) At any time, the Secretary may prohibit the sponsor of an investigation from conducting the investigation (referred to in this paragraph as a 'clinical hold') if the Secretary makes a determination described in subparagraph (B). The Secretary shall specify the basis for the clinical hold, including the specific information available to the Secretary which served as the basis for such clinical hold, and confirm such determination in writing.

"(B) For purposes of subparagraph (A), a determination described in this subparagraph with respect to a clinical hold is that—

"(i) the drug involved represents an unreasonable risk to the safety of the persons who are the subjects of the clinical investigation, taking into account the qualifications of the clinical investigators, information about the drug, the design of the clinical investigation, the condition for which the drug is to be investigated, and the health status of the subjects involved; or

"(ii) the clinical hold should be issued for such other reasons as the Secretary may by regulation establish (including reasons established by regulation before the date of the enactment of the Food and Drug Administration Modernization Act of 1997).

"(C) Any written request to the Secretary from the sponsor of an investigation that a clinical hold be removed shall receive a decision, in writing and specifying the reasons therefor, within 30 days after receipt of such request. Any such request shall include sufficient information to support the removal of such clinical hold.

"(4) Regulations under paragraph (1) shall provide that such exemption shall be conditioned upon the manufacturer, or the sponsor of the investigation, requiring that experts using such drugs for investigational purposes certify to such manufacturer or sponsor that they will inform any human beings to whom such drugs, or any controls used in connection therewith, are being administered, or their representatives, that such drugs are being used for investigational purposes and will obtain the consent of such human beings or their representatives, except where it is not feasible or it is contrary to the best interests of such human beings. Nothing in this subsection shall be construed to require any clinical investigator to submit directly to the Secretary reports on the investigational use of drugs.".

SEC. 118. DATA REQUIREMENTS FOR DRUGS AND BIOLOGICS.

Within 12 months after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall issue guidance that describes when abbreviated study reports may be submitted, in lieu of full reports, with a new drug application under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) and with a biologics license application under section 351 of the Public Health Service Act (42 U.S.C. 262) for certain types of studies. Such guidance shall describe the kinds of studies for which abbreviated reports are appropriate and the appropriate abbreviated report formats.

SEC. 119. CONTENT AND REVIEW OF APPLICATIONS.

(a) SECTION 505(b).—Section 505(b) (21 U.S.C. 355(b)) is amended by adding at the end the following:

"(4)(A) The Secretary shall issue guidance for the individuals who review applications submitted under paragraph (1) or under section 351 of the Public Health Service Act, which shall relate to promptness in conducting the review, technical excellence, lack of bias and conflict of interest, and knowledge of regulatory and scientific standards, and which shall apply equally to all individuals who review such applications.

"(B) The Secretary shall meet with a sponsor of an investigation or an applicant for approval for a drug under this subsection or section 351 of the Public Health Service Act if the sponsor or applicant makes a reasonable written request

for a meeting for the purpose of reaching agreement on the design and size of clinical trials intended to form the primary basis of an effectiveness claim. The sponsor or applicant shall provide information necessary for discussion and agreement on the design and size of the clinical trials. Minutes of any such meeting shall be prepared by the Secretary and made available to the sponsor or applicant upon request.

"(C) Any agreement regarding the parameters of the design and size of clinical trials of a new drug under this paragraph that is reached between the Secretary and a sponsor or applicant shall be reduced to writing and made part of the administrative record by the Secretary. Such agreement shall not be changed after the testing begins, except—

"(i) with the written agreement of the sponsor or applicant; or

"(ii) pursuant to a decision, made in accordance with subparagraph (D) by the director of the reviewing division, that a substantial scientific issue essential to determining the safety or effectiveness of the drug has been identified after the testing has begun.

"(D) A decision under subparagraph (C)(ii) by the director shall be in writing and the Secretary shall provide to the sponsor or applicant an opportunity for a meeting at which the director and the sponsor or applicant will be present and at which the director will document the scientific issue involved.

"(E) The written decisions of the reviewing division shall be binding upon, and may not directly or indirectly be changed by, the field or compliance division personnel unless such field or compliance division personnel demonstrate to the reviewing division why such decision should be modified.

"(F) No action by the reviewing division may be delayed because of the unavailability of information from or action by field personnel unless the reviewing division determines that a delay is necessary to assure the marketing of a safe and effective drug.

"(G) For purposes of this paragraph, the reviewing division is the division responsible for the review of an application for approval of a drug under this subsection or section 351 of the Public Health Service Act (including all scientific and medical matters, chemistry, manufacturing, and controls).".

(b) SECTION 505(j).—

(1) AMENDMENT.—Section 505(j) (21 U.S.C 355(j)) is amended—

(A) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively; and

(B) by adding after paragraph (2) the following:

"(3)(A) The Secretary shall issue guidance for the individuals who review applications submitted under paragraph (1), which shall relate to promptness in conducting the review, technical excellence, lack of bias and conflict of interest, and knowledge of regulatory and scientific standards, and which shall apply equally to all individuals who review such applications.

"(B) The Secretary shall meet with a sponsor of an investigation or an applicant for approval for a drug under this subsection if the sponsor or applicant makes a reasonable written request for a meeting for the purpose of reaching agreement on the design and size of bioavailability and bioequivalence studies needed for approval of such application. The sponsor or applicant shall provide information necessary for discussion and agreement on the design and size of such studies. Minutes of any such meeting shall be prepared by the Secretary and made available to the sponsor or applicant.

"(C) Any agreement regarding the parameters of design and size of bioavailability and bioequivalence studies of a drug under this paragraph that is reached between the Secretary and a sponsor or applicant shall be reduced to writing and made part of the administrative record by the Secretary. Such agreement shall not be changed after the testing begins, except—

"(i) with the written agreement of the sponsor or applicant; or

"(ii) pursuant to a decision, made in accordance with subparagraph (D) by the director of the reviewing division, that a substantial scientific issue essential to determining the safety or effectiveness of the drug has been identified after the testing has begun.

"(D) A decision under subparagraph (C)(ii) by the director shall be in writing and the Secretary shall provide to the sponsor or applicant an opportunity for a meeting at which the director and the sponsor or applicant will be present and at which the director will document the scientific issue involved.

"(E) The written decisions of the reviewing division shall be binding upon, and may not directly or indirectly be changed by, the field or compliance office personnel unless such field or compliance office personnel demonstrate to the reviewing division why such decision should be modified.

"(F) No action by the reviewing division may be delayed because of the unavailability of information from or action by field personnel unless the reviewing division determines that a delay is necessary to assure the marketing of a safe and effective drug.

"(G) For purposes of this paragraph, the reviewing division is the division responsible for the review of an application for approval of a drug under this subsection (including scientific matters, chemistry, manufacturing, and controls).".

(2) CONFORMING AMENDMENTS.—Section 505(j) (21 U.S.C. 355(j)), as amended by paragraph (1), is further amended—

(A) in paragraph (2)(A)(i), by striking "(6)" and inserting "(7)";

(B) in paragraph (4) (as redesignated in paragraph (1)), by striking "(4)" and inserting "(5)";

(C) in paragraph (4)(I) (as redesignated in paragraph (1)), by striking "(5)" and inserting "(6)"; and

(D) in paragraph (7)(C) (as redesignated in paragraph (1)), by striking "(5)" each place it occurs and inserting "(6)".

SEC. 120. SCIENTIFIC ADVISORY PANELS.

Section 505 (21 U.S.C. 355) is amended by adding at the end the following:

"(n)(1) For the purpose of providing expert scientific advice and recommendations to the Secretary regarding a clinical investigation of a drug or the approval for marketing of a drug under section 505 or section 351 of the Public Health Service Act, the Secretary shall establish panels of experts or use panels of experts established before the date of enactment of the Food and Drug Administration Modernization Act of 1997, or both.

"(2) The Secretary may delegate the appointment and oversight authority granted under section 904 to a director of a center or successor entity within the Food and Drug Administration.

"(3) The Secretary shall make appointments to each panel established under paragraph (1) so that each panel shall consist of—

"(A) members who are qualified by training and experience to evaluate the safety and effectiveness of the drugs to be referred to the panel and who, to the extent feasible, possess skill and experience in the development, manufacture, or utilization of such drugs;

"(B) members with diverse expertise in such fields as clinical and administrative medicine, pharmacy, pharmacology, pharmacoeconomics, biological and physical sciences, and other related professions;

"(C) a representative of consumer interests, and a representative of interests of the drug manufacturing industry not directly affected by the matter to be brought before the panel; and

"(D) two or more members who are specialists or have other expertise in the particular disease or condition for which the drug under review is proposed to be indicated.

Scientific, trade, and consumer organizations shall be afforded an opportunity to nominate individuals for appointment to the panels. No individual who is in the regular full-time employ of the United States and engaged in the administration of this Act may be a voting member of any panel. The Secretary shall designate one of the members of each panel to serve as chairman thereof.

"(4) Each member of a panel shall publicly disclose all conflicts of interest that member may have with the work to be undertaken by the panel. No member of a panel may vote on any matter where the member or the immediate family of such member could gain financially from the advice given to the Secretary. The Secretary may grant a waiver of any conflict of interest requirement upon public disclosure of such conflict of interest if such waiver is necessary to afford the panel essential expertise, except that the Secretary may not grant a waiver for a member of a panel when the member's own scientific work is involved.

"(5) The Secretary shall, as appropriate, provide education and training to each new panel member before such member participates in a panel's activities, including education regarding requirements under this Act and related regulations of the Secretary, and the administrative processes and procedures related to panel meetings.

"(6) Panel members (other than officers or employees of the United States), while attending meetings or conferences of a panel or otherwise engaged in its business, shall be entitled to receive compensation for each day so engaged, including traveltime, at rates to be fixed by the Secretary, but not to exceed the daily equivalent of the rate in effect for positions classified above grade GS–15 of the General Schedule. While serving away from their homes or regular places of business, panel members may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(7) The Secretary shall ensure that scientific advisory panels meet regularly and at appropriate intervals so that any matter to be reviewed by such a panel can be presented to the panel not more than 60 days after the matter is ready for such review. Meetings of the panel may be held using electronic communication to convene the meetings.

"(8) Within 90 days after a scientific advisory panel makes recommendations on any matter under its review, the Food and Drug Administration official responsible for the matter shall review the conclusions and recommendations of the panel, and notify the affected persons of the final decision on the matter, or of the reasons that no such decision has been reached. Each such final decision shall be documented including the rationale for the decision.".

SEC. 121. POSITRON EMISSION TOMOGRAPHY.

(a) REGULATION OF COMPOUNDED POSITRON EMISSION TOMOGRAPHY DRUGS.—Section 201 (21 U.S.C. 321) is amended by adding at the end the following:

"(ii) The term 'compounded positron emission tomography drug'—

"(1) means a drug that—

"(A) exhibits spontaneous disintegration of unstable nuclei by the emission of positrons and is used for the purpose of providing dual photon positron emission tomographic diagnostic images; and

"(B) has been compounded by or on the order of a practitioner who is licensed by a State to compound or order compounding for a drug described in subparagraph (A), and is compounded in accordance with that State's law, for a patient or for research, teaching, or quality control; and

"(2) includes any nonradioactive reagent, reagent kit, ingredient, nuclide generator, accelerator, target material, electronic synthesizer, or other apparatus or computer program to be used in the preparation of such a drug.".

(b) ADULTERATION.—

(1) IN GENERAL.—Section 501(a) (21 U.S.C. 351(a)) is amended by striking "; or (3)" and inserting the following: "; or (C) if it is a compounded positron emission tomography drug and the methods used in, or the facilities and controls used for, its compounding, processing, packing, or holding do not conform to or are not operated or administered in conformity with the positron emission tomography compounding standards and the official monographs of the United States Pharmacopoeia to assure that such drug meets the requirements of this Act as to safety and has the identity and strength, and meets the quality and purity characteristics, that it purports or is represented to possess; or (3)".

(2) SUNSET.—Section 501(a)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(a)(2)(C)) shall not apply 4 years after the date of enactment of this Act or 2 years after the date on which the Secretary of Health and Human Services establishes the requirements described in subsection (c)(1)(B), whichever is later.

(c) REQUIREMENTS FOR REVIEW OF APPROVAL PROCEDURES AND CURRENT GOOD MANUFACTURING PRACTICES FOR POSITRON EMISSION TOMOGRAPHY.—

(1) PROCEDURES AND REQUIREMENTS.—

(A) IN GENERAL.—In order to take account of the special characteristics of positron emission tomography drugs and the special techniques and processes required to produce these drugs, not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall establish—

(i) appropriate procedures for the approval of positron emission tomography drugs pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355); and

(ii) appropriate current good manufacturing practice requirements for such drugs.

(B) CONSIDERATIONS AND CONSULTATION.—In establishing the procedures and requirements required by subparagraph (A), the Secretary of Health and Human Services shall take due account of any relevant differences between not-for-profit institutions that compound the drugs for their patients and commercial manufacturers of the drugs. Prior to establishing the procedures and requirements, the Secretary of Health and Human Services shall consult with patient advocacy groups, professional associations, manufacturers, and physicians and scientists licensed to make or use positron emission tomography drugs.

(2) SUBMISSION OF NEW DRUG APPLICATIONS AND ABBREVIATED NEW DRUG APPLICATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary of Health and Human Services shall not require the submission of new drug applications or abbreviated new drug applications under subsection (b) or (j) of section 505 (21 U.S.C. 355), for compounded positron emission tomography drugs that are not adulterated drugs described in section 501(a)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(a)(2)(C)) (as amended by subsection (b)), for a period of 4 years after the date of enactment of this Act, or for 2 years after the date on which the Secretary establishes procedures and requirements under paragraph (1), whichever is longer.

(B) EXCEPTION.—Nothing in this Act shall prohibit the voluntary submission of such applications or the review of such applications by the Secretary of Health and Human Services. Nothing in this Act shall constitute an exemption for a positron emission tomography drug from the requirements of regulations issued under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)).

(d) REVOCATION OF CERTAIN INCONSISTENT DOCUMENTS.—Within 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register a notice terminating the application of the following notices and rule:

(1) A notice entitled "Regulation of Positron Emission Tomography Radiopharmaceutical Drug Products; Guidance; Public Workshop", published in the Federal Register on February 27, 1995, 60 Fed. Reg. 10594.

(2) A notice entitled "Draft Guideline on the Manufacture of Positron Emission Tomography Radiopharmaceutical Drug Products; Availability", published in the Federal Register on February 27, 1995, 60 Fed. Reg. 10593.

(3) A final rule entitled "Current Good Manufacturing Practice for Finished Pharmaceuticals; Positron Emission Tomography", published in the Federal Register on April 22, 1997, 62 Fed. Reg. 19493 (codified at part 211 of title 21, Code of Federal Regulations).

(e) DEFINITION.—As used in this section, the term "compounded positron emission tomography drug" has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

SEC. 122. REQUIREMENTS FOR RADIOPHARMACEUTICALS.

(a) REQUIREMENTS.—

(1) REGULATIONS.—

(A) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services, after consultation with patient advocacy groups, associations, physicians licensed to use radiopharmaceuticals, and the regulated industry, shall issue proposed regulations governing the approval of radiopharmaceuticals. The regulations shall provide that the determination of the safety and effectiveness of such a radiopharmaceutical under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262) shall include consideration of the proposed use of the radiopharmaceutical in the practice of medicine, the pharmacological and toxicological activity of the radiopharmaceutical (including any carrier or ligand component of the radiopharmaceutical), and the estimated absorbed radiation dose of the radiopharmaceutical.

(B) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate final regulations governing the approval of the radiopharmaceuticals.

(2) SPECIAL RULE.—In the case of a radiopharmaceutical, the indications for which such radiopharmaceutical is approved for marketing may, in appropriate cases, refer to manifestations of disease (such as biochemical, physiological, anatomic, or pathological processes) common to, or present in, one or more disease states.

(b) DEFINITION.—In this section, the term "radiopharmaceutical" means—

(1) an article—

(A) that is intended for use in the diagnosis or monitoring of a disease or a manifestation of a disease in humans; and

(B) that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons; or

(2) any nonradioactive reagent kit or nuclide generator that is intended to be used in the preparation of any such article.

SEC. 123. MODERNIZATION OF REGULATION.

(a) LICENSES.—

(1) IN GENERAL.—Section 351(a) of the Public Health Service (42 U.S.C. 262(a)) is amended to read as follows:

"(a)(1) No person shall introduce or deliver for introduction into interstate commerce any biological product unless—

"(A) a biologics license is in effect for the biological product; and

"(B) each package of the biological product is plainly marked with—

"(i) the proper name of the biological product contained in the package;

"(ii) the name, address, and applicable license number of the manufacturer of the biological product; and

"(iii) the expiration date of the biological product.

"(2)(A) The Secretary shall establish, by regulation, requirements for the approval, suspension, and revocation of biologics licenses.

"(B) The Secretary shall approve a biologics license application—

"(i) on the basis of a demonstration that—

"(I) the biological product that is the subject of the application is safe, pure, and potent; and

"(II) the facility in which the biological product is manufactured, processed, packed, or held meets standards designed to assure that the biological product continues to be safe, pure, and potent; and

"(ii) if the applicant (or other appropriate person) consents to the inspection of the facility that is the subject of the application, in accordance with subsection (c).

"(3) The Secretary shall prescribe requirements under which a biological product undergoing investigation shall be exempt from the requirements of paragraph (1).".

(2) ELIMINATION OF EXISTING LICENSE REQUIREMENT.—Section 351(d) of the Public Health Service Act (42 U.S.C. 262(d)) is amended—

(A) by striking "(d)(1)" and all that follows through "of this section.";

(B) in paragraph (2)—

(i) by striking "(2)(A) Upon" and inserting "(d)(1) Upon" and

(ii) by redesignating subparagraph (B) as paragraph (2); and

(C) in paragraph (2) (as so redesignated by subparagraph (B)(ii))—

(i) by striking "subparagraph (A)" and inserting "paragraph (1)"; and

(ii) by striking "this subparagraph" each place it appears and inserting "this paragraph".

(b) LABELING.—Section 351(b) of the Public Health Service Act (42 U.S.C. 262(b)) is amended to read as follows:

"(b) No person shall falsely label or mark any package or container of any biological product or alter any label or mark on the package or container of the biological product so as to falsify the label or mark.".

(c) INSPECTION.—Section 351(c) of the Public Health Service Act (42 U.S.C. 262(c)) is amended by striking "virus, serum," and all that follows and inserting "biological product.".

(d) DEFINITION; APPLICATION.—Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended by adding at the end the following:

"(i) In this section, the term 'biological product' means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, or analogous product, or arsphenamine or derivative of arsphenamine (or any other trivalent organic arsenic compound), applicable to the prevention, treatment, or cure of a disease or condition of human beings.".

(e) CONFORMING AMENDMENT.—Section 503(g)(4) (21 U.S.C. 353(g)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking "section 351(a)" and inserting "section 351(i)"; and

(B) by striking "262(a)" and inserting "262(i)"; and

(2) in subparagraph (B)(iii), by striking "product or establishment license under subsection (a) or (d)" and inserting "biologics license application under subsection (a)".

(f) SPECIAL RULE.—The Secretary of Health and Human Services shall take measures to minimize differences in the review and approval of products required to have approved biologics license applications under section 351 of the Public Health Service Act (42 U.S.C. 262) and products required to have approved new drug applications under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)).

(g) APPLICATION OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Section 351 of the Public Health Service Act (42 U.S.C. 262), as amended by subsection (d), is further amended by adding at the end the following:

"(j) The Federal Food, Drug, and Cosmetic Act applies to a biological product subject to regulation under this section, except that a product for which a license has been approved under subsection (a) shall not be required to have an approved application under section 505 of such Act.".

(h) EXAMINATIONS AND PROCEDURES.—Paragraph (3) of section 353(d) of the Public Health Service Act (42 U.S.C. 263a(d)) is amended to read as follows:

"(3) EXAMINATIONS AND PROCEDURES.—The examinations and procedures identified in paragraph (2) are laboratory examinations and procedures that have been approved by the Food and Drug Administration for home use or that, as determined by the Secretary, are simple laboratory examinations and procedures that have an insignificant risk of an erroneous result, including those that—

"(A) employ methodologies that are so simple and accurate as to render the likelihood of erroneous results by the user negligible, or

"(B) the Secretary has determined pose no unreasonable risk of harm to the patient if performed incorrectly.".

SEC. 124. PILOT AND SMALL SCALE MANUFACTURE.

(a) HUMAN DRUGS.—Section 505(c) (21 U.S.C. 355(c)) is amended by adding at the end the following:

"(4) A drug manufactured in a pilot or other small facility may be used to demonstrate the safety and effectiveness of the drug and to obtain approval for the drug prior to manufacture of the drug in a larger facility, unless the Secretary makes a determination that a full scale production facility is necessary to ensure the safety or effectiveness of the drug.".

(b) ANIMAL DRUGS.—Section 512(c) (21 U.S.C. 360b(c)) is amended by adding at the end the following:

"(4) A drug manufactured in a pilot or other small facility may be used to demonstrate the safety and effectiveness of the drug and to obtain approval for the drug prior to manufacture of the drug in a larger facility, unless the Secretary makes a determination that a full scale production facility is necessary to ensure the safety or effectiveness of the drug.".

SEC. 125. INSULIN AND ANTIBIOTICS.

(a) CERTIFICATION OF DRUGS CONTAINING INSULIN.—

(1) AMENDMENT.—Section 506 (21 U.S.C. 356), as in effect before the date of the enactment of this Act, is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 301(j) (21 U.S.C. 331(j)) is amended by striking "506, 507,".

(B) Subsection (k) of section 502 (21 U.S.C. 352) is repealed.

(C) Sections 301(i)(1), 510(j)(1)(A), and 510(j)(1)(D) (21 U.S.C. 331(i)(1), 360(j)(1)(A), 360(j)(1)(D)) are each amended by striking ", 506, 507,".

(D) Section 801(d)(1) (21 U.S.C. 381(d)(1)) is amended by inserting after "503(b)" the following: "or composed wholly or partly of insulin".

(E) Section 8126(h)(2) of title 38, United States Code, is amended by inserting "or" at the end of subparagraph (B), by striking "; or" at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(b) CERTIFICATION OF ANTIBIOTICS.—

(1) AMENDMENT.—Section 507 (21 U.S.C. 357) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 201(aa) (21 U.S.C. 321(aa)) is amended by striking out "or 507", section 201(dd) (21 U.S.C. 321(dd)) is amended by striking "507,", and section 201(ff)(3)(A) (21 U.S.C. 321(ff)(3)(A)) is amended by striking ", certified as an antibiotic under section 507,".

(B) Section 301(e) (21 U.S.C. 331(e)) is amended by striking "507(d) or (g),".

(C) Section 306(d)(4)(B)(ii) (21 U.S.C. 335a(d)(4)(B)(ii)) is amended by striking "or 507".

(D) Section 502 (21 U.S.C. 352) is amended by striking subsection (l).

(E) Section 520(l) (21 U.S.C. 360j(l)) is amended by striking paragraph (4) and by striking "or Antibiotic Drugs" in the subsection heading.

(F) Section 525(a) (21 U.S.C. 360aa(a)) is amended by inserting "or" at the end of paragraph (1), by striking paragraph (2), and by redesignating paragraph (3) as paragraph (2).

(G) Section 525(a) (21 U.S.C. 360aa(a)) is amended by striking ", certification of such drug for such disease or condition under section 507,".

(H) Section 526(a)(1) (21 U.S.C. 360bb) is amended by striking "the submission of an application for certification of the drug under section 507,", by inserting "or" at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

(I) Section 526(b) (21 U.S.C. 360bb(b)) is amended—

(i) in paragraph (1), by striking ", a certificate was issued for the drug under section 507,"; and

(ii) in paragraph (2) by striking ", a certificate has not been issued for the drug under section 507," and by striking ", approval of an application for certification under section 507,".

(J) Section 527(a) (21 U.S.C. 360cc(a)) is amended by inserting "or" at the end of paragraph (1), by striking paragraph (2), by redesignating paragraph (3) as paragraph (2), and by striking ", issue another certification under section 507,".

(K) Section 527(b) (21 U.S.C. 360cc(b)) is amended by striking ", if a certification is issued under section 507 for such a drug,", ", of the issuance of the certification under section 507,", ", issue another certification under section 507,", ", of such certification,", ", of the certification,", and ", issuance of other certications,".

(L) Section 704(a)(1) (21 U.S.C. 374(a)(1)) is amended by striking ", section 507 (d) or (g),".

(M) Section 735(1) (21 U.S.C. 379g(1)(C)) is amended by inserting "or" at the end of subparagraph (B), by striking subparagraph (C), and by redesignating subparagraph (D) as subparagraph (C).

(N) Subparagraphs (A)(ii) and (B) of sections 5(b)(1) of the Orphan Drug Act (21 U.S.C. 360ee(b)(1)(A), 360ee(b)(1)(B)) are each amended by striking "or 507".

(O) Section 45C(b)(2)(A)(ii)(II) of the Internal Revenue Code of 1986 is amended by striking "or 507".

(P) Section 156(f)(4)(B) of title 35, United States Code, is amended by striking "507," each place it occurs.

(c) EXPORTATION.—Section 802 (21 U.S.C. 382) is amended by adding at the end the following:

"(i) Insulin and antibiotic drugs may be exported without regard to the requirements in this section if the insulin and antibiotic drugs meet the requirements of section 801(e)(1).".

(d) TRANSITION.—

(1) IN GENERAL.—An application that was approved by the Secretary of Health and Human Services before the date of the enactment of this Act for the marketing of an antibiotic drug under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as in effect on the day before the date of the enactment of this Act, shall, on and after such date of enactment, be considered to be an application that was submitted and filed under section 505(b) of such Act (21 U.S.C. 355(b)) and approved for safety and effectiveness under section 505(c) of such Act (21 U.S.C. 355(c)), except that if such application for marketing was in the form of an abbreviated application, the application shall be considered to have been filed and approved under section 505(j) of such Act (21 U.S.C. 355(j)).

(2) EXCEPTION.—The following subsections of section 505 (21 U.S.C 355) shall not apply to any application for marketing in which the drug that is the subject of the application contains an antibiotic drug and the antibiotic drug was the subject of any application for marketing received by the Secretary of Health and Human Services under section 507 of such Act (21 U.S.C. 357) before the date of the enactment of this Act:

(A)(i) Subsections (c)(2), (d)(6), (e)(4), (j)(2)(A)(vii), (j)(2)(A)(viii), (j)(2)(B), (j)(4)(B), and (j)(4)(D); and

(ii) The third and fourth sentences of subsection (b)(1) (regarding the filing and publication of patent information); and

(B) Subsections (b)(2)(A), (b)(2)(B), (b)(3), and (c)(3) if the investigations relied upon by the applicant for approval of the application were not conducted by or for the applicant and for which the applicant has not obtained a right of reference or use from the person by or for whom the investigations were conducted.

(3) PUBLICATION.—For purposes of this section, the Secretary is authorized to make available to the public the established name of each antibiotic drug that was the subject of any application for marketing received by the Secretary for Health and Human Services under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357) before the date of enactment of this Act.

(e) DEFINITION.—Section 201 (21 U.S.C. 321), as amended by section 121(a)(1), is further amended by adding at the end the following:

"(jj) The term 'antibiotic drug' means any drug (except drugs for use in animals other than humans) composed wholly or partly of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, bacitracin, or any other drug intended for human use containing any quantity of any chemical substance which is produced by a micro-organism and which has the capacity to inhibit or destroy micro-organisms in dilute solution (including a chemically synthesized equivalent of any such substance) or any derivative thereof.".

SEC. 126. ELIMINATION OF CERTAIN LABELING REQUIREMENTS.

(a) PRESCRIPTION DRUGS.—Section 503(b)(4) (21 U.S.C. 353(b)(4)) is amended to read as follows:

"(4)(A) A drug that is subject to paragraph (1) shall be deemed to be misbranded if at any time prior to dispensing the label of the drug fails to bear, at a minimum, the symbol 'Rx only'.

"(B) A drug to which paragraph (1) does not apply shall be deemed to be misbranded if at any time prior to dispensing the label of the drug bears the symbol described in subparagraph (A).".

(b) MISBRANDED DRUG.—Section 502(d) (21 U.S.C. 352(d)) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) Section 503(b)(1) (21 U.S.C. 353(b)(1)) is amended—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(2) Section 503(b)(3) (21 U.S.C. 353(b)(3)) is amended by striking "section 502(d) and".

(3) Section 102(9)(A) of the Controlled Substances Act (21 U.S.C. 802(9)(A)) is amended—

(A) in clause (i), by striking "(i)"; and

(B) by striking "(ii)" and all that follows.

SEC. 127. APPLICATION OF FEDERAL LAW TO PRACTICE OF PHARMACY COMPOUNDING.

(a) AMENDMENT.—Chapter V is amended by inserting after section 503 (21 U.S.C. 353) the following:

"SEC. 503A. PHARMACY COMPOUNDING.

"(a) IN GENERAL.—Sections 501(a)(2)(B), 502(f)(1), and 505 shall not apply to a drug product if the drug product is compounded for an identified individual patient based on the unsolicited receipt of a valid prescription order or a notation, approved by the prescribing practitioner, on the prescription order that a compounded product is necessary for the identified patient, if the drug product meets the requirements of this section, and if the compounding—

"(1) is by—

"(A) a licensed pharmacist in a State licensed pharmacy or a Federal facility, or

"(B) a licensed physician, on the prescription order for such individual patient made by a licensed physician or other licensed practitioner authorized by State law to prescribe drugs; or

"(2)(A) is by a licensed pharmacist or licensed physician in limited quantities before the receipt of a valid prescription order for such individual patient; and

"(B) is based on a history of the licensed pharmacist or licensed physician receiving valid prescription orders for the compounding of the drug product, which orders have been generated solely within an established relationship between—

"(i) the licensed pharmacist or licensed physician; and

"(ii)(I) such individual patient for whom the prescription order will be provided; or

"(II) the physician or other licensed practitioner who will write such prescription order.

"(b) COMPOUNDED DRUG.—

"(1) LICENSED PHARMACIST AND LICENSED PHYSICIAN.—A drug product may be compounded under subsection (a) if the licensed pharmacist or licensed physician—

"(A) compounds the drug product using bulk drug substances, as defined in regulations of the Secretary published at section 207.3(a)(4) of title 21 of the Code of Federal Regulations—

"(i) that—

"(I) comply with the standards of an applicable United States Pharmacopoeia or National Formulary monograph, if a monograph exists, and the United States Pharmacopoeia chapter on pharmacy compounding;

"(II) if such a monograph does not exist, are drug substances that are components of drugs approved by the Secretary; or

"(III) if such a monograph does not exist and the drug substance is not a component of a drug approved by the Secretary, that appear on a list developed by the Secretary through regulations issued by the Secretary under subsection (d);

"(ii) that are manufactured by an establishment that is registered under section 510 (including a foreign establishment that is registered under section 510(i)); and

"(iii) that are accompanied by valid certificates of analysis for each bulk drug substance;

"(B) compounds the drug product using ingredients (other than bulk drug substances) that comply with the standards of an applicable United States Pharmacopoeia or National Formulary monograph, if a monograph exists, and the United States Pharmacopoeia chapter on pharmacy compounding;

"(C) does not compound a drug product that appears on a list published by the Secretary in the Federal Register of drug products that have been withdrawn or removed from the market because such drug products or components of such drug products have been found to be unsafe or not effective; and

"(D) does not compound regularly or in inordinate amounts (as defined by the Secretary) any drug products that are essentially copies of a commercially available drug product.

"(2) DEFINITION.—For purposes of paragraph (1)(D), the term 'essentially a copy of a commercially available drug product' does not include a drug product in which there is a change, made for an identified individual patient, which produces for that patient a significant difference, as determined by the prescribing practitioner, between the compounded drug and the comparable commercially available drug product.

"(3) DRUG PRODUCT.—A drug product may be compounded under subsection (a) only if—

"(A) such drug product is not a drug product identified by the Secretary by regulation as a drug product that presents demonstrable difficulties for compounding that reasonably demonstrate an adverse effect on the safety or effectiveness of that drug product; and

"(B) such drug product is compounded in a State—

"(i) that has entered into a memorandum of understanding with the Secretary which addresses the distribution of inordinate amounts of compounded drug products interstate and provides for appropriate investigation by a State agency of complaints relating to compounded drug products distributed outside such State; or

"(ii) that has not entered into the memorandum of understanding described in clause (i) and the licensed pharmacist, licensed pharmacy, or licensed physician distributes (or causes to be distributed) compounded drug products out of the State in which they are compounded in quantities that do not exceed 5 percent of the total prescription orders dispensed or distributed by such pharmacy or physician.

The Secretary shall, in consultation with the National Association of Boards of Pharmacy, develop a standard memorandum of understanding for use by the States in complying with subparagraph (B)(i).

"(c) ADVERTISING AND PROMOTION.—A drug may be compounded under subsection (a) only if the pharmacy, licensed pharmacist, or licensed physician does not advertise or promote the compounding of any particular drug, class of drug, or type of drug. The pharmacy, licensed pharmacist, or licensed physician may advertise and promote the compounding service provided by the licensed pharmacist or licensed physician.

"(d) REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall issue regulations to implement this section. Before issuing regulations to implement subsections (b)(1)(A)(i)(III), (b)(1)(C), or (b)(3)(A), the Secretary shall convene and consult an advisory committee on compounding unless the Secretary determines that the issuance of such regulations before consultation is necessary to protect the public health. The advisory committee shall include representatives from the National Association of Boards of Pharmacy, the United States Pharmacopoeia, pharmacy, physician, and consumer organizations, and other experts selected by the Secretary.

"(2) LIMITING COMPOUNDING.—The Secretary, in consultation with the United States Pharmacopoeia Convention, Incorporated, shall promulgate regulations identifying drug substances that may be used in compounding under subsection (b)(1)(A)(i)(III) for which a monograph does not exist or which are not components of drug products approved by the Secretary. The Secretary shall include in the regulation the criteria for such substances, which shall include historical use, reports in peer reviewed medical literature, or other criteria the Secretary may identify.

"(e) APPLICATION.—This section shall not apply to—

"(1) compounded positron emission tomography drugs as defined in section 201(ii); or

"(2) radiopharmaceuticals.

"(f) DEFINITION.—As used in this section, the term 'compounding' does not include mixing, reconstituting, or other such acts that are performed in accordance with directions contained in approved labeling provided by the product's manufacturer and other manufacturer directions consistent with that labeling.".

(b) EFFECTIVE DATE.—Section 503A of the Federal Food, Drug, and Cosmetic Act, added by subsection (a), shall take effect upon the expiration of the 1-year period beginning on the date of the enactment of this Act.

SEC. 128. REAUTHORIZATION OF CLINICAL PHARMACOLOGY PROGRAM.

Section 2 of Public Law 102–222 (105 Stat. 1677) is amended—

(1) in subsection (a), by striking "a grant" and all that follows through "Such grant" and inserting the following: "grants for a pilot program for the training of individuals in clinical pharmacology at appropriate medical schools. Such grants"; and

(2) in subsection (b), by striking "to carry out this section" and inserting ", and for fiscal years 1998 through 2002 $3,000,000 for each fiscal year, to carry out this section".

SEC. 129. REGULATIONS FOR SUNSCREEN PRODUCTS.

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue regulations for over-the-counter sunscreen products for the prevention or treatment of sunburn.

SEC. 130. REPORTS OF POSTMARKETING APPROVAL STUDIES.

(a) IN GENERAL.—Chapter V, as amended by section 116, is further amended by inserting after section 506A the following:

"SEC. 506B. REPORTS OF POSTMARKETING STUDIES.

"(a) SUBMISSION.—

"(1) IN GENERAL.—A sponsor of a drug that has entered into an agreement with the Secretary to conduct a postmarketing study of a drug shall submit to the Secretary, within 1 year after the approval of such drug and annually thereafter until the study is completed or terminated, a report of the progress of the study or the reasons for the failure of the sponsor to conduct the study. The report shall be submitted in such form as is prescribed by the Secretary in regulations issued by the Secretary.

"(2) AGREEMENTS PRIOR TO EFFECTIVE DATE.—Any agreement entered into between the Secretary and a sponsor of a drug, prior to the date of enactment of the Food and Drug Administration Modernization Act of 1997, to conduct a postmarketing study of a drug shall be subject to the requirements of paragraph (1). An initial report for such an agreement shall be submitted within 6 months after the date of the issuance of the regulations under paragraph (1).

"(b) CONSIDERATION OF INFORMATION AS PUBLIC INFORMATION.—Any information pertaining

to a report described in subsection (a) shall be considered to be public information to the extent that the information is necessary—

"(1) to identify the sponsor; and

"(2) to establish the status of a study described in subsection (a) and the reasons, if any, for any failure to carry out the study.

"(c) STATUS OF STUDIES AND REPORTS.—The Secretary shall annually develop and publish in the Federal Register a report that provides information on the status of the postmarketing studies—

"(1) that sponsors have entered into agreements to conduct; and

"(2) for which reports have been submitted under subsection (a)(1).".

(b) REPORT TO CONGRESSIONAL COMMITTEES.—Not later than October 1, 2001, the Secretary shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report containing—

(1) a summary of the reports submitted under section 506B of the Federal Food, Drug, and Cosmetic Act;

(2) an evaluation of—

(A) the performance of the sponsors referred to in such section in fulfilling the agreements with respect to the conduct of postmarketing studies described in such section of such Act; and

(B) the timeliness of the Secretary's review of the postmarketing studies; and

(3) any legislative recommendations respecting the postmarketing studies.

SEC. 131. NOTIFICATION OF DISCONTINUANCE OF A LIFE SAVING PRODUCT.

(a) IN GENERAL.—Chapter V, as amended by section 130, is further amended by inserting after section 506B the following:

"SEC. 506C. DISCONTINUANCE OF A LIFE SAVING PRODUCT.

"(a) IN GENERAL.—A manufacturer that is the sole manufacturer of a drug—

"(1) that is—

"(A) life-supporting;

"(B) life-sustaining; or

"(C) intended for use in the prevention of a debilitating disease or condition;

"(2) for which an application has been approved under section 505(b) or 505(j); and

"(3) that is not a product that was originally derived from human tissue and was replaced by a recombinant product, shall notify the Secretary of a discontinuance of the manufacture of the drug at least 6 months prior to the date of the discontinuance.

"(b) REDUCTION IN NOTIFICATION PERIOD.—The notification period required under subsection (a) for a manufacturer may be reduced if the manufacturer certifies to the Secretary that good cause exists for the reduction, such as a situation in which—

"(1) a public health problem may result from continuation of the manufacturing for the 6-month period;

"(2) a biomaterials shortage prevents the continuation of the manufacturing for the 6-month period;

"(3) a liability problem may exist for the manufacturer if the manufacturing is continued for the 6-month period;

"(4) continuation of the manufacturing for the 6-month period may cause substantial economic hardship for the manufacturer;

"(5) the manufacturer has filed for bankruptcy under chapter 7 or 11 of title 11, United States Code; or

"(6) the manufacturer can continue the distribution of the drug involved for 6 months.

"(c) DISTRIBUTION.—To the maximum extent practicable, the Secretary shall distribute information on the discontinuation of the drugs described in subsection (a) to appropriate physician and patient organizations.".

TITLE II—IMPROVING REGULATION OF DEVICES

SEC. 201. INVESTIGATIONAL DEVICE EXEMPTIONS.

(a) IN GENERAL.—Section 520(g) (21 U.S.C. 360j(g)) is amended by adding at the end the following:

"(6)(A) Not later than 1 year after the date of the enactment of the Food and Drug Administration Modernization Act of 1997, the Secretary shall by regulation establish, with respect to a device for which an exemption under this subsection is in effect, procedures and conditions that, without requiring an additional approval of an application for an exemption or the approval of a supplement to such an application, permit—

"(i) developmental changes in the device (including manufacturing changes) that do not constitute a significant change in design or in basic principles of operation and that are made in response to information gathered during the course of an investigation; and

"(ii) changes or modifications to clinical protocols that do not affect—

"(I) the validity of data or information resulting from the completion of an approved protocol, or the relationship of likely patient risk to benefit relied upon to approve a protocol;

"(II) the scientific soundness of an investigational plan submitted under paragraph (3)(A); or

"(III) the rights, safety, or welfare of the human subjects involved in the investigation.

"(B) Regulations under subparagraph (A) shall provide that a change or modification described in such subparagraph may be made if—

"(i) the sponsor of the investigation determines, on the basis of credible information (as defined by the Secretary) that the applicable conditions under subparagraph (A) are met; and

"(ii) the sponsor submits to the Secretary, not later than 5 days after making the change or modification, a notice of the change or modification.

"(7)(A) In the case of a person intending to investigate the safety or effectiveness of a class III device or any implantable device, the Secretary shall ensure that the person has an opportunity, prior to submitting an application to the Secretary or to an institutional review committee, to submit to the Secretary, for review, an investigational plan (including a clinical protocol). If the applicant submits a written request for a meeting with the Secretary regarding such review, the Secretary shall, not later than 30 days after receiving the request, meet with the applicant for the purpose of reaching agreement regarding the investigational plan (including a clinical protocol). The written request shall include a detailed description of the device, a detailed description of the proposed conditions of use of the device, a proposed plan (including a clinical protocol) for determining whether there is a reasonable assurance of effectiveness, and, if available, information regarding the expected performance from the device.

"(B) Any agreement regarding the parameters of an investigational plan (including a clinical protocol) that is reached between the Secretary and a sponsor or applicant shall be reduced to writing and made part of the administrative record by the Secretary. Any such agreement shall not be changed, except—

"(i) with the written agreement of the sponsor or applicant; or

"(ii) pursuant to a decision, made in accordance with subparagraph (C) by the director of the office in which the device involved is reviewed, that a substantial scientific issue essential to determining the safety or effectiveness of the device involved has been identified.

"(C) A decision under subparagraph (B)(ii) by the director shall be in writing, and may be made only after the Secretary has provided to the sponsor or applicant an opportunity for a meeting at which the director and the sponsor or applicant are present and at which the director documents the scientific issue involved.".

(b) ACTION ON APPLICATION.—Section 515(d)(1)(B) (21 U.S.C. 360e(d)(1)(B)) is amended by adding at the end the following:

"(iii) The Secretary shall accept and review statistically valid and reliable data and any other information from investigations conducted under the authority of regulations required by section 520(g) to make a determination of whether there is a reasonable assurance of safety and effectiveness of a device subject to a pending application under this section if—

"(I) the data or information is derived from investigations of an earlier version of the device, the device has been modified during or after the investigations (but prior to submission of an application under subsection (c)) and such a modification of the device does not constitute a significant change in the design or in the basic principles of operation of the device that would invalidate the data or information; or

"(II) the data or information relates to a device approved under this section, is available for use under this Act, and is relevant to the design and intended use of the device for which the application is pending.".

SEC. 202. SPECIAL REVIEW FOR CERTAIN DEVICES.

Section 515(d) (21 U.S.C. 360e(d)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by adding at the end the following:

"(5) In order to provide for more effective treatment or diagnosis of life-threatening or irreversibly debilitating human diseases or conditions, the Secretary shall provide review priority for devices—

"(A) representing breakthrough technologies,

"(B) for which no approved alternatives exist,

"(C) which offer significant advantages over existing approved alternatives, or

"(D) the availability of which is in the best interest of the patients.".

SEC. 203. EXPANDING HUMANITARIAN USE OF DEVICES.

Section 520(m) (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (2), by adding after and below subparagraph (C) the following sentences:

"The request shall be in the form of an application submitted to the Secretary. Not later than 75 days after the date of the receipt of the application, the Secretary shall issue an order approving or denying the application.";

(2) in paragraph (4)—

(A) in subparagraph (B), by inserting after "(2)(A)" the following: ", unless a physician determines in an emergency situation that approval from a local institutional review committee can not be obtained in time to prevent serious harm or death to a patient"; and

(B) by adding after and below subparagraph (B) the following:

"In a case described in subparagraph (B) in which a physician uses a device without an approval from an institutional review committee, the physician shall, after the use of the device, notify the chairperson of the local institutional review committee of such use. Such notification shall include the identification of the patient involved, the date on which the device was used, and the reason for the use.";

(3) by amending paragraph (5) to read as follows:

"(5) The Secretary may require a person granted an exemption under paragraph (2) to demonstrate continued compliance with the requirements of this subsection if the Secretary believes such demonstration to be necessary to protect the public health or if the Secretary has

reason to believe that the criteria for the exemption are no longer met."; and

(4) by amending paragraph (6) to read as follows:

"(6) The Secretary may suspend or withdraw an exemption from the effectiveness requirements of sections 514 and 515 for a humanitarian device only after providing notice and an opportunity for an informal hearing.".

SEC. 204. DEVICE STANDARDS.

(a) ALTERNATIVE PROCEDURE.—Section 514 (21 U.S.C. 360d) is amended by adding at the end the following:

"Recognition of a Standard

"(c)(1)(A) In addition to establishing a performance standard under this section, the Secretary shall, by publication in the Federal Register, recognize all or part of an appropriate standard established by a nationally or internationally recognized standard development organization for which a person may submit a declaration of conformity in order to meet a premarket submission requirement or other requirement under this Act to which such standard is applicable.

"(B) If a person elects to use a standard recognized by the Secretary under subparagraph (A) to meet the requirements described in such subparagraph, the person shall provide a declaration of conformity to the Secretary that certifies that the device is in conformity with such standard. A person may elect to use data, or information, other than data required by a standard recognized under subparagraph (A) to meet any requirement regarding devices under this Act.

"(2) The Secretary may withdraw such recognition of a standard through publication of a notice in the Federal Register if the Secretary determines that the standard is no longer appropriate for meeting a requirement regarding devices under this Act.

"(3)(A) Subject to subparagraph (B), the Secretary shall accept a declaration of conformity that a device is in conformity with a standard recognized under paragraph (1) unless the Secretary finds—

"(i) that the data or information submitted to support such declaration does not demonstrate that the device is in conformity with the standard identified in the declaration of conformity; or

"(ii) that the standard identified in the declaration of conformity is not applicable to the particular device under review.

"(B) The Secretary may request, at any time, the data or information relied on by the person to make a declaration of conformity with respect to a standard recognized under paragraph (1).

"(C) A person making a declaration of conformity with respect to a standard recognized under paragraph (1) shall maintain the data and information demonstrating conformity of the device to the standard for a period of two years after the date of the classification or approval of the device by the Secretary or a period equal to the expected design life of the device, whichever is longer.".

(b) SECTION 301.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

"(x) The falsification of a declaration of conformity submitted under section 514(c) or the failure or refusal to provide data or information requested by the Secretary under paragraph (3) of such section.".

(c) SECTION 501.—Section 501(e) (21 U.S.C. 351(e)) is amended—

(1) by striking "(e)" and inserting "(e)(1)"; and

(2) by inserting at the end the following:

"(2) If it is declared to be, purports to be, or is represented as, a device that is in conformity with any standard recognized under section 514(c) unless such device is in all respects in conformity with such standard.".

(d) CONFORMING AMENDMENTS.—Section 514(a) (21 U.S.C. 360d(a)) is amended—

(1) in paragraph (1), in the second sentence, by striking "under this section" and inserting "under subsection (b)";

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking "under this section" and inserting "under subsection (b)";

(3) in paragraph (3), by striking "under this section" and inserting "under subsection (b)"; and

(4) in paragraph (4), in the matter preceding subparagraph (A), by striking "this section" and inserting "this subsection and subsection (b)".

SEC. 205. SCOPE OF REVIEW; COLLABORATIVE DETERMINATIONS OF DEVICE DATA REQUIREMENTS.

(a) SECTION 513(a).—Section 513(a)(3) (21 U.S.C. 360c(a)(3)) is amended by adding at the end the following:

"(C) In making a determination of a reasonable assurance of the effectiveness of a device for which an application under section 515 has been submitted, the Secretary shall consider whether the extent of data that otherwise would be required for approval of the application with respect to effectiveness can be reduced through reliance on postmarket controls.

"(D)(i) The Secretary, upon the written request of any person intending to submit an application under section 515, shall meet with such person to determine the type of valid scientific evidence (within the meaning of subparagraphs (A) and (B)) that will be necessary to demonstrate for purposes of approval of an application the effectiveness of a device for the conditions of use proposed by such person. The written request shall include a detailed description of the device, a detailed description of the proposed conditions of use of the device, a proposed plan for determining whether there is a reasonable assurance of effectiveness, and, if available, information regarding the expected performance from the device. Within 30 days after such meeting, the Secretary shall specify in writing the type of valid scientific evidence that will provide a reasonable assurance that a device is effective under the conditions of use proposed by such person.

"(ii) Any clinical data, including one or more well-controlled investigations, specified in writing by the Secretary for demonstrating a reasonable assurance of device effectiveness shall be specified as result of a determination by the Secretary that such data are necessary to establish device effectiveness. The Secretary shall consider, in consultation with the applicant, the least burdensome appropriate means of evaluating device effectiveness that would have a reasonable likelihood of resulting in approval.

"(iii) The determination of the Secretary with respect to the specification of valid scientific evidence under clauses (i) and (ii) shall be binding upon the Secretary, unless such determination by the Secretary could be contrary to the public health.".

(b) SECTION 513(i).—Section 513(i)(1) (21 U.S.C. 360c(i)(1)) is amended by adding at the end the following:

"(C) To facilitate reviews of reports submitted to the Secretary under section 510(k), the Secretary shall consider the extent to which reliance on postmarket controls may expedite the classification of devices under subsection (f)(1) of this section.

"(D) Whenever the Secretary requests information to demonstrate that devices with differing technological characteristics are substantially equivalent, the Secretary shall only request information that is necessary to making substantial equivalence determinations. In making such request, the Secretary shall consider the least burdensome means of demonstrating substantial equivalence and request information accordingly.

"(E)(i) Any determination by the Secretary of the intended use of a device shall be based upon the proposed labeling submitted in a report for the device under section 510(k). However, when determining that a device can be found substantially equivalent to a legally marketed device, the director of the organizational unit responsible for regulating devices (in this subparagraph referred to as the 'Director') may require a statement in labeling that provides appropriate information regarding a use of the device not identified in the proposed labeling if, after providing an opportunity for consultation with the person who submitted such report, the Director determines and states in writing—

"(I) that there is a reasonable likelihood that the device will be used for an intended use not identified in the proposed labeling for the device; and

"(II) that such use could cause harm.

"(ii) Such determination shall—

"(I) be provided to the person who submitted the report within 10 days from the date of the notification of the Director's concerns regarding the proposed labeling;

"(II) specify the limitations on the use of the device not included in the proposed labeling; and

"(III) find the device substantially equivalent if the requirements of subparagraph (A) are met and if the labeling for such device conforms to the limitations specified in subclause (II).

"(iii) The responsibilities of the Director under this subparagraph may not be delegated.

"(iv) This subparagraph has no legal effect after the expiration of the five-year period beginning on the date of the enactment of the Food and Drug Administration Modernization Act of 1997.".

(c) SECTION 515(d).—Section 515(d) (21 U.S.C. 360e(d)) is amended—

(1) in paragraph (1)(A), by adding after and below clause (ii) the following:

"In making the determination whether to approve or deny the application, the Secretary shall rely on the conditions of use included in the proposed labeling as the basis for determining whether or not there is a reasonable assurance of safety and effectiveness, if the proposed labeling is neither false nor misleading. In determining whether or not such labeling is false or misleading, the Secretary shall fairly evaluate all material facts pertinent to the proposed labeling."; and

(2) by adding after paragraph (5) (as added by section 202(2)) the following:

"(6)(A)(i) A supplemental application shall be required for any change to a device subject to an approved application under this subsection that affects safety or effectiveness, unless such change is a modification in a manufacturing procedure or method of manufacturing and the holder of the approved application submits a written notice to the Secretary that describes in detail the change, summarizes the data or information supporting the change, and informs the Secretary that the change has been made under the requirements of section 520(f).

"(ii) The holder of an approved application who submits a notice under clause (i) with respect to a manufacturing change of a device may distribute the device 30 days after the date on which the Secretary receives the notice, unless the Secretary within such 30-day period notifies the holder that the notice is not adequate and describes such further information or action that is required for acceptance of such change. If the Secretary notifies the holder that a supplemental application is required, the Secretary shall review the supplement within 135 days after the receipt of the supplement. The time used by the Secretary to review the notice of the

manufacturing change shall be deducted from the 135-day review period if the notice meets appropriate content requirements for premarket approval supplements.

"(B)(i) Subject to clause (ii), in reviewing a supplement to an approved application, for an incremental change to the design of a device that affects safety or effectiveness, the Secretary shall approve such supplement if—

"(I) nonclinical data demonstrate that the design modification creates the intended additional capacity, function, or performance of the device; and

"(II) clinical data from the approved application and any supplement to the approved application provide a reasonable assurance of safety and effectiveness for the changed device.

"(ii) The Secretary may require, when necessary, additional clinical data to evaluate the design modification of the device to provide a reasonable assurance of safety and effectiveness.".

SEC. 206. PREMARKET NOTIFICATION.

(a) SECTION 510.—Section 510 (21 U.S.C. 360) is amended—

(1) in subsection (k), in the matter preceding paragraph (1), by adding after "report to the Secretary" the following: "or person who is accredited under section 523(a)"; and

(2) by adding at the end the following subsections:

"(l) A report under subsection (k) is not required for a device intended for human use that is exempted from the requirements of this subsection under subsection (m) or is within a type that has been classified into class I under section 513. The exception established in the preceding sentence does not apply to any class I device that is intended for a use which is of substantial importance in preventing impairment of human health, or to any class I device that presents a potential unreasonable risk of illness or injury.

"(m)(1) Not later than 60 days after the date of enactment of the Food and Drug Administration Modernization Act of 1997, the Secretary shall publish in the Federal Register a list of each type of class II device that does not require a report under subsection (k) to provide reasonable assurance of safety and effectiveness. Each type of class II device identified by the Secretary as not requiring the report shall be exempt from the requirement to provide a report under subsection (k) as of the date of the publication of the list in the Federal Register.

"(2) Beginning on the date that is 1 day after the date of the publication of a list under this subsection, the Secretary may exempt a class II device from the requirement to submit a report under subsection (k), upon the Secretary's own initiative or a petition of an interested person, if the Secretary determines that such report is not necessary to assure the safety and effectiveness of the device. The Secretary shall publish in the Federal Register notice of the intent of the Secretary to exempt the device, or of the petition, and provide a 30-day period for public comment. Within 120 days after the issuance of the notice in the Federal Register, the Secretary shall publish an order in the Federal Register that sets forth the final determination of the Secretary regarding the exemption of the device that was the subject of the notice. If the Secretary fails to respond to a petition within 180 days of receiving it, the petition shall be deemed to be granted.".

(b) SECTION 513(f).—Section 513(f) (21 U.S.C. 360c(f)) is amended by adding at the end the following:

"(5) The Secretary may not withhold a determination of the initial classification of a device under paragraph (1) because of a failure to comply with any provision of this Act unrelated to a substantial equivalence decision, including a finding that the facility in which the device is manufactured is not in compliance with good manufacturing requirements as set forth in regulations of the Secretary under section 520(f) (other than a finding that there is a substantial likelihood that the failure to comply with such regulations will potentially present a serious risk to human health).".

(c) SECTION 513(i).—Section 513(i)(1) (21 U.S.C. 360c(i)), as amended by section 205(b), is amended—

(1) in subparagraph (A)(ii)—

(A) in subclause (I), by striking "clinical data" and inserting "appropriate clinical or scientific data" and by inserting "or a person accredited under section 523" after "Secretary"; and

(B) in subclause (II), by striking "efficacy" and inserting "effectiveness"; and

(2) by adding at the end the following:

"(F) Not later than 270 days after the date of the enactment of the Food and Drug Administration Modernization Act of 1997, the Secretary shall issue guidance specifying the general principles that the Secretary will consider in determining when a specific intended use of a device is not reasonably included within a general use of such device for purposes of a determination of substantial equivalence under subsection (f) or section 520(l).".

SEC. 207. EVALUATION OF AUTOMATIC CLASS III DESIGNATION.

Section 513(f) (21 U.S.C. 360c(f)), as amended by section 206(b), is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking "paragraph (2)" and inserting "paragraph (3)"; and

(B) in the last sentence, by striking "paragraph (2)" and inserting "paragraph (2) or (3)";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following:

"(2)(A) Any person who submits a report under section 510(k) for a type of device that has not been previously classified under this Act, and that is classified into class III under paragraph (1), may request, within 30 days after receiving written notice of such a classification, the Secretary to classify the device under the criteria set forth in subparagraphs (A) through (C) of subsection (a)(1). The person may, in the request, recommend to the Secretary a classification for the device. Any such request shall describe the device and provide detailed information and reasons for the recommended classification.

"(B)(i) Not later than 60 days after the date of the submission of the request under subparagraph (A), the Secretary shall by written order classify the device involved. Such classification shall be the initial classification of the device for purposes of paragraph (1) and any device classified under this paragraph shall be a predicate device for determining substantial equivalence under paragraph (1).

"(ii) A device that remains in class III under this subparagraph shall be deemed to be adulterated within the meaning of section 501(f)(1)(B) until approved under section 515 or exempted from such approval under section 520(g).

"(C) Within 30 days after the issuance of an order classifying a device under this paragraph, the Secretary shall publish a notice in the Federal Register announcing such classification.".

SEC. 208. CLASSIFICATION PANELS.

Section 513(b) (21 U.S.C. 360c(b)) is amended by adding at the end the following:

"(5) Classification panels covering each type of device shall be scheduled to meet at such times as may be appropriate for the Secretary to meet applicable statutory deadlines.

"(6)(A) Any person whose device is specifically the subject of review by a classification panel shall have—

"(i) the same access to data and information submitted to a classification panel (except for data and information that are not available for public disclosure under section 552 of title 5, United States Code) as the Secretary;

"(ii) the opportunity to submit, for review by a classification panel, information that is based on the data or information provided in the application submitted under section 515 by the person, which information shall be submitted to the Secretary for prompt transmittal to the classification panel; and

"(iii) the same opportunity as the Secretary to participate in meetings of the panel.

"(B) Any meetings of a classification panel shall provide adequate time for initial presentations and for response to any differing views by persons whose devices are specifically the subject of a classification panel review, and shall encourage free and open participation by all interested persons.

"(7) After receiving from a classification panel the conclusions and recommendations of the panel on a matter that the panel has reviewed, the Secretary shall review the conclusions and recommendations, shall make a final decision on the matter in accordance with section 515(d)(2), and shall notify the affected persons of the decision in writing and, if the decision differs from the conclusions and recommendations of the panel, shall include the reasons for the difference.

"(8) A classification panel under this subsection shall not be subject to the annual chartering and annual report requirements of the Federal Advisory Committee Act.".

SEC. 209. CERTAINTY OF REVIEW TIMEFRAMES; COLLABORATIVE REVIEW PROCESS.

(a) CERTAINTY OF REVIEW TIMEFRAMES.—Section 510 (21 U.S.C. 360), as amended by section 206(a)(2), is amended by adding at the end the following subsection:

"(n) The Secretary shall review the report required in subsection (k) and make a determination under section 513(f)(1) not later than 90 days after receiving the report.".

(b) COLLABORATIVE REVIEW PROCESS.—Section 515(d) (21 U.S.C. 360e(d)), as amended by section 202(1), is amended by inserting after paragraph (2) the following:

"(3)(A)(i) The Secretary shall, upon the written request of an applicant, meet with the applicant, not later than 100 days after the receipt of an application that has been filed as complete under subsection (c), to discuss the review status of the application.

"(ii) The Secretary shall, in writing and prior to the meeting, provide to the applicant a description of any deficiencies in the application that, at that point, have been identified by the Secretary based on an interim review of the entire application and identify the information that is required to correct those deficiencies.

"(iii) The Secretary shall notify the applicant promptly of—

"(I) any additional deficiency identified in the application, or

"(II) any additional information required to achieve completion of the review and final action on the application,

that was not described as a deficiency in the written description provided by the Secretary under clause (ii).

"(B) The Secretary and the applicant may, by mutual consent, establish a different schedule for a meeting required under this paragraph.

SEC. 210. ACCREDITATION OF PERSONS FOR REVIEW OF PREMARKET NOTIFICATION REPORTS.

(a) IN GENERAL.—Subchapter A of chapter V is amended by adding at the end the following:

"SEC. 523. ACCREDITED PERSONS.

"(a) IN GENERAL.—

"(1) REVIEW AND CLASSIFICATION OF DEVICES.—Not later than 1 year after the date of

the enactment of the Food and Drug Administration Modernization Act of 1997, the Secretary shall, subject to paragraph (3), accredit persons for the purpose of reviewing reports submitted under section 510(k) and making recommendations to the Secretary regarding the initial classification of devices under section 513(f)(1).

"(2) REQUIREMENTS REGARDING REVIEW.—

"(A) IN GENERAL.—In making a recommendation to the Secretary under paragraph (1), an accredited person shall notify the Secretary in writing of the reasons for the recommendation.

"(B) TIME PERIOD FOR REVIEW.—Not later than 30 days after the date on which the Secretary is notified under subparagraph (A) by an accredited person with respect to a recommendation of an initial classification of a device, the Secretary shall make a determination with respect to the initial classification.

"(C) SPECIAL RULE.—The Secretary may change the initial classification under section 513(f)(1) that is recommended under paragraph (1) by an accredited person, and in such case shall provide to such person, and the person who submitted the report under section 510(k) for the device, a statement explaining in detail the reasons for the change.

"(3) CERTAIN DEVICES.—

"(A) IN GENERAL.—An accredited person may not be used to perform a review of—

"(i) a class III device;

"(ii) a class II device which is intended to be permanently implantable or life sustaining or life supporting; or

"(iii) a class II device which requires clinical data in the report submitted under section 510(k) for the device, except that the number of class II devices to which the Secretary applies this clause for a year, less the number of such reports to which clauses (i) and (ii) apply, may not exceed 6 percent of the number that is equal to the total number of reports submitted to the Secretary under such section for such year less the number of such reports to which such clauses apply for such year.

"(B) ADJUSTMENT.—In determining for a year the ratio described in subparagraph (A)(iii), the Secretary shall not include in the numerator class III devices that the Secretary reclassified into class II, and the Secretary shall include in the denominator class II devices for which reports under section 510(k) were not required to be submitted by reason of the operation of section 510(m).

"(b) ACCREDITATION.—

"(1) PROGRAMS.—The Secretary shall provide for such accreditation through programs administered by the Food and Drug Administration, other government agencies, or by other qualified nongovernment organizations.

"(2) ACCREDITATION.—

"(A) IN GENERAL.—Not later than 180 days after the date of the enactment of the Food and Drug Administration Modernization Act of 1997, the Secretary shall establish and publish in the Federal Register criteria to accredit or deny accreditation to persons who request to perform the duties specified in subsection (a). The Secretary shall respond to a request for accreditation within 60 days of the receipt of the request. The accreditation of such person shall specify the particular activities under subsection (a) for which such person is accredited.

"(B) WITHDRAWAL OF ACCREDITATION.—The Secretary may suspend or withdraw accreditation of any person accredited under this paragraph, after providing notice and an opportunity for an informal hearing, when such person is substantially not in compliance with the requirements of this section or poses a threat to public health or fails to act in a manner that is consistent with the purposes of this section.

"(C) PERFORMANCE AUDITING.—To ensure that persons accredited under this section will continue to meet the standards of accreditation, the Secretary shall—

"(i) make onsite visits on a periodic basis to each accredited person to audit the performance of such person; and

"(ii) take such additional measures as the Secretary determines to be appropriate.

"(D) ANNUAL REPORT.—The Secretary shall include in the annual report required under section 903(g) the names of all accredited persons and the particular activities under subsection (a) for which each such person is accredited and the name of each accredited person whose accreditation has been withdrawn during the year.

"(3) QUALIFICATIONS.—An accredited person shall, at a minimum, meet the following requirements:

"(A) Such person may not be an employee of the Federal Government.

"(B) Such person shall be an independent organization which is not owned or controlled by a manufacturer, supplier, or vendor of devices and which has no organizational, material, or financial affiliation with such a manufacturer, supplier, or vendor.

"(C) Such person shall be a legally constituted entity permitted to conduct the activities for which it seeks accreditation.

"(D) Such person shall not engage in the design, manufacture, promotion, or sale of devices.

"(E) The operations of such person shall be in accordance with generally accepted professional and ethical business practices and shall agree in writing that as a minimum it will—

"(i) certify that reported information accurately reflects data reviewed;

"(ii) limit work to that for which competence and capacity are available;

"(iii) treat information received, records, reports, and recommendations as proprietary information;

"(iv) promptly respond and attempt to resolve complaints regarding its activities for which it is accredited; and

"(v) protect against the use, in carrying out subsection (a) with respect to a device, of any officer or employee of the person who has a financial conflict of interest regarding the device, and annually make available to the public disclosures of the extent to which the person, and the officers and employees of the person, have maintained compliance with requirements under this clause relating to financial conflicts of interest.

"(4) SELECTION OF ACCREDITED PERSONS.—The Secretary shall provide each person who chooses to use an accredited person to receive a section 510(k) report a panel of at least two or more accredited persons from which the regulated person may select one for a specific regulatory function.

"(5) COMPENSATION OF ACCREDITED PERSONS.—Compensation for an accredited person shall be determined by agreement between the accredited person and the person who engages the services of the accredited person, and shall be paid by the person who engages such services.

"(c) DURATION.—The authority provided by this section terminates—

"(1) 5 years after the date on which the Secretary notifies Congress that at least 2 persons accredited under subsection (b) are available to review at least 60 percent of the submissions under section 510(k), or

"(2) 4 years after the date on which the Secretary notifies Congress that the Secretary has made a determination described in paragraph (2)(B) of subsection (a) for at least 35 percent of the devices that are subject to review under paragraph (1) of such subsection, whichever occurs first.".

(b) RECORDKEEPING.—Section 704 (21 U.S.C. 374) is amended by adding at the end the following:

"(f)(1) A person accredited under section 523 to review reports made under section 510(k) and make recommendations of initial classifications of devices to the Secretary shall maintain records documenting the training qualifications of the person and the employees of the person, the procedures used by the person for handling confidential information, the compensation arrangements made by the person, and the procedures used by the person to identify and avoid conflicts of interest. Upon the request of an officer or employee designated by the Secretary, the person shall permit the officer or employee, at all reasonable times, to have access to, to copy, and to verify, the records.

"(2) Within 15 days after the receipt of a written request from the Secretary to a person accredited under section 523 for copies of records described in paragraph (1), the person shall produce the copies of the records at the place designated by the Secretary.".

(c) CONFORMING AMENDMENT.—Section 301 (21 U.S.C. 331), as amended by section 204(b), is amended by adding at the end the following:

"(y) In the case of a drug, device, or food—

"(1) the submission of a report or recommendation by a person accredited under section 523 that is false or misleading in any material respect;

"(2) the disclosure by a person accredited under section 523 of confidential commercial information or any trade secret without the express written consent of the person who submitted such information or secret to such person; or

"(3) the receipt by a person accredited under section 523 of a bribe in any form or the doing of any corrupt act by such person associated with a responsibility delegated to such person under this Act.".

(d) REPORTS ON PROGRAM OF ACCREDITATION.—

(1) COMPTROLLER GENERAL.—

(A) IMPLEMENTATION OF PROGRAM.—Not later than 5 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report describing the extent to which the program of accreditation required by the amendment made by subsection (a) has been implemented.

(B) EVALUATION OF PROGRAM.—Not later than 6 months prior to the date on which, pursuant to subsection (c) of section 523 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a), the authority provided under subsection (a) of such section will terminate, the Comptroller General shall submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report describing the use of accredited persons under such section 523, including an evaluation of the extent to which such use assisted the Secretary in carrying out the duties of the Secretary under such Act with respect to devices, and the extent to which such use promoted actions which are contrary to the purposes of such Act.

(2) INCLUSION OF CERTAIN DEVICES WITHIN PROGRAM.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report providing a determination by the Secretary of whether, in the program of accreditation established pursuant to the amendment made by subsection (a), the limitation established in clause (iii) of section 523(a)(3)(A) of the Federal Food, Drug, and Cosmetic Act (relating to class II devices for which clinical data are required in reports under section 510(k)) should be removed.

SEC. 211. DEVICE TRACKING.

Effective 90 days after the date of the enactment of this Act, section 519(e) (21 U.S.C. 360i(e)) is amended to read as follows:

"Device Tracking

"(e)(1) The Secretary may by order require a manufacturer to adopt a method of tracking a class II or class III device—

"(A) the failure of which would be reasonably likely to have serious adverse health consequences; or

"(B) which is—

"(i) intended to be implanted in the human body for more than one year, or

"(ii) a life sustaining or life supporting device used outside a device user facility.

"(2) Any patient receiving a device subject to tracking under paragraph (1) may refuse to release, or refuse permission to release, the patient's name, address, social security number, or other identifying information for the purpose of tracking.".

SEC. 212. POSTMARKET SURVEILLANCE.

Effective 90 days after the date of the enactment of this Act, section 522 (21 U.S.C. 360l) is amended to read as follows:

"POSTMARKET SURVEILLANCE

"SEC. 522. (a) IN GENERAL.—The Secretary may by order require a manufacturer to conduct postmarket surveillance for any device of the manufacturer which is a class II or class III device the failure of which would be reasonably likely to have serious adverse health consequences or which is intended to be—

"(1) implanted in the human body for more than one year, or

"(2) a life sustaining or life supporting device used outside a device user facility.

"(b) SURVEILLANCE APPROVAL.—Each manufacturer required to conduct a surveillance of a device shall, within 30 days of receiving an order from the Secretary prescribing that the manufacturer is required under this section to conduct such surveillance, submit, for the approval of the Secretary, a plan for the required surveillance. The Secretary, within 60 days of the receipt of such plan, shall determine if the person designated to conduct the surveillance has appropriate qualifications and experience to undertake such surveillance and if the plan will result in the collection of useful data that can reveal unforeseen adverse events or other information necessary to protect the public health. The Secretary, in consultation with the manufacturer, may by order require a prospective surveillance period of up to 36 months. Any determination by the Secretary that a longer period is necessary shall be made by mutual agreement between the Secretary and the manufacturer or, if no agreement can be reached, after the completion of a dispute resolution process as described in section 562.".

SEC. 213. REPORTS.

(a) REPORTS.—Section 519 (21 U.S.C. 360i) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "manufacturer, importer, or distributor" and inserting "manufacturer or importer";

(B) in paragraph (4), by striking "manufacturer, importer, or distributor" and inserting "manufacturer or importer";

(C) in paragraph (7), by adding "and" after the semicolon at the end;

(D) in paragraph (8)—

(i) by striking "manufacturer, importer, or distributor" each place such term appears and inserting "manufacturer or importer"; and

(ii) by striking the semicolon at the end and inserting a period;

(E) by striking paragraph (9); and

(F) by inserting at the end the following sentence: "The Secretary shall by regulation require distributors to keep records and make such records available to the Secretary upon request. Paragraphs (4) and (8) apply to distributors to the same extent and in the same manner as such paragraphs apply to manufacturers and importers.";

(2) by striking subsection (d); and

(3) in subsection (f), by striking ", importer, or distributor" each place it appears and inserting "or importer".

(b) REGISTRATION.—Section 510(g) (21 U.S.C. 360(g)) is amended—

(1) by redesignating paragraph (4) as paragraph (5);

(2) by inserting after paragraph (3) the following:

"(4) any distributor who acts as a wholesale distributor of devices, and who does not manufacture, repackage, process, or relabel a device; or"; and

(3) by adding at the end the following flush sentence:

"In this subsection, the term 'wholesale distributor' means any person (other than the manufacturer or the initial importer) who distributes a device from the original place of manufacture to the person who makes the final delivery or sale of the device to the ultimate consumer or user.".

(c) DEVICE USER FACILITIES.—

(1) IN GENERAL.—Section 519(b) (21 U.S.C. 360i(b)) is amended—

(A) in paragraph (1)(C)—

(i) in the first sentence, by striking "a semiannual basis" and inserting "an annual basis";

(ii) in the second sentence, by striking "and July 1"; and

(iii) by striking the matter after and below clause (iv); and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting "or" after the comma at the end;

(ii) in subparagraph (B), by striking ", or" at the end and inserting a period; and

(iii) by striking subparagraph (C).

(2) SENTINEL SYSTEM.—Section 519(b) (21 U.S.C. 360i(b)) is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following paragraph:

"(5) With respect to device user facilities:

"(A) The Secretary shall by regulation plan and implement a program under which the Secretary limits user reporting under paragraphs (1) through (4) to a subset of user facilities that constitutes a representative profile of user reports for device deaths and serious illnesses or serious injuries.

"(B) During the period of planning the program under subparagraph (A), paragraphs (1) through (4) continue to apply.

"(C) During the period in which the Secretary is providing for a transition to the full implementation of the program, paragraphs (1) through (4) apply except to the extent that the Secretary determines otherwise.

"(D) On and after the date on which the program is fully implemented, paragraphs (1) through (4) do not apply to a user facility unless the facility is included in the subset referred to in subparagraph (A).

"(E) Not later than 2 years after the date of the enactment of the Food and Drug Administration Modernization Act of 1997, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the plan developed by the Secretary under subparagraph (A) and the progress that has been made toward the implementation of the plan.".

SEC. 214. PRACTICE OF MEDICINE.

Chapter IX is amended by adding at the end the following:

"SEC. 906. PRACTICE OF MEDICINE.

"Nothing in this Act shall be construed to limit or interfere with the authority of a health care practitioner to prescribe or administer any legally marketed device to a patient for any condition or disease within a legitimate health care practitioner-patient relationship. This section shall not limit any existing authority of the Secretary to establish and enforce restrictions on the sale or distribution, or in the labeling, of a device that are part of a determination of substantial equivalence, established as a condition of approval, or promulgated through regulations. Further, this section shall not change any existing prohibition on the promotion of unapproved uses of legally marketed devices.".

SEC. 215. NONINVASIVE BLOOD GLUCOSE METER.

(a) FINDINGS.—The Congress finds that—

(1) diabetes and its complications are a leading cause of death by disease in America;

(2) diabetes affects approximately 16,000,000 Americans and another 650,000 will be diagnosed in 1997;

(3) the total health care-related costs of diabetes total nearly $100,000,000,000 per year;

(4) diabetes is a disease that is managed and controlled on a daily basis by the patient;

(5) the failure to properly control and manage diabetes results in costly and often fatal complications including but not limited to blindness, coronary artery disease, and kidney failure;

(6) blood testing devices are a critical tool for the control and management of diabetes, and existing blood testing devices require repeated piercing of the skin;

(7) the pain associated with existing blood testing devices creates a disincentive for people with diabetes to test blood glucose levels, particularly children;

(8) a safe and effective noninvasive blood glucose meter would likely improve control and management of diabetes by increasing the number of tests conducted by people with diabetes, particularly children; and

(9) the Food and Drug Administration is responsible for reviewing all applications for new medical devices in the United States.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the availability of a safe, effective, noninvasive blood glucose meter would greatly enhance the health and well-being of all people with diabetes across America and the world.

SEC. 216. USE OF DATA RELATING TO PREMARKET APPROVAL; PRODUCT DEVELOPMENT PROTOCOL.

(a) USE OF DATA RELATING TO PREMARKET APPROVAL.—

(1) IN GENERAL.—Section 520(h)(4) (21 U.S.C. 360j(h)(4)) is amended to read as follows:

"(4)(A) Any information contained in an application for premarket approval filed with the Secretary pursuant to section 515(c) (including information from clinical and preclinical tests or studies that demonstrate the safety and effectiveness of a device, but excluding descriptions of methods of manufacture and product composition and other trade secrets) shall be available, 6 years after the application has been approved by the Secretary, for use by the Secretary in—

"(i) approving another device;

"(ii) determining whether a product development protocol has been completed, under section 515 for another device;

"(iii) establishing a performance standard or special control under this Act; or

"(iv) classifying or reclassifying another device under section 513 and subsection (l)(2).

"(B) The publicly available detailed summaries of information respecting the safety and effectiveness of devices required by paragraph (1)(A) shall be available for use by the Secretary as the evidentiary basis for the agency actions described in subparagraph (A).".

(2) CONFORMING AMENDMENTS.—Section 517(a) (21 U.S.C. 360g(a)) is amended—

(A) in paragraph (8), by adding "or" at the end;

(B) in paragraph (9), by striking ", or" and inserting a comma; and

(C) by striking paragraph (10).

(b) PRODUCT DEVELOPMENT PROTOCOL.—Section 515(f)(2) (21 U.S.C. 360e(f)(2)) is amended by striking "he shall" and all that follows and inserting the following: "the Secretary—

"(A) may, at the initiative of the Secretary, refer the proposed protocol to the appropriate panel under section 513 for its recommendation respecting approval of the protocol; or

"(B) shall so refer such protocol upon the request of the submitter, unless the Secretary finds that the proposed protocol and accompanying data which would be reviewed by such panel substantially duplicate a product development protocol and accompanying data which have previously been reviewed by such a panel.".

SEC. 217. CLARIFICATION OF THE NUMBER OF REQUIRED CLINICAL INVESTIGATIONS FOR APPROVAL.

Section 513(a)(3)(A) (21 U.S.C. 360c(a)(3)(A)) is amended by striking "clinical investigations" and inserting "1 or more clinical investigations".

TITLE III—IMPROVING REGULATION OF FOOD

SEC. 301. FLEXIBILITY FOR REGULATIONS REGARDING CLAIMS.

Section 403(r) (21 U.S.C. 343(r)) is amended by adding at the end the following:

"(7) The Secretary may make proposed regulations issued under this paragraph effective upon publication pending consideration of public comment and publication of a final regulation if the Secretary determines that such action is necessary—

"(A) to enable the Secretary to review and act promptly on petitions the Secretary determines provide for information necessary to—

"(i) enable consumers to develop and maintain healthy dietary practices;

"(ii) enable consumers to be informed promptly and effectively of important new knowledge regarding nutritional and health benefits of food; or

"(iii) ensure that scientifically sound nutritional and health information is provided to consumers as soon as possible; or

"(B) to enable the Secretary to act promptly to ban or modify a claim under this paragraph.

Such proposed regulations shall be deemed final agency action for purposes of judicial review.".

SEC. 302. PETITIONS FOR CLAIMS.

Section 403(r)(4)(A)(i) (21 U.S.C. 343(r)(4)(A)(i)) is amended—

(1) by adding after the second sentence the following: "If the Secretary does not act within such 100 days, the petition shall be deemed to be denied unless an extension is mutually agreed upon by the Secretary and the petitioner.";

(2) in the fourth sentence (as amended by paragraph (1)) by inserting immediately before the comma the following: "or the petition is deemed to be denied"; and

(3) by adding at the end the following: "If the Secretary does not act within such 90 days, the petition shall be deemed to be denied unless an extension is mutually agreed upon by the Secretary and the petitioner. If the Secretary issues a proposed regulation, the rulemaking shall be completed within 540 days of the date the petition is received by the Secretary. If the Secretary does not issue a regulation within such 540 days, the Secretary shall provide the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate the reasons action on the regulation did not occur within such 540 days.".

SEC. 303. HEALTH CLAIMS FOR FOOD PRODUCTS.

Section 403(r)(3) (21 U.S.C. 343(r)(3)) is amended by adding at the end thereof the following:

"(C) Notwithstanding the provisions of clauses (A)(i) and (B), a claim of the type described in subparagraph (1)(B) which is not authorized by the Secretary in a regulation promulgated in accordance with clause (B) shall be authorized and may be made with respect to a food if—

"(i) a scientific body of the United States Government with official responsibility for public health protection or research directly relating to human nutrition (such as the National Institutes of Health or the Centers for Disease Control and Prevention) or the National Academy of Sciences or any of its subdivisions has published an authoritative statement, which is currently in effect, about the relationship between a nutrient and a disease or health-related condition to which the claim refers;

"(ii) a person has submitted to the Secretary, at least 120 days (during which the Secretary may notify any person who is making a claim as authorized by clause (C) that such person has not submitted all the information required by such clause) before the first introduction into interstate commerce of the food with a label containing the claim, (I) a notice of the claim, which shall include the exact words used in the claim and shall include a concise description of the basis upon which such person relied for determining that the requirements of subclause (i) have been satisfied, (II) a copy of the statement referred to in subclause (i) upon which such person relied in making the claim, and (III) a balanced representation of the scientific literature relating to the relationship between a nutrient and a disease or health-related condition to which the claim refers;

"(iii) the claim and the food for which the claim is made are in compliance with clause (A)(ii) and are otherwise in compliance with paragraph (a) and section 201(n); and

"(iv) the claim is stated in a manner so that the claim is an accurate representation of the authoritative statement referred to in subclause (i) and so that the claim enables the public to comprehend the information provided in the claim and to understand the relative significance of such information in the context of a total daily diet.

For purposes of this clause, a statement shall be regarded as an authoritative statement of a scientific body described in subclause (i) only if the statement is published by the scientific body and shall not include a statement of an employee of the scientific body made in the individual capacity of the employee.

"(D) A claim submitted under the requirements of clause (C) may be made until—

"(i) such time as the Secretary issues a regulation under the standard in clause (B)(i)—

"(I) prohibiting or modifying the claim and the regulation has become effective, or

"(II) finding that the requirements of clause (C) have not been met, including finding that the petitioner has not submitted all the information required by such clause; or

"(ii) a district court of the United States in an enforcement proceeding under chapter III has determined that the requirements of clause (C) have not been met.".

SEC. 304. NUTRIENT CONTENT CLAIMS.

Section 403(r)(2) (21 U.S.C. 343(r)(2)) is amended by adding at the end the following:

"(G) A claim of the type described in subparagraph (1)(A) for a nutrient, for which the Secretary has not promulgated a regulation under clause (A)(i), shall be authorized and may be made with respect to a food if—

"(i) a scientific body of the United States Government with official responsibility for public health protection or research directly relating to human nutrition (such as the National Institutes of Health or the Centers for Disease Control and Prevention) or the National Academy of Sciences or any of its subdivisions has published an authoritative statement, which is currently in effect, which identifies the nutrient level to which the claim refers;

"(ii) a person has submitted to the Secretary, at least 120 days (during which the Secretary may notify any person who is making a claim as authorized by clause (C) that such person has not submitted all the information required by such clause) before the first introduction into interstate commerce of the food with a label containing the claim, (I) a notice of the claim, which shall include the exact words used in the claim and shall include a concise description of the basis upon which such person relied for determining that the requirements of subclause (i) have been satisfied, (II) a copy of the statement referred to in subclause (i) upon which such person relied in making the claim, and (III) a balanced representation of the scientific literature relating to the nutrient level to which the claim refers;

"(iii) the claim and the food for which the claim is made are in compliance with clauses (A) and (B), and are otherwise in compliance with paragraph (a) and section 201(n); and

"(iv) the claim is stated in a manner so that the claim is an accurate representation of the authoritative statement referred to in subclause (i) and so that the claim enables the public to comprehend the information provided in the claim and to understand the relative significance of such information in the context of a total daily diet.

For purposes of this clause, a statement shall be regarded as an authoritative statement of a scientific body described in subclause (i) only if the statement is published by the scientific body and shall not include a statement of an employee of the scientific body made in the individual capacity of the employee.

"(H) A claim submitted under the requirements of clause (G) may be made until—

"(i) such time as the Secretary issues a regulation—

"(I) prohibiting or modifying the claim and the regulation has become effective, or

"(II) finding that the requirements of clause (G) have not been met, including finding that the petitioner had not submitted all the information required by such clause; or

"(ii) a district court of the United States in an enforcement proceeding under chapter III has determined that the requirements of clause (G) have not been met.".

SEC. 305. REFERRAL STATEMENTS.

Section 403(r)(2)(B) (21 U.S.C. 343(r)(2)(B)) is amended to read as follows:

"(B) If a claim described in subparagraph (1)(A) is made with respect to a nutrient in a food and the Secretary makes a determination that the food contains a nutrient at a level that increases to persons in the general population the risk of a disease or health-related condition that is diet related, the label or labeling of such food shall contain, prominently and in immediate proximity to such claim, the following statement: 'See nutrition information for ____ content.' The blank shall identify the nutrient associated with the increased disease or health-related condition risk. In making the determination described in this clause, the Secretary shall take into account the significance of the food in the total daily diet.".

SEC. 306. DISCLOSURE OF IRRADIATION.

Chapter IV (21 U.S.C. 341 et seq.) is amended by inserting after section 403B the following:

"DISCLOSURE

"SEC. 403C. (a) No provision of section 201(n), 403(a), or 409 shall be construed to require on

the label or labeling of a food a separate radiation disclosure statement that is more prominent than the declaration of ingredients required by section 403(i)(2).

"(b) In this section, the term 'radiation disclosure statement' means a written statement that discloses that a food has been intentionally subject to radiation.".

SEC. 307. IRRADIATION PETITION.

Not later than 60 days following the date of the enactment of this Act, the Secretary of Health and Human Services shall make a final determination on any petition pending with the Food and Drug Administration that would permit the irradiation of red meat under section 409(b)(1) of the Federal Food, Drug, and Cosmetic Act. If the Secretary does not make such determination, the Secretary shall, not later than 60 days following the date of the enactment of this Act, provide the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate an explanation of the process followed by the Food and Drug Administration in reviewing the petition referred to in paragraph (1) and the reasons action on the petition was delayed.

SEC. 308. GLASS AND CERAMIC WARE.

(a) IN GENERAL.—The Secretary may not implement any requirement which would ban, as an unapproved food additive, lead and cadmium based enamel in the lip and rim area of glass and ceramic ware before the expiration of one year after the date such requirement is published.

(b) LEAD AND CADMIUM BASED ENAMEL.—Unless the Secretary determines, based on available data, that lead and cadmium based enamel on glass and ceramic ware—

(1) which has less than 60 millimeters of decorating area below the external rim, and

(2) which is not, by design, representation, or custom of usage intended for use by children, is unsafe, the Secretary shall not take any action before January 1, 2003, to ban lead and cadmium based enamel on such glass and ceramic ware. Any action taken after January 1, 2003, to ban such enamel on such glass and ceramic ware as an unapproved food additive shall be taken by regulation and such regulation shall provide that such products shall not be removed from the market before 1 year after publication of the final regulation.

SEC. 309. FOOD CONTACT SUBSTANCES.

(a) FOOD CONTACT SUBSTANCES.—Section 409(a) (21 U.S.C. 348(a)) is amended—

(1) in paragraph (1)—

(A) by striking "subsection (i)" and inserting "subsection (j)"; and

(B) by striking at the end "or";

(2) by striking the period at the end of paragraph (2) and inserting "; or";

(3) by inserting after paragraph (2) the following:

"(3) in the case of a food additive as defined in this Act that is a food contact substance, there is—

"(A) in effect, and such substance and the use of such substance are in conformity with, a regulation issued under this section prescribing the conditions under which such additive may be safely used; or

"(B) a notification submitted under subsection (h) that is effective."; and

(4) by striking the matter following paragraph (3) (as added by paragraph (3)) and inserting the following flush sentence:

"While such a regulation relating to a food additive, or such a notification under subsection (h)(1) relating to a food additive that is a food contact substance, is in effect, and has not been revoked pursuant to subsection (i), a food shall not, by reason of bearing or containing such a food additive in accordance with the regulation or notification, be considered adulterated under section 402(a)(1).".

(b) NOTIFICATION FOR FOOD CONTACT SUBSTANCES.—Section 409 (21 U.S.C. 348), as amended by subsection (a), is further amended—

(1) by redesignating subsections (h) and (i), as subsections (i) and (j), respectively;

(2) by inserting after subsection (g) the following:

"Notification Relating to a Food Contact Substance

"(h)(1) Subject to such regulations as may be promulgated under paragraph (3), a manufacturer or supplier of a food contact substance may, at least 120 days prior to the introduction or delivery for introduction into interstate commerce of the food contact substance, notify the Secretary of the identity and intended use of the food contact substance, and of the determination of the manufacturer or supplier that the intended use of such food contact substance is safe under the standard described in subsection (c)(3)(A). The notification shall contain the information that forms the basis of the determination and all information required to be submitted by regulations promulgated by the Secretary.

"(2)(A) A notification submitted under paragraph (1) shall become effective 120 days after the date of receipt by the Secretary and the food contact substance may be introduced or delivered for introduction into interstate commerce, unless the Secretary makes a determination within the 120-day period that, based on the data and information before the Secretary, such use of the food contact substance has not been shown to be safe under the standard described in subsection (c)(3)(A), and informs the manufacturer or supplier of such determination.

"(B) A decision by the Secretary to object to a notification shall constitute final agency action subject to judicial review.

"(C) In this paragraph, the term 'food contact substance' means the substance that is the subject of a notification submitted under paragraph (1), and does not include a similar or identical substance manufactured or prepared by a person other than the manufacturer identified in the notification.

"(3)(A) The process in this subsection shall be utilized for authorizing the marketing of a food contact substance except where the Secretary determines that submission and review of a petition under subsection (b) is necessary to provide adequate assurance of safety, or where the Secretary and any manufacturer or supplier agree that such manufacturer or supplier may submit a petition under subsection (b).

"(B) The Secretary is authorized to promulgate regulations to identify the circumstances in which a petition shall be filed under subsection (b), and shall consider criteria such as the probable consumption of such food contact substance and potential toxicity of the food contact substance in determining the circumstances in which a petition shall be filed under subsection (b).

"(4) The Secretary shall keep confidential any information provided in a notification under paragraph (1) for 120 days after receipt by the Secretary of the notification. After the expiration of such 120 days, the information shall be available to any interested party except for any matter in the notification that is a trade secret or confidential commercial information.

"(5)(A)(i) Except as provided in clause (ii), the notification program established under this subsection shall not operate in any fiscal year unless—

"(I) an appropriation equal to or exceeding the applicable amount under clause (iv) is made for such fiscal year for carrying out such program in such fiscal year; and

"(II) the Secretary certifies that the amount appropriated for such fiscal year for the Center for Food Safety and Applied Nutrition of the Food and Drug Administration (exclusive of the appropriation referred to in subclause (I)) equals or exceeds the amount appropriated for the Center for fiscal year 1997, excluding any amount appropriated for new programs.

"(ii) The Secretary shall, not later than April 1, 1999, begin accepting and reviewing notifications submitted under the notification program established under this subsection if—

"(I) an appropriation equal to or exceeding the applicable amount under clause (iii) is made for the last six months of fiscal year 1999 for carrying out such program during such period; and

"(II) the Secretary certifies that the amount appropriated for such period for the Center for Food Safety and Applied Nutrition of the Food and Drug Administration (exclusive of the appropriation referred to in subclause (I)) equals or exceeds an amount equivalent to one-half the amount appropriated for the Center for fiscal year 1997, excluding any amount appropriated for new programs.

"(iii) For the last six months of fiscal year 1999, the applicable amount under this clause is $1,500,000, or the amount specified in the budget request of the President for the six-month period involved for carrying out the notification program in fiscal year 1999, whichever is less.

"(iv) For fiscal year 2000 and subsequent fiscal years, the applicable amount under this clause is $3,000,000, or the amount specified in the budget request of the President for the fiscal year involved for carrying out the notification program under this subsection, whichever is less.

"(B) For purposes of carrying out the notification program under this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1999 through fiscal year 2003, except that such authorization of appropriations is not effective for a fiscal year for any amount that is less than the applicable amount under clause (iii) or (iv) of subparagraph (A), whichever is applicable.

"(C) Not later than April 1 of fiscal year 1998 and February 1 of each subsequent fiscal year, the Secretary shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate that provides an estimate of the Secretary of the costs of carrying out the notification program established under this subsection for the next fiscal year.

"(6) In this section, the term 'food contact substance' means any substance intended for use as a component of materials used in manufacturing, packing, packaging, transporting, or holding food if such use is not intended to have any technical effect in such food.";

(3) in subsection (i), as so redesignated by paragraph (1), by adding at the end the following: "The Secretary shall by regulation prescribe the procedure by which the Secretary may deem a notification under subsection (h) to no longer be effective."; and

(4) in subsection (j), as so redesignated by paragraph (1), by striking "subsections (b) to (h)" and inserting "subsections (b) to (i)".

TITLE IV—GENERAL PROVISIONS

SEC. 401. DISSEMINATION OF INFORMATION ON NEW USES.

(a) IN GENERAL.—Chapter V (21 U.S.C. 351 et seq.) is amended by inserting after subchapter C the following:

"SUBCHAPTER D—DISSEMINATION OF TREATMENT INFORMATION

"SEC. 551. REQUIREMENTS FOR DISSEMINATION OF TREATMENT INFORMATION ON DRUGS OR DEVICES.

"(a) IN GENERAL.—Notwithstanding sections 301(d), 502(f), and 505, and section 351 of the Public Health Service Act (42 U.S.C. 262), a manufacturer may disseminate to—

"(1) a health care practitioner;

"(2) a pharmacy benefit manager;

"(3) a health insurance issuer;

"(4) a group health plan; or

"(5) a Federal or State governmental agency;

written information concerning the safety, effectiveness, or benefit of a use not described in the approved labeling of a drug or device if the manufacturer meets the requirements of subsection (b).

"(b) SPECIFIC REQUIREMENTS.—A manufacturer may disseminate information under subsection (a) on a new use only if—

"(1)(A) in the case of drug, there is in effect for the drug an application filed under subsection (b) or (j) of section 505 or a biologics license issued under section 351 of the Public Health Service Act; or

"(B) in the case of a device, the device is being commercially distributed in accordance with a regulation under subsection (d) or (e) of section 513, an order under subsection (f) of such section, or the approval of an application under section 515;

"(2) the information meets the requirements of section 552;

"(3) the information to be disseminated is not derived from clinical research conducted by another manufacturer or if it was derived from research conducted by another manufacturer, the manufacturer disseminating the information has the permission of such other manufacturer to make the dissemination;

"(4) the manufacturer has, 60 days before such dissemination, submitted to the Secretary—

"(A) a copy of the information to be disseminated; and

"(B) any clinical trial information the manufacturer has relating to the safety or effectiveness of the new use, any reports of clinical experience pertinent to the safety of the new use, and a summary of such information;

"(5) the manufacturer has complied with the requirements of section 554 (relating to a supplemental application for such use);

"(6) the manufacturer includes along with the information to be disseminated under this subsection—

"(A) a prominently displayed statement that discloses—

"(i) that the information concerns a use of a drug or device that has not been approved or cleared by the Food and Drug Administration;

"(ii) if applicable, that the information is being disseminated at the expense of the manufacturer;

"(iii) if applicable, the name of any authors of the information who are employees of, consultants to, or have received compensation from, the manufacturer, or who have a significant financial interest in the manufacturer;

"(iv) the official labeling for the drug or device and all updates with respect to the labeling;

"(v) if applicable, a statement that there are products or treatments that have been approved or cleared for the use that is the subject of the information being disseminated pursuant to subsection (a)(1); and

"(vi) the identification of any person that has provided funding for the conduct of a study relating to the new use of a drug or device for which such information is being disseminated; and

"(B) a bibliography of other articles from a scientific reference publication or scientific or medical journal that have been previously published about the use of the drug or device covered by the information disseminated (unless the information already includes such bibliography).

"(c) ADDITIONAL INFORMATION.—If the Secretary determines, after providing notice of such determination and an opportunity for a meeting with respect to such determination, that the information submitted by a manufacturer under subsection (b)(3)(B), with respect to the use of a drug or device for which the manufacturer intends to disseminate information, fails to provide data, analyses, or other written matter that is objective and balanced, the Secretary may require the manufacturer to disseminate—

"(1) additional objective and scientifically sound information that pertains to the safety or effectiveness of the use and is necessary to provide objectivity and balance, including any information that the manufacturer has submitted to the Secretary or, where appropriate, a summary of such information or any other information that the Secretary has authority to make available to the public; and

"(2) an objective statement of the Secretary, based on data or other scientifically sound information available to the Secretary, that bears on the safety or effectiveness of the new use of the drug or device.

"SEC. 552. INFORMATION AUTHORIZED TO BE DISSEMINATED.

"(a) AUTHORIZED INFORMATION.—A manufacturer may disseminate information under section 551 on a new use only if the information—

"(1) is in the form of an unabridged—

"(A) reprint or copy of an article, peer-reviewed by experts qualified by scientific training or experience to evaluate the safety or effectiveness of the drug or device involved, which was published in a scientific or medical journal (as defined in section 556(5)), which is about a clinical investigation with respect to the drug or device, and which would be considered to be scientifically sound by such experts; or

"(B) reference publication, described in subsection (b), that includes information about a clinical investigation with respect to the drug or device that would be considered to be scientifically sound by experts qualified by scientific training or experience to evaluate the safety or effectiveness of the drug or device that is the subject of such a clinical investigation; and

"(2) is not false or misleading and would not pose a significant risk to the public health.

"(b) REFERENCE PUBLICATION.—A reference publication referred to in subsection (a)(1)(B) is a publication that—

"(1) has not been written, edited, excerpted, or published specifically for, or at the request of, a manufacturer of a drug or device;

"(2) has not been edited or significantly influenced by a such a manufacturer;

"(3) is not solely distributed through such a manufacturer but is generally available in bookstores or other distribution channels where medical textbooks are sold;

"(4) does not focus on any particular drug or device of a manufacturer that disseminates information under section 551 and does not have a primary focus on new uses of drugs or devices that are marketed or under investigation by a manufacturer supporting the dissemination of information; and

"(5) presents materials that are not false or misleading.

"SEC. 553. ESTABLISHMENT OF LIST OF ARTICLES AND PUBLICATIONS DISSEMINATED AND LIST OF PROVIDERS THAT RECEIVED ARTICLES AND REFERENCE PUBLICATIONS.

"(a) IN GENERAL.—A manufacturer may disseminate information under section 551 on a new use only if the manufacturer prepares and submits to the Secretary biannually—

"(1) a list containing the titles of the articles and reference publications relating to the new use of drugs or devices that were disseminated by the manufacturer to a person described in section 551(a) for the 6-month period preceding the date on which the manufacturer submits the list to the Secretary; and

"(2) a list that identifies the categories of providers (as described in section 551(a)) that received the articles and reference publications for the 6-month period described in paragraph (1).

"(b) RECORDS.—A manufacturer that disseminates information under section 551 shall keep records that may be used by the manufacturer when, pursuant to section 555, such manufacturer is required to take corrective action and shall be made available to the Secretary, upon request, for purposes of ensuring or taking corrective action pursuant to such section. Such records, at the Secretary's discretion, may identify the recipient of information provided pursuant to section 551 or the categories of such recipients.

"SEC. 554. REQUIREMENT REGARDING SUBMISSION OF SUPPLEMENTAL APPLICATION FOR NEW USE; EXEMPTION FROM REQUIREMENT.

"(a) IN GENERAL.—A manufacturer may disseminate information under section 551 on a new use only if—

"(1)(A) the manufacturer has submitted to the Secretary a supplemental application for such use; or

"(B) the manufacturer meets the condition described in subsection (b) or (c) (relating to a certification that the manufacturer will submit such an application); or

"(2) there is in effect for the manufacturer an exemption under subsection (d) from the requirement of paragraph (1).

"(b) CERTIFICATION ON SUPPLEMENTAL APPLICATION; CONDITION IN CASE OF COMPLETED STUDIES.—For purposes of subsection (a)(1)(B), a manufacturer may disseminate information on a new use if the manufacturer has submitted to the Secretary an application containing a certification that—

"(1) the studies needed for the submission of a supplemental application for the new use have been completed; and

"(2) the supplemental application will be submitted to the Secretary not later than 6 months after the date of the initial dissemination of information under section 551.

"(c) CERTIFICATION ON SUPPLEMENTAL APPLICATION; CONDITION IN CASE OF PLANNED STUDIES.—

"(1) IN GENERAL.—For purposes of subsection (a)(1)(B), a manufacturer may disseminate information on a new use if—

"(A) the manufacturer has submitted to the Secretary an application containing—

"(i) a proposed protocol and schedule for conducting the studies needed for the submission of a supplemental application for the new use; and

"(ii) a certification that the supplemental application will be submitted to the Secretary not later than 36 months after the date of the initial dissemination of information under section 551 (or, as applicable, not later than such date as the Secretary may specify pursuant to an extension under paragraph (3)); and

"(B) the Secretary has determined that the proposed protocol is adequate and that the schedule for completing such studies is reasonable.

"(2) PROGRESS REPORTS ON STUDIES.—A manufacturer that submits to the Secretary an application under paragraph (1) shall submit to the Secretary periodic reports describing the status of the studies involved.

"(3) EXTENSION OF TIME REGARDING PLANNED STUDIES.—The period of 36 months authorized in paragraph (1)(A)(ii) for the completion of studies may be extended by the Secretary if—

"(A) the Secretary determines that the studies needed to submit such an application cannot be completed and submitted within 36 months; or

"(B) the manufacturer involved submits to the Secretary a written request for the extension and the Secretary determines that the manufacturer has acted with due diligence to conduct the studies in a timely manner, except that an extension under this subparagraph may not be provided for more than 24 additional months.

"(d) EXEMPTION FROM REQUIREMENT OF SUPPLEMENTAL APPLICATION.—

"(1) IN GENERAL.—For purposes of subsection (a)(2), a manufacturer may disseminate information on a new use if—

"(A) the manufacturer has submitted to the Secretary an application for an exemption from meeting the requirement of subsection (a)(1); and

"(B)(i) the Secretary has approved the application in accordance with paragraph (2); or

"(ii) the application is deemed under paragraph (3)(A) to have been approved (unless such approval is terminated pursuant to paragraph (3)(B)).

"(2) CONDITIONS FOR APPROVAL.—The Secretary may approve an application under paragraph (1) for an exemption if the Secretary makes a determination described in subparagraph (A) or (B), as follows:

"(A) The Secretary makes a determination that, for reasons defined by the Secretary, it would be economically prohibitive with respect to such drug or device for the manufacturer to incur the costs necessary for the submission of a supplemental application. In making such determination, the Secretary shall consider (in addition to any other considerations the Secretary finds appropriate)—

"(i) the lack of the availability under law of any period during which the manufacturer would have exclusive marketing rights with respect to the new use involved; and

"(ii) the size of the population expected to benefit from approval of the supplemental application.

"(B) The Secretary makes a determination that, for reasons defined by the Secretary, it would be unethical to conduct the studies necessary for the supplemental application. In making such determination, the Secretary shall consider (in addition to any other considerations the Secretary finds appropriate) whether the new use involved is the standard of medical care for a health condition.

"(3) TIME FOR CONSIDERATION OF APPLICATION; DEEMED APPROVAL.—

"(A) IN GENERAL.—The Secretary shall approve or deny an application under paragraph (1) for an exemption not later than 60 days after the receipt of the application. If the Secretary does not comply with the preceding sentence, the application is deemed to be approved.

"(B) TERMINATION OF DEEMED APPROVAL.—If pursuant to a deemed approval under subparagraph (A) a manufacturer disseminates written information under section 551 on a new use, the Secretary may at any time terminate such approval and under section 555(b)(3) order the manufacturer to cease disseminating the information.

"(e) REQUIREMENTS REGARDING APPLICATIONS.—Applications under this section shall be submitted in the form and manner prescribed by the Secretary.

"SEC. 555. CORRECTIVE ACTIONS; CESSATION OF DISSEMINATION.

"(a) POSTDISSEMINATION DATA REGARDING SAFETY AND EFFECTIVENESS.—

"(1) CORRECTIVE ACTIONS.—With respect to data received by the Secretary after the dissemination of information under section 551 by a manufacturer has begun (whether received pursuant to paragraph (2) or otherwise), if the Secretary determines that the data indicate that the new use involved may not be effective or may present a significant risk to public health, the Secretary shall, after consultation with the manufacturer, take such action regarding the dissemination of the information as the Secretary determines to be appropriate for the protection of the public health, which may include ordering that the manufacturer cease the dissemination of the information.

"(2) RESPONSIBILITIES OF MANUFACTURERS TO SUBMIT DATA.—After a manufacturer disseminates information under section 551, the manufacturer shall submit to the Secretary a notification of any additional knowledge of the manufacturer on clinical research or other data that relate to the safety or effectiveness of the new use involved. If the manufacturer is in possession of the data, the notification shall include the data. The Secretary shall by regulation establish the scope of the responsibilities of manufacturers under this paragraph, including such limits on the responsibilities as the Secretary determines to be appropriate.

"(b) CESSATION OF DISSEMINATION.—

"(1) FAILURE OF MANUFACTURER TO COMPLY WITH REQUIREMENTS.—The Secretary may order a manufacturer to cease the dissemination of information pursuant to section 551 if the Secretary determines that the information being disseminated does not comply with the requirements established in this subchapter. Such an order may be issued only after the Secretary has provided notice to the manufacturer of the intent of the Secretary to issue the order and (unless paragraph (2)(B) applies) has provided an opportunity for a meeting with respect to such intent. If the failure of the manufacturer constitutes a minor violation of this subchapter, the Secretary shall delay issuing the order and provide to the manufacturer an opportunity to correct the violation.

"(2) SUPPLEMENTAL APPLICATIONS.—The Secretary may order a manufacturer to cease the dissemination of information pursuant to section 551 if—

"(A) in the case of a manufacturer that has submitted a supplemental application for a new use pursuant to section 554(a)(1), the Secretary determines that the supplemental application does not contain adequate information for approval of the new use for which the application was submitted;

"(B) in the case of a manufacturer that has submitted a certification under section 554(b), the manufacturer has not, within the 6-month period involved, submitted the supplemental application referred to in the certification; or

"(C) in the case of a manufacturer that has submitted a certification under section 554(c) but has not yet submitted the supplemental application referred to in the certification, the Secretary determines, after an informal hearing, that the manufacturer is not acting with due diligence to complete the studies involved.

"(3) TERMINATION OF DEEMED APPROVAL OF EXEMPTION REGARDING SUPPLEMENTAL APPLICATIONS.—If under section 554(d)(3) the Secretary terminates a deemed approval of an exemption, the Secretary may order the manufacturer involved to cease disseminating the information. A manufacturer shall comply with an order under the preceding sentence not later than 60 days after the receipt of the order.

"(c) CORRECTIVE ACTIONS BY MANUFACTURERS.—

"(1) IN GENERAL.—In any case in which under this section the Secretary orders a manufacturer to cease disseminating information, the Secretary may order the manufacturer to take action to correct the information that has been disseminated, except as provided in paragraph (2).

"(2) TERMINATION OF DEEMED APPROVAL OF EXEMPTION REGARDING SUPPLEMENTAL APPLICATIONS.—In the case of an order under subsection (b)(3) to cease disseminating information, the Secretary may not order the manufacturer involved to take action to correct the information that has been disseminated unless the Secretary determines that the new use described in the information would pose a significant risk to the public health.

"SEC. 556. DEFINITIONS.

"For purposes of this subchapter:

"(1) The term 'health care practitioner' means a physician, or other individual who is a provider of health care, who is licensed under the law of a State to prescribe drugs or devices.

"(2) The terms 'health insurance issuer' and 'group health plan' have the meaning given such terms under section 2791 of the Public Health Service Act.

"(3) The term 'manufacturer' means a person who manufactures a drug or device, or who is licensed by such person to distribute or market the drug or device.

"(4) The term 'new use'—

"(A) with respect to a drug, means a use that is not included in the labeling of the approved drug; and

"(B) with respect to a device, means a use that is not included in the labeling for the approved or cleared device.

"(5) The term 'scientific or medical journal' means a scientific or medical publication—

"(A) that is published by an organization—

"(i) that has an editorial board;

"(ii) that utilizes experts, who have demonstrated expertise in the subject of an article under review by the organization and who are independent of the organization, to review and objectively select, reject, or provide comments about proposed articles; and

"(iii) that has a publicly stated policy, to which the organization adheres, of full disclosure of any conflict of interest or biases for all authors or contributors involved with the journal or organization;

"(B) whose articles are peer-reviewed and published in accordance with the regular peer-review procedures of the organization;

"(C) that is generally recognized to be of national scope and reputation;

"(D) that is indexed in the Index Medicus of the National Library of Medicine of the National Institutes of Health; and

"(E) that is not in the form of a special supplement that has been funded in whole or in part by one or more manufacturers.

"SEC. 557. RULES OF CONSTRUCTION.

"(a) UNSOLICITED REQUEST.—Nothing in section 551 shall be construed as prohibiting a manufacturer from disseminating information in response to an unsolicited request from a health care practitioner.

"(b) DISSEMINATION OF INFORMATION ON DRUGS OR DEVICES NOT EVIDENCE OF INTENDED USE.—Notwithstanding subsection (a), (f), or (o) of section 502, or any other provision of law, the dissemination of information relating to a new use of a drug or device, in accordance with section 551, shall not be construed by the Secretary as evidence of a new intended use of the drug or device that is different from the intended use of the drug or device set forth in the official labeling of the drug or device. Such dissemination shall not be considered by the Secretary as labeling, adulteration, or misbranding of the drug or device.

"(c) PATENT PROTECTION.—Nothing in section 551 shall affect patent rights in any manner.

"(d) AUTHORIZATION FOR DISSEMINATION OF ARTICLES AND FEES FOR REPRINTS OF ARTICLES.—Nothing in section 551 shall be construed as prohibiting an entity that publishes a scientific journal (as defined in section 556(5)) from requiring authorization from the entity to disseminate an article published by such entity or

charging fees for the purchase of reprints of published articles from such entity.".

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by section 210, is amended by adding at the end the following:

"(z) The dissemination of information in violation of section 551.".

(c) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations to implement the amendments made by this section.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act, or upon the Secretary's issuance of final regulations pursuant to subsection (c), whichever is sooner.

(e) SUNSET.—The amendments made by this section cease to be effective September 30, 2006, or 7 years after the date on which the Secretary promulgates the regulations described in subsection (c), whichever is later.

(f) STUDIES AND REPORTS.—

(1) GENERAL ACCOUNTING OFFICE.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine the impact of subchapter D of chapter V of the Federal Food, Drug, and Cosmetic Act, as added by this section, on the resources of the Department of Health and Human Services.

(B) REPORT.—Not later than January 1, 2002, the Comptroller General of the United States shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report of the results of the study.

(2) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

(A) IN GENERAL.—In order to assist Congress in determining whether the provisions of such subchapter should be extended beyond the termination date specified in subsection (e), the Secretary of Health and Human Services shall, in accordance with subparagraph (B), arrange for the conduct of a study of the scientific issues raised as a result of the enactment of such subchapter including issues relating to—

(i) the effectiveness of such subchapter with respect to the provision of useful scientific information to health care practitioners;

(ii) the quality of the information being disseminated pursuant to the provisions of such subchapter;

(iii) the quality and usefulness of the information provided, in accordance with such subchapter, by the Secretary or by the manufacturer at the request of the Secretary; and

(iv) the impact of such subchapter on research in the area of new uses, indications, or dosages, particularly the impact on pediatric indications and rare diseases.

(3) PROCEDURE FOR STUDY.—

(A) IN GENERAL.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to conduct the study required by paragraph (2), and to prepare and submit the report required by subparagraph (B), under an arrangement by which the actual expenses incurred by the Institute of Medicine in conducting the study and preparing the report will be paid by the Secretary. If the Institute of Medicine is unwilling to conduct the study under such an arrangement, the Comptroller General of the United States shall conduct such study.

(B) REPORT.—Not later than September 30, 2005, the Institute of Medicine or the Comptroller General of the United States, as appropriate, shall prepare and submit to the Committee on Labor and Human Resources of the Senate, the Committee on Commerce of the House of Representatives, and the Secretary a report of the results of the study required by paragraph (2). The Secretary, after the receipt of the report, shall make the report available to the public.

SEC. 402. EXPANDED ACCESS TO INVESTIGATIONAL THERAPIES AND DIAGNOSTICS.

Chapter V (21 U.S.C. 351 et seq.), as amended in section 401, is further amended by adding at the end the following:

"SUBCHAPTER E—GENERAL PROVISIONS RELATING TO DRUGS AND DEVICES

"SEC. 561. EXPANDED ACCESS TO UNAPPROVED THERAPIES AND DIAGNOSTICS.

"(a) EMERGENCY SITUATIONS.—The Secretary may, under appropriate conditions determined by the Secretary, authorize the shipment of investigational drugs or investigational devices for the diagnosis, monitoring, or treatment of a serious disease or condition in emergency situations.

"(b) INDIVIDUAL PATIENT ACCESS TO INVESTIGATIONAL PRODUCTS INTENDED FOR SERIOUS DISEASES.—Any person, acting through a physician licensed in accordance with State law, may request from a manufacturer or distributor, and any manufacturer or distributor may, after complying with the provisions of this subsection, provide to such physician an investigational drug or investigational device for the diagnosis, monitoring, or treatment of a serious disease or condition if—

"(1) the licensed physician determines that the person has no comparable or satisfactory alternative therapy available to diagnose, monitor, or treat the disease or condition involved, and that the probable risk to the person from the investigational drug or investigational device is not greater than the probable risk from the disease or condition;

"(2) the Secretary determines that there is sufficient evidence of safety and effectiveness to support the use of the investigational drug or investigational device in the case described in paragraph (1);

"(3) the Secretary determines that provision of the investigational drug or investigational device will not interfere with the initiation, conduct, or completion of clinical investigations to support marketing approval; and

"(4) the sponsor, or clinical investigator, of the investigational drug or investigational device submits to the Secretary a clinical protocol consistent with the provisions of section 505(i) or 520(g), including any regulations promulgated under section 505(i) or 520(g), describing the use of the investigational drug or investigational device in a single patient or a small group of patients.

"(c) TREATMENT INVESTIGATIONAL NEW DRUG APPLICATIONS AND TREATMENT INVESTIGATIONAL DEVICE EXEMPTIONS.—Upon submission by a sponsor or a physician of a protocol intended to provide widespread access to an investigational drug or investigational device for eligible patients (referred to in this subsection as an 'expanded access protocol'), the Secretary shall permit such investigational drug or investigational device to be made available for expanded access under a treatment investigational new drug application or treatment investigational device exemption if the Secretary determines that—

"(1) under the treatment investigational new drug application or treatment investigational device exemption, the investigational drug or investigational device is intended for use in the diagnosis, monitoring, or treatment of a serious or immediately life-threatening disease or condition;

"(2) there is no comparable or satisfactory alternative therapy available to diagnose, monitor, or treat that stage of disease or condition in the population of patients to which the investigational drug or investigational device is intended to be administered;

"(3)(A) the investigational drug or investigational device is under investigation in a controlled clinical trial for the use described in paragraph (1) under an investigational drug application in effect under section 505(i) or investigational device exemption in effect under section 520(g); or

"(B) all clinical trials necessary for approval of that use of the investigational drug or investigational device have been completed;

"(4) the sponsor of the controlled clinical trials is actively pursuing marketing approval of the investigational drug or investigational device for the use described in paragraph (1) with due diligence;

"(5) in the case of an investigational drug or investigational device described in paragraph (3)(A), the provision of the investigational drug or investigational device will not interfere with the enrollment of patients in ongoing clinical investigations under section 505(i) or 520(g);

"(6) in the case of serious diseases, there is sufficient evidence of safety and effectiveness to support the use described in paragraph (1); and

"(7) in the case of immediately life-threatening diseases, the available scientific evidence, taken as a whole, provides a reasonable basis to conclude that the investigational drug or investigational device may be effective for its intended use and would not expose patients to an unreasonable and significant risk of illness or injury.

A protocol submitted under this subsection shall be subject to the provisions of section 505(i) or 520(g), including regulations promulgated under section 505(i) or 520(g). The Secretary may inform national, State, and local medical associations and societies, voluntary health associations, and other appropriate persons about the availability of an investigational drug or investigational device under expanded access protocols submitted under this subsection. The information provided by the Secretary, in accordance with the preceding sentence, shall be the same type of information that is required by section 402(j)(3) of the Public Health Service Act.

"(d) TERMINATION.—The Secretary may, at any time, with respect to a sponsor, physician, manufacturer, or distributor described in this section, terminate expanded access provided under this section for an investigational drug or investigational device if the requirements under this section are no longer met.

"(e) DEFINITIONS.—In this section, the terms 'investigational drug', 'investigational device', 'treatment investigational new drug application', and 'treatment investigational device exemption' shall have the meanings given the terms in regulations prescribed by the Secretary.".

SEC. 403. APPROVAL OF SUPPLEMENTAL APPLICATIONS FOR APPROVED PRODUCTS.

(a) STANDARDS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register standards for the prompt review of supplemental applications submitted for approved articles under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or section 351 of the Public Health Service Act (42 U.S.C. 262).

(b) GUIDANCE TO INDUSTRY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue final guidances to clarify the requirements for, and facilitate the submission of data to support, the approval of supplemental applications for the approved articles described in subsection (a). The guidances shall—

(1) clarify circumstances in which published matter may be the basis for approval of a supplemental application;

(2) specify data requirements that will avoid duplication of previously submitted data by recognizing the availability of data previously submitted in support of an original application; and

(3) define supplemental applications that are eligible for priority review.

(c) RESPONSIBILITIES OF CENTERS.—The Secretary shall designate an individual in each center within the Food and Drug Administration (except the Center for Food Safety and Applied Nutrition) to be responsible for—

(1) encouraging the prompt review of supplemental applications for approved articles; and

(2) working with sponsors to facilitate the development and submission of data to support supplemental applications.

(d) COLLABORATION.—The Secretary shall implement programs and policies that will foster collaboration between the Food and Drug Administration, the National Institutes of Health, professional medical and scientific societies, and other persons, to identify published and unpublished studies that may support a supplemental application, and to encourage sponsors to make supplemental applications or conduct further research in support of a supplemental application based, in whole or in part, on such studies.

SEC. 404. DISPUTE RESOLUTION.

Subchapter E of chapter V, as added by section 402, is amended by adding at the end the following:

"SEC. 562. DISPUTE RESOLUTION.

"If, regarding an obligation concerning drugs or devices under this Act or section 351 of the Public Health Service Act, there is a scientific controversy between the Secretary and a person who is a sponsor, applicant, or manufacturer and no specific provision of the Act involved, including a regulation promulgated under such Act, provides a right of review of the matter in controversy, the Secretary shall, by regulation, establish a procedure under which such sponsor, applicant, or manufacturer may request a review of such controversy, including a review by an appropriate scientific advisory panel described in section 505(n) or an advisory committee described in section 515(g)(2)(B). Any such review shall take place in a timely manner. The Secretary shall promulgate such regulations within 1 year after the date of the enactment of the Food and Drug Administration Modernization Act of 1997.".

SEC. 405. INFORMAL AGENCY STATEMENTS.

Section 701 (21 U.S.C. 371) is amended by adding at the end the following:

"(h)(1)(A) The Secretary shall develop guidance documents with public participation and ensure that information identifying the existence of such documents and the documents themselves are made available to the public both in written form and, as feasible, through electronic means. Such documents shall not create or confer any rights for or on any person, although they present the views of the Secretary on matters under the jurisdiction of the Food and Drug Administration.

"(B) Although guidance documents shall not be binding on the Secretary, the Secretary shall ensure that employees of the Food and Drug Administration do not deviate from such guidances without appropriate justification and supervisory concurrence. The Secretary shall provide training to employees in how to develop and use guidance documents and shall monitor the development and issuance of such documents.

"(C) For guidance documents that set forth initial interpretations of a statute or regulation, changes in interpretation or policy that are of more than a minor nature, complex scientific issues, or highly controversial issues, the Secretary shall ensure public participation prior to implementation of guidance documents, unless the Secretary determines that such prior public participation is not feasible or appropriate. In such cases, the Secretary shall provide for public comment upon implementation and take such comment into account.

"(D) For guidance documents that set forth existing practices or minor changes in policy, the Secretary shall provide for public comment upon implementation.

"(2) In developing guidance documents, the Secretary shall ensure uniform nomenclature for such documents and uniform internal procedures for approval of such documents. The Secretary shall ensure that guidance documents and revisions of such documents are properly dated and indicate the nonbinding nature of the documents. The Secretary shall periodically review all guidance documents and, where appropriate, revise such documents.

"(3) The Secretary, acting through the Commissioner, shall maintain electronically and update and publish periodically in the Federal Register a list of guidance documents. All such documents shall be made available to the public.

"(4) The Secretary shall ensure that an effective appeals mechanism is in place to address complaints that the Food and Drug Administration is not developing and using guidance documents in accordance with this subsection.

"(5) Not later than July 1, 2000, the Secretary after evaluating the effectiveness of the Good Guidance Practices document, published in the Federal Register at 62 Fed. Reg. 8961, shall promulgate a regulation consistent with this subsection specifying the policies and procedures of the Food and Drug Administration for the development, issuance, and use of guidance documents.".

SEC. 406. FOOD AND DRUG ADMINISTRATION MISSION AND ANNUAL REPORT.

(a) MISSION.—Section 903 (21 U.S.C. 393) is amended—

(1) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively; and

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

"(b) MISSION.—The Administration shall—

"(1) promote the public health by promptly and efficiently reviewing clinical research and taking appropriate action on the marketing of regulated products in a timely manner;

"(2) with respect to such products, protect the public health by ensuring that—

"(A) foods are safe, wholesome, sanitary, and properly labeled;

"(B) human and veterinary drugs are safe and effective;

"(C) there is reasonable assurance of the safety and effectiveness of devices intended for human use;

"(D) cosmetics are safe and properly labeled; and

"(E) public health and safety are protected from electronic product radiation;

"(3) participate through appropriate processes with representatives of other countries to reduce the burden of regulation, harmonize regulatory requirements, and achieve appropriate reciprocal arrangements; and

"(4) as determined to be appropriate by the Secretary, carry out paragraphs (1) through (3) in consultation with experts in science, medicine, and public health, and in cooperation with consumers, users, manufacturers, importers, packers, distributors, and retailers of regulated products.".

(b) ANNUAL REPORT.—Section 903 (21 U.S.C. 393), as amended by subsection (a), is further amended by adding at the end the following:

"(f) AGENCY PLAN FOR STATUTORY COMPLIANCE.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Food and Drug Administration Modernization Act of 1997, the Secretary, after consultation with appropriate scientific and academic experts, health care professionals, representatives of patient and consumer advocacy groups, and the regulated industry, shall develop and publish in the Federal Register a plan bringing the Secretary into compliance with each of the obligations of the Secretary under this Act. The Secretary shall review the plan biannually and shall revise the plan as necessary, in consultation with such persons.

"(2) OBJECTIVES OF AGENCY PLAN.—The plan required by paragraph (1) shall establish objectives and mechanisms to achieve such objectives, including objectives related to—

"(A) maximizing the availability and clarity of information about the process for review of applications and submissions (including petitions, notifications, and any other similar forms of request) made under this Act;

"(B) maximizing the availability and clarity of information for consumers and patients concerning new products;

"(C) implementing inspection and postmarket monitoring provisions of this Act;

"(D) ensuring access to the scientific and technical expertise needed by the Secretary to meet obligations described in paragraph (1);

"(E) establishing mechanisms, by July 1, 1999, for meeting the time periods specified in this Act for the review of all applications and submissions described in subparagraph (A) and submitted after the date of enactment of the Food and Drug Administration Modernization Act of 1997; and

"(F) eliminating backlogs in the review of applications and submissions described in subparagraph (A), by January 1, 2000.

"(g) ANNUAL REPORT.—The Secretary shall annually prepare and publish in the Federal Register and solicit public comment on a report that—

"(1) provides detailed statistical information on the performance of the Secretary under the plan described in subsection (f);

"(2) compares such performance of the Secretary with the objectives of the plan and with the statutory obligations of the Secretary; and

"(3) identifies any regulatory policy that has a significant negative impact on compliance with any objective of the plan or any statutory obligation and sets forth any proposed revision to any such regulatory policy.".

SEC. 407. INFORMATION SYSTEM.

(a) AMENDMENT.—Chapter VII (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

"SUBCHAPTER D—INFORMATION AND EDUCATION

"SEC. 741. INFORMATION SYSTEM.

"The Secretary shall establish and maintain an information system to track the status and progress of each application or submission (including a petition, notification, or other similar form of request) submitted to the Food and Drug Administration requesting agency action.".

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives on the status of the system to be established under the amendment made by subsection (a), including the projected costs of the system and concerns about confidentiality.

SEC. 408. EDUCATION AND TRAINING.

(a) FOOD AND DRUG ADMINISTRATION.—Chapter VII (21 U.S.C. 371 et seq.), as amended by section 407, is further amended by adding at the end the following section:

"SEC. 742. EDUCATION.

"(a) IN GENERAL.—The Secretary shall conduct training and education programs for the

employees of the Food and Drug Administration relating to the regulatory responsibilities and policies established by this Act, including programs for—

"(1) scientific training;

"(2) training to improve the skill of officers and employees authorized to conduct inspections under section 704;

"(3) training to achieve product specialization in such inspections; and

"(4) training in administrative process and procedure and integrity issues.

"(b) INTRAMURAL FELLOWSHIPS AND OTHER TRAINING PROGRAMS.—The Secretary, acting through the Commissioner, may, through fellowships and other training programs, conduct and support intramural research training for predoctoral and postdoctoral scientists and physicians.".

(b) CENTERS FOR DISEASE CONTROL AND PREVENTION.—

(1) IN GENERAL.—Part B of title III of the Public Health Service Act is amended by inserting after section 317F (42 U.S.C. 247b–7) the following:

"SEC. 317G. FELLOWSHIP AND TRAINING PROGRAMS.

"The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish fellowship and training programs to be conducted by such Centers to train individuals to develop skills in epidemiology, surveillance, laboratory analysis, and other disease detection and prevention methods. Such programs shall be designed to enable health professionals and health personnel trained under such programs to work, after receiving such training, in local, State, national, and international efforts toward the prevention and control of diseases, injuries, and disabilities. Such fellowships and training may be administered through the use of either appointment or nonappointment procedures.".

(2) EFFECTIVE DATE.—The amendment made by this subsection is deemed to have taken effect July 1, 1995.

SEC. 409. CENTERS FOR EDUCATION AND RESEARCH ON THERAPEUTICS.

Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended by adding at the end of part A the following new section:

"SEC. 905. DEMONSTRATION PROGRAM REGARDING CENTERS FOR EDUCATION AND RESEARCH ON THERAPEUTICS.

"(a) IN GENERAL.—The Secretary, acting through the Administrator and in consultation with the Commissioner of Food and Drugs, shall establish a demonstration program for the purpose of making one or more grants for the establishment and operation of one or more centers to carry out the activities specified in subsection (b).

"(b) REQUIRED ACTIVITIES.—The activities referred to in subsection (a) are the following:

"(1) The conduct of state-of-the-art clinical and laboratory research for the following purposes:

"(A) To increase awareness of—

"(i) new uses of drugs, biological products, and devices;

"(ii) ways to improve the effective use of drugs, biological products, and devices; and

"(iii) risks of new uses and risks of combinations of drugs and biological products.

"(B) To provide objective clinical information to the following individuals and entities:

"(i) Health care practitioners or other providers of health care goods or services.

"(ii) Pharmacy benefit managers.

"(iii) Health maintenance organizations or other managed health care organizations.

"(iv) Health care insurers or governmental agencies.

"(v) Consumers.

"(C) To improve the quality of health care while reducing the cost of health care through—

"(i) the appropriate use of drugs, biological products, or devices; and

"(ii) the prevention of adverse effects of drugs, biological products, and devices and the consequences of such effects, such as unnecessary hospitalizations.

"(2) The conduct of research on the comparative effectiveness and safety of drugs, biological products, and devices.

"(3) Such other activities as the Secretary determines to be appropriate, except that the grant may not be expended to assist the Secretary in the review of new drugs.

"(c) APPLICATION FOR GRANT.—A grant under subsection (a) may be made only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(d) PEER REVIEW.—A grant under subsection (a) may be made only if the application for the grant has undergone appropriate technical and scientific peer review.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $2,000,000 for fiscal year 1998, and $3,000,000 for each of fiscal years 1999 through 2002.".

SEC. 410. MUTUAL RECOGNITION AGREEMENTS AND GLOBAL HARMONIZATION.

(a) GOOD MANUFACTURING PRACTICE REQUIREMENTS.—Section 520(f)(1)(B) (21 U.S.C. 360j(f)(1)(B)) is amended—

(1) in clause (i), by striking ", and" at the end and inserting a semicolon;

(2) in clause (ii), by striking the period and inserting "; and"; and

(3) by inserting after clause (ii) the following:

"(iii) ensure that such regulation conforms, to the extent practicable, with internationally recognized standards defining quality systems, or parts of the standards, for medical devices.".

(b) HARMONIZATION EFFORTS.—Section 803 (21 U.S.C. 383) is amended by adding at the end the following:

"(c)(1) The Secretary shall support the Office of the United States Trade Representative, in consultation with the Secretary of Commerce, in meetings with representatives of other countries to discuss methods and approaches to reduce the burden of regulation and harmonize regulatory requirements if the Secretary determines that such harmonization continues consumer protections consistent with the purposes of this Act.

"(2) The Secretary shall support the Office of the United States Trade Representative, in consultation with the Secretary of Commerce, in efforts to move toward the acceptance of mutual recognition agreements relating to the regulation of drugs, biological products, devices, foods, food additives, and color additives, and the regulation of good manufacturing practices, between the European Union and the United States.

"(3) The Secretary shall regularly participate in meetings with representatives of other foreign governments to discuss and reach agreement on methods and approaches to harmonize regulatory requirements.

"(4) The Secretary shall, not later than 180 days after the date of enactment of the Food and Drug Administration Modernization Act of 1997, make public a plan that establishes a framework for achieving mutual recognition of good manufacturing practices inspections.

"(5) Paragraphs (1) through (4) shall not apply with respect to products defined in section 201(ff).".

SEC. 411. ENVIRONMENTAL IMPACT REVIEW.

Chapter VII (21 U.S.C. 371 et seq.), as amended by section 407, is further amended by adding at the end the following:

"SUBCHAPTER E—ENVIRONMENTAL IMPACT REVIEW

"SEC. 746. ENVIRONMENTAL IMPACT.

"Notwithstanding any other provision of law, an environmental impact statement prepared in accordance with the regulations published in part 25 of title 21, Code of Federal Regulations (as in effect on August 31, 1997) in connection with an action carried out under (or a recommendation or report relating to) this Act, shall be considered to meet the requirements for a detailed statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).".

SEC. 412. NATIONAL UNIFORMITY FOR NONPRESCRIPTION DRUGS AND COSMETICS.

(a) NONPRESCRIPTION DRUGS.—Chapter VII (21 U.S.C. 371 et seq.), as amended by section 411, is further amended by adding at the end the following:

"SUBCHAPTER F—NATIONAL UNIFORMITY FOR NONPRESCRIPTION DRUGS AND PREEMPTION FOR LABELING OR PACKAGING OF COSMETICS

"SEC. 751. NATIONAL UNIFORMITY FOR NONPRESCRIPTION DRUGS.

"(a) IN GENERAL.—Except as provided in subsection (b), (c)(1), (d), (e), or (f), no State or political subdivision of a State may establish or continue in effect any requirement—

"(1) that relates to the regulation of a drug that is not subject to the requirements of section 503(b)(1) or 503(f)(1)(A); and

"(2) that is different from or in addition to, or that is otherwise not identical with, a requirement under this Act, the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.), or the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.).

"(b) EXEMPTION.—

"(1) IN GENERAL.—Upon application of a State or political subdivision thereof, the Secretary may by regulation, after notice and opportunity for written and oral presentation of views, exempt from subsection (a), under such conditions as may be prescribed in such regulation, a State or political subdivision requirement that—

"(A) protects an important public interest that would otherwise be unprotected, including the health and safety of children;

"(B) would not cause any drug to be in violation of any applicable requirement or prohibition under Federal law; and

"(C) would not unduly burden interstate commerce.

"(2) TIMELY ACTION.—The Secretary shall make a decision on the exemption of a State or political subdivision requirement under paragraph (1) not later than 120 days after receiving the application of the State or political subdivision under paragraph (1).

"(c) SCOPE.—

"(1) IN GENERAL.—This section shall not apply to—

"(A) any State or political subdivision requirement that relates to the practice of pharmacy; or

"(B) any State or political subdivision requirement that a drug be dispensed only upon the prescription of a practitioner licensed by law to administer such drug.

"(2) SAFETY OR EFFECTIVENESS.—For purposes of subsection (a), a requirement that relates to the regulation of a drug shall be deemed to include any requirement relating to public information or any other form of public communication relating to a warning of any kind for a drug.

"(d) EXCEPTIONS.—

"(1) IN GENERAL.—In the case of a drug described in subsection (a)(1) that is not the subject of an application approved under section 505 or section 507 (as in effect on the day before the date of enactment of the Food and Drug Administration Modernization Act of 1997) or a

final regulation promulgated by the Secretary establishing conditions under which the drug is generally recognized as safe and effective and not misbranded, subsection (a) shall apply only with respect to a requirement of a State or political subdivision of a State that relates to the same subject as, but is different from or in addition to, or that is otherwise not identical with—

"(A) a regulation in effect with respect to the drug pursuant to a statute described in subsection (a)(2); or

"(B) any other requirement in effect with respect to the drug pursuant to an amendment to such a statute made on or after the date of enactment of the Food and Drug Administration Modernization Act of 1997.

"(2) STATE INITIATIVES.—This section shall not apply to a State requirement adopted by a State public initiative or referendum enacted prior to September 1, 1997.

"(e) NO EFFECT ON PRODUCT LIABILITY LAW.—Nothing in this section shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

"(f) STATE ENFORCEMENT AUTHORITY.—Nothing in this section shall prevent a State or political subdivision thereof from enforcing, under any relevant civil or other enforcement authority, a requirement that is identical to a requirement of this Act.".

(b) INSPECTIONS.—Section 704(a)(1) (21 U.S.C. 374(a)(1)) is amended by striking "prescription drugs" each place it appears and inserting "prescription drugs, nonprescription drugs intended for human use,".

(c) MISBRANDING.—Subparagraph (1) of section 502(e) (21 U.S.C. 352(e)(1)) is amended to read as follows:

"(1)(A) If it is a drug, unless its label bears, to the exclusion of any other nonproprietary name (except the applicable systematic chemical name or the chemical formula)—

"(i) the established name (as defined in subparagraph (3)) of the drug, if there is such a name;

"(ii) the established name and quantity or, if determined to be appropriate by the Secretary, the proportion of each active ingredient, including the quantity, kind, and proportion of any alcohol, and also including whether active or not the established name and quantity or if determined to be appropriate by the Secretary, the proportion of any bromides, ether, chloroform, acetanilide, acetophenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein, except that the requirement for stating the quantity of the active ingredients, other than the quantity of those specifically named in this subclause, shall not apply to nonprescription drugs not intended for human use; and

"(iii) the established name of each inactive ingredient listed in alphabetical order on the outside container of the retail package and, if determined to be appropriate by the Secretary, on the immediate container, as prescribed in regulation promulgated by the Secretary, except that nothing in this subclause shall be deemed to require that any trade secret be divulged, and except that the requirements of this subclause with respect to alphabetical order shall apply only to nonprescription drugs that are not also cosmetics and that this subclause shall not apply to nonprescription drugs not intended for human use.

"(B) For any prescription drug the established name of such drug or ingredient, as the case may be, on such label (and on any labeling on which a name for such drug or ingredient is used) shall be printed prominently and in type at least half as large as that used thereon for any proprietary name or designation for such drug or ingredient, except that to the extent that compliance with the requirements of subclause (ii) or (iii) of clause (A) or this clause is impracticable, exemptions shall be established by regulations promulgated by the Secretary.".

(d) COSMETICS.—Subchapter F of chapter VII, as amended by subsection (a), is further amended by adding at the end the following:

"SEC. 752. PREEMPTION FOR LABELING OR PACKAGING OF COSMETICS.

"(a) IN GENERAL.—Except as provided in subsection (b), (d), or (e), no State or political subdivision of a State may establish or continue in effect any requirement for labeling or packaging of a cosmetic that is different from or in addition to, or that is otherwise not identical with, a requirement specifically applicable to a particular cosmetic or class of cosmetics under this Act, the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.), or the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.).

"(b) EXEMPTION.—Upon application of a State or political subdivision thereof, the Secretary may by regulation, after notice and opportunity for written and oral presentation of views, exempt from subsection (a), under such conditions as may be prescribed in such regulation, a State or political subdivision requirement for labeling or packaging that—

"(1) protects an important public interest that would otherwise be unprotected;

"(2) would not cause a cosmetic to be in violation of any applicable requirement or prohibition under Federal law; and

"(3) would not unduly burden interstate commerce.

"(c) SCOPE.—For purposes of subsection (a), a reference to a State requirement that relates to the packaging or labeling of a cosmetic means any specific requirement relating to the same aspect of such cosmetic as a requirement specifically applicable to that particular cosmetic or class of cosmetics under this Act for packaging or labeling, including any State requirement relating to public information or any other form of public communication.

"(d) NO EFFECT ON PRODUCT LIABILITY LAW.—Nothing in this section shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

"(e) STATE INITIATIVE.—This section shall not apply to a State requirement adopted by a State public initiative or referendum enacted prior to September 1, 1997.".

SEC. 413. FOOD AND DRUG ADMINISTRATION STUDY OF MERCURY COMPOUNDS IN DRUGS AND FOOD.

(a) LIST AND ANALYSIS.—The Secretary of Health and Human Services shall, acting through the Food and Drug Administration—

(1) compile a list of drugs and foods that contain intentionally introduced mercury compounds, and

(2) provide a quantitative and qualitative analysis of the mercury compounds in the list under paragraph (1).

The Secretary shall compile the list required by paragraph (1) within 2 years after the date of enactment of the Food and Drug Administration Modernization Act of 1997 and shall provide the analysis required by paragraph (2) within 2 years after such date of enactment.

(b) STUDY.—The Secretary of Health and Human Services, acting through the Food and Drug Administration, shall conduct a study of the effect on humans of the use of mercury compounds in nasal sprays. Such study shall include data from other studies that have been made of such use.

(c) STUDY OF MERCURY SALES.—

(1) STUDY.—The Secretary of Health and Human Services, acting through the Food and Drug Administration and subject to appropriations, shall conduct, or shall contract with the Institute of Medicine of the National Academy of Sciences to conduct, a study of the effect on humans of the use of elemental, organic, or inorganic mercury when offered for sale as a drug or dietary supplement. Such study shall, among other things, evaluate—

(A) the scope of mercury use as a drug or dietary supplement; and

(B) the adverse effects on health of children and other sensitive populations resulting from exposure to, or ingestion or inhalation of, mercury when so used.

In conducting such study, the Secretary shall consult with the Administrator of the Environmental Protection Agency, the Chair of the Consumer Product Safety Commission, and the Administrator of the Agency for Toxic Substances and Disease Registry, and, to the extent the Secretary believes necessary or appropriate, with any other Federal or private entity.

(2) REGULATIONS.—If, in the opinion of the Secretary, the use of elemental, organic, or inorganic mercury offered for sale as a drug or dietary supplement poses a threat to human health, the Secretary shall promulgate regulations restricting the sale of mercury intended for such use. At a minimum, such regulations shall be designed to protect the health of children and other sensitive populations from adverse effects resulting from exposure to, or ingestion or inhalation of, mercury. Such regulations, to the extent feasible, should not unnecessarily interfere with the availability of mercury for use in religious ceremonies.

SEC. 414. INTERAGENCY COLLABORATION.

Section 903 (21 U.S.C. 393), as amended by section 406, is further amended by inserting after subsection (b) the following:

"(c) INTERAGENCY COLLABORATION.—The Secretary shall implement programs and policies that will foster collaboration between the Administration, the National Institutes of Health, and other science-based Federal agencies, to enhance the scientific and technical expertise available to the Secretary in the conduct of the duties of the Secretary with respect to the development, clinical investigation, evaluation, and postmarket monitoring of emerging medical therapies, including complementary therapies, and advances in nutrition and food science.".

SEC. 415. CONTRACTS FOR EXPERT REVIEW.

Chapter IX (21 U.S.C. 391 et seq.), as amended by section 214, is further amended by adding at the end the following:

"SEC. 907. CONTRACTS FOR EXPERT REVIEW.

"(a) IN GENERAL.—

"(1) AUTHORITY.—The Secretary may enter into a contract with any organization or any individual (who is not an employee of the Department) with relevant expertise, to review and evaluate, for the purpose of making recommendations to the Secretary on, part or all of any application or submission (including a petition, notification, and any other similar form of request) made under this Act for the approval or classification of an article or made under section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)) with respect to a biological product. Any such contract shall be subject to the requirements of section 708 relating to the confidentiality of information.

"(2) INCREASED EFFICIENCY AND EXPERTISE THROUGH CONTRACTS.—The Secretary may use the authority granted in paragraph (1) whenever the Secretary determines that use of a contract described in paragraph (1) will improve the timeliness of the review of an application or submission described in paragraph (1), unless using such authority would reduce the quality, or unduly increase the cost, of such review. The Secretary may use such authority whenever the

Secretary determines that use of such a contract will improve the quality of the review of an application or submission described in paragraph (1), unless using such authority would unduly increase the cost of such review. Such improvement in timeliness or quality may include providing the Secretary increased scientific or technical expertise that is necessary to review or evaluate new therapies and technologies.

"(b) REVIEW OF EXPERT REVIEW.—

"(1) IN GENERAL.—Subject to paragraph (2), the official of the Food and Drug Administration responsible for any matter for which expert review is used pursuant to subsection (a) shall review the recommendations of the organization or individual who conducted the expert review and shall make a final decision regarding the matter in a timely manner.

"(2) LIMITATION.—A final decision by the Secretary on any such application or submission shall be made within the applicable prescribed time period for review of the matter as set forth in this Act or in the Public Health Service Act (42 U.S.C. 201 et seq.).".

SEC. 416. PRODUCT CLASSIFICATION.

Subchapter E of chapter V, as amended by section 404, is further amended by adding at the end the following:

"SEC. 563. CLASSIFICATION OF PRODUCTS.

"(a) REQUEST.—A person who submits an application or submission (including a petition, notification, and any other similar form of request) under this Act for a product, may submit a request to the Secretary respecting the classification of the product as a drug, biological product, device, or a combination product subject to section 503(g) or respecting the component of the Food and Drug Administration that will regulate the product. In submitting the request, the person shall recommend a classification for the product, or a component to regulate the product, as appropriate.

"(b) STATEMENT.—Not later than 60 days after the receipt of the request described in subsection (a), the Secretary shall determine the classification of the product under subsection (a), or the component of the Food and Drug Administration that will regulate the product, and shall provide to the person a written statement that identifies such classification or such component, and the reasons for such determination. The Secretary may not modify such statement except with the written consent of the person, or for public health reasons based on scientific evidence.

"(c) INACTION OF SECRETARY.—If the Secretary does not provide the statement within the 60-day period described in subsection (b), the recommendation made by the person under subsection (a) shall be considered to be a final determination by the Secretary of such classification of the product, or the component of the Food and Drug Administration that will regulate the product, as applicable, and may not be modified by the Secretary except with the written consent of the person, or for public health reasons based on scientific evidence.".

SEC. 417. REGISTRATION OF FOREIGN ESTABLISHMENTS.

Section 510(i) (21 U.S.C. 360(i)) is amended to read as follows:

"(i)(1) Any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or a device that is imported or offered for import into the United States shall register with the Secretary the name and place of business of the establishment and the name of the United States agent for the establishment.

"(2) The establishment shall also provide the information required by subsection (j).

"(3) The Secretary is authorized to enter into cooperative arrangements with officials of foreign countries to ensure that adequate and effective means are available for purposes of determining, from time to time, whether drugs or devices manufactured, prepared, propagated, compounded, or processed by an establishment described in paragraph (1), if imported or offered for import into the United States, shall be refused admission on any of the grounds set forth in section 801(a).".

SEC. 418. CLARIFICATION OF SEIZURE AUTHORITY.

Section 304(d)(1) (21 U.S.C. 334(d)(1)) is amended—

(1) in the fifth sentence, by striking "paragraphs (1) and (2) of section 801(e)" and inserting "subparagraphs (A) and (B) of section 801(e)(1)"; and

(2) by inserting after the fifth sentence the following: "Any person seeking to export an imported article pursuant to any of the provisions of this subsection shall establish that the article was intended for export at the time the article entered commerce.".

SEC. 419. INTERSTATE COMMERCE.

Section 709 (21 U.S.C. 379a) is amended by striking "a device" and inserting "a device, food, drug, or cosmetic".

SEC. 420. SAFETY REPORT DISCLAIMERS.

Chapter VII (21 U.S.C. 371 et seq.), as amended by section 412, is further amended by adding at the end the following:

"SUBCHAPTER G—SAFETY REPORTS

"SEC. 756. SAFETY REPORT DISCLAIMERS.

"With respect to any entity that submits or is required to submit a safety report or other information in connection with the safety of a product (including a product that is a food, drug, device, dietary supplement, or cosmetic) under this Act (and any release by the Secretary of that report or information), such report or information shall not be construed to reflect necessarily a conclusion by the entity or the Secretary that the report or information constitutes an admission that the product involved malfunctioned, caused or contributed to an adverse experience, or otherwise caused or contributed to a death, serious injury, or serious illness. Such an entity need not admit, and may deny, that the report or information submitted by the entity constitutes an admission that the product involved malfunctioned, caused or contributed to an adverse experience, or caused or contributed to a death, serious injury, or serious illness.".

SEC. 421. LABELING AND ADVERTISING REGARDING COMPLIANCE WITH STATUTORY REQUIREMENTS.

Section 301 (21 U.S.C. 331) is amended by striking paragraph (l).

SEC. 422. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed to affect the question of whether the Secretary of Health and Human Services has any authority to regulate any tobacco product, tobacco ingredient, or tobacco additive. Such authority, if any, shall be exercised under the Federal Food, Drug, and Cosmetic Act as in effect on the day before the date of the enactment of this Act.

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act, other than the provisions of and the amendments made by sections 111, 121, 125, and 307, shall take effect 90 days after the date of enactment of this Act.

And the House agree to the same.

That the House recede from its amendment to the title of the bill.

TOM BLILEY,
MICHAEL BILIRAKIS,
JOE BARTON,
JAMES GREENWOOD,
RICHARD BURR,
ED WHITFIELD,
JOHN D. DINGELL,
SHERROD BROWN,
HENRY A. WAXMAN,
RON KLINK,
Managers on the Part of the House.

JIM JEFFORDS,
DAN COATS,
JUDD GREGG,
BILL FRIST,
MIKE DEWINE,
EDWARD M. KENNEDY,
CHRISTOPHER DODD,
TOM HARKIN,
BARBARA A. MIKULSKI,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

The conference agreement on S. 830, the Food and Drug Administration Modernization Act of 1997, provides for (1) the reauthorization of the Prescription Drug User Fee Act of 1992; (2) the improvement of regulation of drugs through such reforms as those pertaining to pediatric studies of drugs, procedures relating to fast track drugs, health care economic information, national uniformity for over-the-counter drugs and cosmetics, and data requirements for drugs and biological products; (3) the improvement of regulation of medical devices through such reforms as those pertaining to device standards and data requirements, procedures relating to humanitarian and breakthrough devices, tracking and postmarket surveillance, and accredited party review; (4) the improvement of regulation of food through such reforms as those pertaining to the timetable and regulatory authority of the Secretary in processing health and nutrient content claims, food contact substance notifications, and information relating to irradiation treatment; and (5) general provisions pertaining to the dissemination of information, expanded access to investigational therapies, and consumer access to information about clinical trials of investigational therapies.

Certain matters agreed to in conference are noted below:

TITLE I—IMPROVING REGULATION OF DRUGS

Prescription Drug User Fee Act (Subtitle A)

The conferees believe it is important to place the PDUFA reauthorization provisions

of the Act in the overall context of the budgetary agreements which have been put into place by the 1997 Balanced Budget Agreements (BBA). This Act preserves the original PDUFA adjustment factor and therefore the basic understanding behind the 1992 enactment of this provision: that is, the industry willingness to pay user fees for enhanced performance in the drug approval process. Nevertheless the conferees acknowledge that the 1997 BBA places tight constraints on the appropriations process, particularly in the out years. The conferees expect the appropriators will make every effort to meet the trigger so that FDA is allowed to collect and expend user fees. However, it must be acknowledged that particularly in the fifth year of BBA, budgetary pressures on all discretionary spending will be great.

Breakdowns of the actual spending levels at FDA have not traditionally been provided to the appropriators, making it difficult to conduct oversight. Beginning in Fiscal Year 1998, appropriators will require FDA to submit a directed operating budget as part of the annual budget request. This will serve as a functional breakdown of how appropriated dollars are spent, similar to the report FDA submits annually to show how the agency spent collected PDUFA user fees.

The conferees expect the President's budgetary request for FDA for salaries and expenses to meet the PDUFA levels specified for each of these years and not be based on any assumption of the enactment of new substitutive user fees on other FDA regulated industries.

Pediatric studies of drugs (Sec. 111)

The conference agreement provides that if the Secretary determines that information about a drug may produce health benefits in a pediatric population and makes a written request for pediatric studies (including a time frame for completing the studies), and the studies are completed and are accepted by the Secretary, then the sponsor or manufacturer will qualify for 6 months of extra market exclusivity. The agreement authorizes the Secretary to determine the time frame for completing the studies, but the conferees emphasize that such studies should be sought, conducted, and completed at the earliest possible opportunity. The conferees do not intend that such studies be artificially timed for market advantage.

The agreement provides that no new market exclusivity may be applied to any new drug for which a new drug application is submitted after January 1, 2002. However, the agreement provides a continuation of the program for certain drugs already on the market on the date of enactment. The purpose of this limited extension is to ensure that, with respect to such already marketed drugs, exclusivity remains available if the Secretary determines there is a continuing need for additional information relating to the use of such drugs that may promote health benefits in the pediatric population. This is applicable only to drugs already included on the list under subsection (b) as of January 1, 2002. The Secretary will not list any additional drugs under Section 505A(b) after January 1, 2002. These drugs will be eligible for the applicable 6-month time extension if the requested studies satisfy all requirements of the section.

The conferees expect the Secretary to consult with experts in pediatric research to develop the list of drugs under subsection (b), and to set priorities for studies on these drugs. Such experts should include representatives from the American Academy of Pediatrics, the Pediatric Pharmacology Research Unit (PPRU) Network, and the U.S. Pharmacopeia. The conferees note particularly the excellent efforts of NIH, especially through the PPRU Network, which will contribute significantly to this effort.

The conference agreement also requires that a study be conducted on the program, by January 1, 2001, that reviews all aspects of the program, including its impact on the price and availability of drugs and the availability of generic drugs.

With respect to any requested studies under this provision, the conferees intend that data collected prior to a request or requirement by the Secretary may be used, in addition to data collected after such request or requirement in satisfying the provisions of this section.

Clinical investigations (Sec. 115)

The conferees note that the requirement for the Secretary to review existing guidance and develop additional guidance, as appropriate, on the inclusion of women and minorities in clinical trials does not require participation of women and minorities in any particular trial. Furthermore, FDA is required to consult with the National Institutes of Health, which has developed inclusion guidelines for subjects in federally funded clinical research, and with representatives of the drug manufacturing industry, to ensure that ethical, scientific, and legal issues specific to privately funded clinical research are considered. The conferees expect FDA to set forth its general policy regarding: the inclusion of women and minorities in drug development research; population-specific analyses of clinical data and assessment of potential pharmacokinetic differences; and the conduct of specific additional studies in women or minorities, where appropriate.

Content and review of applications (Sec. 119)

The Secretary is required to meet with an applicant if the applicant makes a reasonable written request for a meeting for the purpose of reaching agreement on the design and size of studies, if the sponsor provides the information necessary to discuss and reach agreement on the design and size of such studies. The Secretary may refuse to meet if the sponsor does not provide such information or if the Secretary determines that such meeting is premature or would not be useful.

Positron emission tomography (Sec. 121)

The conference agreement provides for regulation of positron emission tomography (PET) drugs and replaces earlier industry guidance and regulatory standards for PET products promulgated by the FDA. The agreement provides that, until the Secretary establishes procedures under subsection (c)(1) described below, neither a New Drug Application (NDA) nor an Abbreviated New Drug Application (ANDA) is required by a licensed practitioner to produce a compounded PET product in accordance with United States Pharmacopiea (USP) standards.

The agreement requires the Secretary, in two years to establish procedures for approving PET products, including compounded PET products, and good manufacturing practices for such products, taking account of relevant differences between commercial manufacturers and non-profit organizations and in consultation with patient groups, physicians, and others. The Secretary may not require NDAs or ANDAs for these products for four years (or two years after the procedures mentioned above are established).

A compounded PET drug, by definition, must be compounded pursuant to a valid prescription order and in accordance with state law, among other requirements. A PET drug that fails to meet these requirements is not a "compounded PET drug" and therefore is not exempt from section 501(a)(2)(B) (21 USC 351(a)(2)(B)) or from subsections (b) and (j) of section 505 (21 USC 355). PET drugs that fail to meet the definition of a "compounded PET drug" shall be subject to the procedures and requirements established by the Secretary under subsection (c)(1).

Application of Federal law to practice of pharmacy compounding (Sec. 127)

The conference report includes provisions on pharmacy compounding that reflect the conferees' extensive work with the Food and Drug Administration and other interested parties to reach consensus. It is the intent of the conferees to ensure continued availability of compounded drug products as a component of individualized therapy, while limiting the scope of compounding so as to prevent manufacturing under the guise of compounding. Section 503A establishes parameters under which compounding is appropriate and lawful. The conditions set forth in Section 503A should be used by the state boards of pharmacy and medicine for proper regulation of pharmacy compounding in addition to existing state-specific regulations.

The conferees intend that, as defined in subparagraph (b)(2), copies of commercially available drug products do not include drug products in which the change from the commercially available drug product produces a "significant difference" for the particular patient. For example, the removal of a dye from a commercially available drug product for a particular patient who is allergic to such dye shall be presumed to be a "significant difference." The conferees expect that FDA and the courts will accord great deference to the licensed prescriber's judgement in determining whether the change produces a "significant difference." However, where it is readily apparent, based on the circumstances, the "significant difference" is a mere pretext to allow compounding of products that are essentially copies of commercially available products, such compounding would be considered copying of commercially available products and would not qualify for the compounding exemptions if it is done regularly or in inordinate amounts. Such circumstances may include, for example, instances in which minor changes in strength (such as from .08% to .09% are made that are not known to be significant or instances in which the prescribing physician is receiving financial remuneration or other financial incentives to write prescription for compounded products.

The conferees also expect that the Secretary will develop the list of bulk drug substances described in subsection (b)(1)(A)(i)(III) within one year from the date of enactment. It is the intent of the conferees that the criteria used to develop the list of bulk drug substances and the list itself are to be developed in consultation with the United States Pharmacopoeia. The conferees further intend that where evidence relating to an approval under Section 505 does not exist, the Secretary shall consider other criteria. Finally, the conferees intend that after this list is published, organizations may petition the FDA for inclusion of additional substances on the aforementioned list.

The memorandum of understanding described in Paragraph (b)(3)(B)(i) shall provide guidance on the meaning of inordinate amounts, including any circumstances under which the compounding of drug products for

interstate shipment in excess of 5 percent of total prescription order would be included in a "safe harbor" of interstate shipments of compounded products that shall not be deemed inordinate.

As stated in paragraph (e), nothing in Section 503A is intended to change or otherwise affect current law with respect to radiopharmaceuticals, including PET drugs. Further, as stated in paragraph (f), the term compounding does not include mixing reconstituting or other such acts that are performed in accordance with directions contained in approved labeling provided by the product's manufacturer and other manufacturer directions consistent with that labeling. Nothing in this provision is intended to change or otherwise affect the Act with respect to reconstitution or other similar processing that is done pursuant to a manufacturer's approved labeling, and other directions from such manufacturer that are consistent with that labeling. In general, such practices, as performed by a licensed practitioner for an identified individual patient, are appropriately regulated by state boards of pharmacy. The conferees intend that facilities required to register with the FDA, including those which are engaged in non-patient specific compounding and reconstitution activities, are appropriately regulated under the Federal Food, Drug and Cosmetic Act.

Finally, with regard to the effective date described in paragraph (b), the conferees expect the FDA to work diligently to consult with necessary parties to promulgate the required regulations and lists. Nothing in paragraph (b) is intended to abrogate the Secretary's responsibility to promulgate such regulations through the notice and comment rulemaking process.

Reauthorization of the Clinical Pharmacology Program (Sec. 128)

The conference agreement extends through fiscal year 2002 the authorization of appropriations of the Clinical Pharmacology Training Program, a program originally authorized under section 2(b) of P.L. 102-222. Nothing in this section of the agreement prohibits the Secretary from continuing the awarding of grants to the original and current grantees. The conferees strongly recommend that the Secretary continue the development of the clinical pharmacology programs at the colleges and universities originally selected to participate in the program.

Regulations for sunscreen products (Sec. 129)

The conference agreement includes a provision requiring FDA to continue diligently with its work to complete its rulemaking process on sunscreen products and to issue regulations within 18 months. The conferees recognize that various technical and scientific issues may take longer to resolve than other aspects of the rulemaking. The conferees do not intend that all regulation in this area be complete or comprehensive by a specified date.

TITLE II—IMPROVING REGULATION OF DEVICES

Scope of review (Sec. 205)

The conference agreement addresses the issue of regulatory burden by ensuring that the impact of the Secretary's necessary review, approval, and oversight functions is not inappropriate. This assurance is achieved by requiring the Secretary to consider, in consultation with an applicant for device approval, the method for evaluating the device's effectiveness that would be appropriate, least burdensome, and reasonably likely to result in the device's approval. The conferees believe that this language is necessary to and consistent with improving communications between the FDA and regulated persons, increasing regulatory efficiency, and decreasing the length of product review and approval.

Premature notification (Sec. 206)

The conference agreement exempts class I devices from premarket notification under section 510(k), except those types that present a potential unreasonable risk of illness or injury, or that are of substantial importance in preventing impairment of human health. The agreement also requires the Secretary to publish a notice listing the types of class II devices that are exempt from premarket notification. The Secretary must publish this initial list within 60 days. Thereafter, class II devices may be exempted by the Secretary on the Secretary's own initiative or through a petition process. the agreement provides that the Secretary must respond to any such petition within 180 days or the petition will be deemed granted.

The conferees do not intend by this provision that the Secretary should up-classify low-risk class I device in order to avoid exempting them. The conferees believe the appropriate exemption of class I and certain class II devices will allow the Secretary to expend limited premarket review resources on potentially risky and technologically advanced devices. Focusing resources in this manner will ensure the public continues to be adequately protected and will still benefit from the earlier availability of new products.

Accredited party review (Sec. 210)

The conference agreement makes modifications to the House and Senate provisions establishing the process by which the Secretary will accredit person to review and initially classify 510(k) devices. The agreement's provisions relating to the scope and the duration of the pilot program specify that an accredited person may not review a class III device, a class II device that is permanently implantable, life-sustaining or life-supporting, or a class II device for which clinical data are required. The latter category is limited in size to not more than six percent of all 510(k) submissions. In addition, the agreement provides for the termination of the pilot program after the Secretary has met specified targets for inclusion of eligible devices.

Reports (Sec. 213)

The conference agreement amends Section 519 of the Federal Food, Drug and Cosmetic Act to reduce the reporting requirements for device distributors. Manufacturers and importers, however, are required to comply with the existing requirements for medical device reporting. The amendment to section 519(a)(9) requires distributors to keep records and make them available to the Secretary on request. Because distributors will no longer be submitting reports to the Secretary, copies of reports would also not be sent to the manufacturers. This is not intended to provide the FDA with any new statutory authority to require distributors to keep additional records; it merely clarifies that existing record keeping requirements of section 519(a) continue to apply. This provision also removes the registration, listing, and reporting requirements for distributors under section 510. Since user facilities and manufacturers submit medical device reports to the FDA, there is no need for additional reporting by distributors. The FDA is urged to allow all record keeping, including distributor record keeping, to be accomplished through either electronic means or written documentation. The FDA is also urged to revise its current regulations on distributor record keeping (21 C.F.R. §804.35(b)) to provide that distributors need only keep records of complaints for six years from the date a complaint is received by the distributor, consistent with the longest statutes of limitations under State tort laws. Currently, FDA regulations require distributors to keep records for two years from the date of the record of complaint or the expected life of the device, whichever is greater. It is the intent of the conferees to simplify these requirements, since distributors, unlike manufacturers, are not able to determine the expected life of a device. Since these records will be kept by manufacturers as well, it is unnecessarily burdensome for distributors to keep these records for other than a fixed period of time.

The conferees expect the FDA to modify its regulations under Sec. 519(f) to ensure that the reports under this section are not required from any manufacturer, importer, or distributor who also is regulated and required to make such reports under the Radiation Control for Health and Safety Act of 1968 (21 U.S.C. 36011).

Practice of medicine (Sec. 214)

The conference agreement includes a provision intended by the conferees to emphasize that the FDA should not interfere in the practice of medicine. Specifically, the conferees note that the off-label use of a medical device by a physician using his or her best medical judgment in determining how and when to use the medical product for the care of a particular patient is not the province of the FDA. It is the intent of the conferees that this provision not be construed to affect medical professional liability.

TITLE III—IMPROVING REGULATION OF FOOD

Flexibility for regulations regarding claims (Sec. 301)

The conference agreement clarifies the parameters within which the Secretary may use the interim final rulemaking authority established under this section. This authority enables the Secretary to make proposed regulations on claims effective upon publication, pending consideration of public comment and publication of a final regulation. The conferees' clarifying language emphasizes that this authority may be used when the Secretary determines that it is necessary to enable the Secretary to improve consumer access to important dietary information and to ban or modify a claim in a prompt fashion. The conferees' intent in creating this expedited rulemaking authority for health and nutrient content claims is that it be used primarily to expedite the review of petitions for health and nutrient content claims based on authoritative statements.

Health and nutrient content claims (Secs. 303, 304)

The conference agreement makes streamlined procedures available for the Secretary to permit more scientifically sound nutrition information to be provided to consumers through health and nutrient content claims. This process is triggered by authoritative statements of entities such as the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC), and the National Academy of Sciences (NAS). Although the provision specifically permits claims to be made on the basis of a statement produced by subsidiaries of NAS, the conferees intend that the lack of similar language with respect to entities such as NIH and CDC be interpreted as a reflection of the desire of the conferees that statements issued by entities such as NIH

and CDC reflect consensus within those institutions. The agreement makes minor modifications to the House provisions on health and nutrient content claims to expedite the process by which such claims are processed. As part of the submissions to the Secretary for health claims based on authoritative statements, a balanced representation of the scientific literature may include a bibliography of such literature.

Disclosure of irradiation (Sec. 306)

The conference agreement ensures that no existing provision of the Federal Food Drug and Cosmetic Act will be considered to require a separate radiation disclosure statement that is more prominent than the declaration of ingredients on the food label. To ensure the intended effect of this provision, the conferees direct the Secretary promptly to publish for public comment proposed amendments to current regulations relating to the labeling of foods treated with ionizing radiation. The conferees expect final regulations to be issued not more than 12 months after the date of enactment of this measure. The public comment process should be utilized by the Secretary to provide an opportunity to comment on whether the regulations should be amended to revise the prescribed nomenclature for the labeling of irradiated foods and on whether such labeling requirements should expire at a specified date in the future. The conferees intend for any required disclosure to be of a type and character such that it would not be perceived to be a warning or give rise to inappropriate consumer anxiety.

Food contact substances (Sec. 309)

The conference agreement establishes a notification process for the regulation of components of food packaging, known as food contact substances, which is intended to expedite authorization of the marketing of a food contact substance except where the Secretary determines that submission and review of a food additive petition is necessary to provide adequate determination of safety. The agreement also authorizes appropriations to finance the costs of the new notification process. To protect the Agency from having to reallocate resources within CFSAN to meet the costs of implementation, the agreement provides that implementation is to be triggered only when the FDA receives an appropriation sufficient to fund the program. The conferees strongly encourage the House and Senate to appropriate the funds authorized. The conferees also urge the Committees of jurisdiction, when reauthorizing the notification program, to reevaluate fully its operational effectiveness, the appropriateness of its timeframes, the adequacy of funding, and its protection of the public health.

On the subject of food contact substances, the conferees wish to commend the FDA and the Environmental Protection Agency (EPA) for developing an Administration policy on the question of returning from EPA to FDA regulatory authority over antimicrobials used as food contact substances. This policy addresses the uncertainty unintentionally created by the Food Quality Protection Act of 1996 (FQPA) over the authority for regulating antimicrobials used as food contact substances. Although the legislative language effecting this policy was considered by the conferees to be outside the scope of this conference, the conferees acknowledge the significant need for this change and urge FDA and EPA to continue to work with the Congress to identify and develop an appropriate and expeditious vehicle for action on this matter. In the interim, the conferees urge the agencies not to delay active review of pending petitions and the pursuit of the most immediate means to achieve resolution of this jurisdictional issue.

TITLE IV—GENERAL PROVISIONS

Dissemination of treatment information (Sec. 401)

The conference agreement's inclusion of this section is intended to provide that health care practitioners can obtain important scientific information about uses that are not included in the approved labeling of drugs, biological products, and devices. The conferees also wish to encourage that these new uses be included on the product label. Therefore, the agreement includes strong incentives to conduct the research needed and file a supplemental application for such uses. A manufacturer who seeks to disseminate information about a new use must either certify that it will file a supplemental application or must submit a proposed protocol and schedule for conducting the necessary studies and a certification that a supplemental application will be filed.

Although the conferees intend to ensure that the research is undertaken to get new uses on product labels, the conferees also recognize that there may be limited circumstances when it is appropriate to exempt a manufacturer from the requirement to file a supplemental application. In making the determination of whether to grant an exemption pursuant to subsection (d)(2), the Secretary may consider, among other factors, whether: the new use meets the requirements of section 186(t)(2)(B) of the Social Security Act; a medical specialty society that is represented in or recognized by the Council of Medical Specialty Societies (or is a subspecialty of such society) or is recognized by the American Osteopathic Association, has found that the new use is consistent with sound medical practice; the new use is described in a recommendation or medical practice guideline of a Federal health agency, including the National Institutes of Health, the Agency for Health Care Policy Research and the Centers for Disease Control and Prevention of the Department of Health and Human Services; the new use is described in one of three compedia: The U.S. Pharmacopeia-Drug Information, the American Medical Association Drug Evaluation, or the American Hospital Association Formulary Service Drug Information; the new use involves a combination of products of more than one sponsor of a new drug application, a biological license application, a device premarket notification, or a device premarket approval application; or the patent status of the product.

The conferees recognize that there may be cases where the size of the patient population may be cause for the Secretary to determine that a supplemental application should not be filed. However, this is intended to be the exception, rather than the rule, in the case of populations suffering from orphan or rare disorders. For many years, this Congress has sought to encourage research into orphan diseases and the approval of innovative drugs for their treatment. The Secretary should examine very carefully whether an exemption from filing a supplemental application might hinder such research and recognize the vital importance of encouraging application for new drugs and new drug uses intended to treat rare disorders.

Expanded access to investigational therapies and diagnostics (Sec. 402)

The conference report provides statutory direction to expand access programs and emphasizes that opportunities to participate in expanded access programs are available to every individual with a life-threatening or seriously debilitating illness for which there is not an effective, approved therapy. The conferees note that they purposely used broad language in this section relating to "serious" conditions, without attempting to define them, in order to permit wide flexibility in implementation. Illnesses that do not cause death, or imminent death, can nonetheless destroy the lives of both patients and their families. The conferees therefore intend that the seriousness of an illness be given broad consideration, to take into account all of the circumstances involved.

Currently, Federal law allows drug companies to make experimental drugs available, under specific circumstances, to seriously and terminally ill patients. However, companies are often reluctant to do so because they fear that inclusion of data on such very ill patients will jeopardize the approval of their product because these patients' medical progress on any therapy may conflict with or be inconsistent with data from patients in the clinical studies. The conferees request that the FDA evaluate ways to address this problem, particularly for terminal patients who have failed existing approved therapies.

Information system (Sec. 407)

The conferees intend that the information system shall provide access to the information by the applicant under conditions set by the Secretary, except that access shall not be provided under any particular form of information system to any applicant until appropriate safeguards are in place to ensure that integrity and confidentiality of the information for which access is provided.

Education and training (Sec. 408)

The conference agreement authorizes the Centers of the FDA that conduct intramural research to provide fellowships and training to appropriate undergraduate, pre-doctoral, and/or post-doctoral candidates. In the past, FDA's Centers provided for a limited number of scientific training positions through Full Time Equivalent programs or interagency agreements with other federal agencies which have the statutory authority to hire trainees through third parties. However, many of the benefits of the training program have been reduced because FDA has not had specific direct authority to conduct and support them. In light of the additional overhead costs, reduced training flexibility, increased paperwork, and hiring delays that have resulted, it is increasingly difficult and impractical for FDA to hire trainees as FTE Service Fellows. As a result, the Intramural Research and Training Authority authorized here is intended to provide the FDA the authority to conduct and support directly the selection and training of fellows, allow more efficient use of appropriated funds by reducing overhead and other costs, and permit the training of such candidates as non-FTE positions. The conference agreement also provides similar authority for the Centers for Disease Control and Prevention.

Centers for education and research on therapeutics (Sec. 409)

The conference agreement establishes a demonstration program to conduct research and increase awareness of new products and ways to improve their effective use, and to increase awareness of risks of both new uses and combinations of therapies. In carrying out this demonstration program, the Secretary is directed to act through the Agency

for Health Care Policy and Research (AHCPR) in consultation with the FDA Commissioner. The conferees designated AHCPR as the lead agency because of its expertise in the evaluation of the effectiveness of clinical care, its non-regulatory role, and its close working relationship with the health care community in the improvement of the quality of care. Accordingly, this section establishes a new Section 928 in Title IX of the Public Health Service Act, the authorizing statute for AHCPR.

To ensure appropriate coordination and to avoid unnecessary duplication, AHCPR is required to consult closely with the FDA in the development and operation of this demonstration program. The conferees expanded the focus of this demonstration to include ways to improve the effective use of drugs, biological products, and devices as well as risks of new combinations of such products and directed that the clinical information gained in the project would be provided to consumers as well as health care practitioners and insurers. Finally, the conferees direct AHCPR also to consider the appropriate use of products in meeting the purposes of this section.

Environmental impact review (Sec. 411)

The conferees believe that FDA's new procedures implementing the National Environmental Policy Act (NEPA) appropriately eliminate unnecessary paperwork and delays associated with prior agency practices. Section 411 makes clear that an environmental impact statement (EIS) prepared in accordance with those regulations will meet the requirements of NEPA. The conferees do not intend this section to preclude judicial review of EISs. The conferees understand that the FDA may modify its regulations periodically, in consultation with the Council on Environmental Quality and the FDA's authorizing committees, as new circumstances or information warrants.

Because the Clean Air Act authorizes production of limited quantities of Class I and Class II substances for use in medical devices, there will be a continuing, but limited, supply of these substances. The EPA shall not dictate, promote or otherwise encourage a policy preference for disposal by incineration of the contents of metered-dose inhalers, but instead allow such contents to be recaptured, recycled or reused consistent with section 608(a)(3) of the Clean Air Act until such time that Congress conducts oversight hearings into the issue.

National uniformity for nonprescription drugs and cosmetics (Sec. 412)

Confidentiality of OTC company self-audits

Public policy should encourage drug manufacturers to conduct audits of their activities to candidly alert management to potential problems so that they can be addressed quickly and effectively. If FDA were to assert routine access to these audits, it would create serious disincentives to conducting appropriate audits and preparing thorough reports of the results. FDA already has a policy of not ordinarily requesting audit reports, which is set forth in compliance policy guide (#7151.02, Sec. 130.300) that applies to prescription drug firms. It is expected that OTC drug firms would be subject to the same compliance policy guide. Thus, during routine inspections of OTC drug establishments, FDA would not be expected to request or to review or copy reports and records that result from the firm's own audits and inspections of its operations to assure compliance with applicable FDA requirements such as good manufacturing practice (GMP) regulations. FDA would reserve the right to review such audits in certain limited circumstances as outlined in the compliance guide.

OTC and cosmetics inspection

The conferees intend that FDA exercise its new records inspection authority fairly and carefully, especially with regard to inspections at facilities that manufacture products that are both cosmetics and over-the-counter drugs. Cosmetic products that are also OTC drugs will, under the provisions of this bill, benefit from full national uniformity relating to all regulatory requirements, including those associated with ingredients, labeling, and packaging. Therefore, under these provisions, manufacturers of such OTC products will be subject to records inspection by FDA. The conferees want to make clear that any records inspection applies only to those products for which there is full national uniformity. This new records inspection authority applies only to products determined to be over-the-counter drugs. It does not apply to products that are solely cosmetics.

In the case of an inspection at a facility which deals both with cosmetic products that are OTC drugs and those that are not, FDA inspectors do not have access to any records relating to the cosmetic products. Further, the conferees want to make clear that there is no records inspection authority under these provisions for facilities dealing exclusively with cosmetics.

Finally, the conferees expect that FDA will provide sufficient time and guidance to the over-the-counter drug industry prior to initiating any program of records inspection and in the early stages of implementing this new requirement.

Effect of national uniformity on state enforcement "little FTC" laws

All states have laws prohibiting false and misleading advertising, modeled on the Federal Trade Commission Act. These laws have been applied to prohibit unsubstantiated claims for nonprescription drugs and cosmetics, and to require corrective advertising. This provision is not intended to preempt the application of these laws under such circumstances.

The Conference Committee intends to make clear that "Little FTC" laws, as they have historically been written and applied, are not preempted. The scope of national uniformity is modified to only apply to state requirements that relate to labeling and packaging or, if they go beyond labeling and packaging, to requirements relating to warnings. Thus, advertising issues relating to claims substantiation, fair balance, and misleading or deceptive claims are outside the scope of preemption.

Effect of national uniformity on state food labeling laws

This provision is not intended to pre-empt or prohibit States from regulating the labeling of food which derives from animals treated with non-prescription drugs. Nor are these provisions intended to void State regulations on the use of these drugs.

Product classification (Sec. 416)

Subsections (b) and (c) have been amended to make clear that FDA may only modify product classifications for public health reasons based on scientific information.

TOM BLILEY,
MICHAEL BILIRAKIS,
JOE BARTON,
JAMES GREENWOOD,
RICHARD BURR,
ED WHITFIELD,
JOHN D. DINGELL,
SHERROD BROWN,
HENRY A. WAXMAN,
RON KLINK,
Managers on the Part of the House.

JIM JEFFORDS,
DAN COATS,
JUDD GREGG,
BILL FRIST,
MIKE DEWINE,
EDWARD M. KENNEDY,
CHRISTOPHER DODD,
TOM HARKIN,
BARBARA A. MIKULSKI,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT) for November 8 after 12 noon and November 9, on account of personal reasons.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 508. An act to provide for the relief of Mai Hoa "Jasmin" Salehi; to the Committee on the Judiciary.

S. 759. An act to amend the State Department Basic Authorities Act of 1956 to require the Secretary of State to submit an annual report to Congress concerning diplomatic immunity; to the Committee on International Relations.

S. 857. An act for the relief of Roma Salobrit; to the Committee on the Judiciary.

S. 1189. An act to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes; to the Committee on the Judiciary.

S. 1304. An act for the relief of Belinda McGregor; to the Committee on the Judiciary.

S. 1487. An act to establish a National Voluntary Mutual Reunion Registry; to the Committee on Ways and Means.

S. 1507. An act to amend the National Defense Authorization Act for Fiscal Year 1998 to make certain technical corrections; to the Committee on National Security.

S. Con. Res. 58. Concurrent resolution expressing the concern of Congress over Russia's newly passed religion law; to the Committee on International Relations.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on the following dates present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

On November 8, 1997:

H.R. 2264. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related

agencies for the fiscal year ending September 30, 1998, and for other purposes.

On November 9, 1997:

H.J. Res. 104. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1747. An act to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes.

H.R. 1787. An act to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects with demonstrated expertise in the conservation of Asian elephants.

H.R. 2731. An act for the relief of Roy Desmond Moser.

H.R. 2732. An act for the relief of John Andre Chalot.

H.J. Res. 104. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 813. An act to amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

S. 1377. An act to amend the act incorporating the American Legion to make a technical correction.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 2 minutes a.m.), under its previous order, the House adjourned until Wednesday, November 12, 1997, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5818. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Corn Gluten; Exemption from the Requirement of a Tolerance [OPP-300505A; FRL-5750-3] (RIN: 2070-AB78) received November 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5819. A letter from the Assistant Secretary (Installations and Environment), Department of the Navy, transmitting notification of intent to study a commercial or industrial type function performed by 45 or more civilian employees for possible outsourcing, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

5820. A letter from the Assistant Secretary (Reserve Affairs), Department of Defense, transmitting a report on the progress of the study on the means of ensuring uniformity in provision of medical and dental care for members of reserve components, pursuant to Public Law 104—201, section 746(b) (110 Stat. 2602); to the Committee on National Security.

5821. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Reserve Requirements of Depository Institutions [Regulation D; Docket No. R-0980] received October 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5822. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's "Major" final rule— Energy Conservation Program for Consumer Products: Final Rule Regarding Energy Conservation Standards for Room Air Conditioners [Docket Nos. EE-RM-90-201 and EE-RM-93-801-RAC] (RIN: 1904-AA38) received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5823. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Florida [FL-70-1-9738a; FRL-5920-3] received November 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5824. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 034-0048; FRL-5917-5] received November 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5825. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District, Ventura County Air Pollution Control District [CA 083-0053a; FRL-5911-4] received November 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5826. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Michigan: Final Authorization of Revisions to State Hazardous Waste Management Program [FRL-5918-8] received November 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5827. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Ambient Air Quality Surveillance for Lead [AD-FRL-5903-5] (RIN: 2060-AF71) received November 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5828. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Removal of Requirement in Gasoline Deposit Control Additives Rule Regarding the Identification of the Oxygenate Content of Transferred Gasoline [FRL-5917-9] received November 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5829. A letter from the AMD—Performance Evaluation and RECORDS Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of the Commission's Rules to Establish a Radio Astronomy Coordination Zone in Puerto Rico [ET Docket No. 96-2, RM-8165] received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5830. A letter from the AMD—Performance Evaluation and RECORDS Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 15 of the Commission's Rules to permit operation of biomedical telemetry devices on VHF TV channels 7-13 and on UHF TV channels 14-46 [ET Docket No. 95-177] received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5831. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption; Milk-Clotting Enzymes [Docket No. 93F-0461] received November 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5832. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending September 30, 1997, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

5833. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 98-21), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5834. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Korea for defense articles and services (Transmittal No. 98-20), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5835. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Taipei Economic and Cultural Representative Office (TECRO) in the United States for defense articles and services (Transmittal No. 98-18), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5836. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 98-16), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5837. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer

and Acceptance (LOA) to Portugal for defense articles and services (Transmittal No. 98-13), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5838. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Portugal for defense articles and services (Transmittal No. 98-11), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5839. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Turkey for defense articles and services (Transmittal No. 98-09), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5840. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services (Transmittal No. 98-12), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5841. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services (Transmittal No. 98-08), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5842. A letter from the Director, Defense Security Assistance Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability for Saudi Arabia (Transmittal No. A-98), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on International Relations.

5843. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Canada (Transmittal No. DTC-69-97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

5844. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Germany (Transmittal No. DTC-133-97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

5845. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with the United Kingdom (Transmittal No. DTC-132-97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

5846. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Germany and Sweden (Transmittal No. DTC-112-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5847. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Singapore (Transmittal No. DTC-113-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5848. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Israel (Transmittal No. DTC-97-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5849. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Japan (Transmittal No. DTC-98-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5850. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Kuwait (Transmittal No. DTC-114-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5851. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC-117-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5852. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

5853. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List [97-019] received November 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5854. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

5855. A letter from the Chairman, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the annual report for fiscal year 1997, pursuant to Public Law 104—8; to the Committee on Government Reform and Oversight.

5856. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1997, through September 30, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

5857. A letter from the Director, Federal Mediation and Conciliation Service, transmitting the 1997 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

5858. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting the 1997 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

5859. A letter from the President, Institute of American Indian Arts, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

5860. A letter from the Director, National Gallery of Art, transmitting a consolidated report on audit and investigative coverage required by the Inspector General Act of 1978, as amended, and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

5861. A letter from the Director, Office of Government Ethics, transmitting the 1997 annual consolidated report in compliance with the Inspector General Act Amendments of 1988 and the Federal Managers' Financial Integrity Act, pursuant to Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

5862. A letter from the Independent Counsel, Office of Independent Counsel, transmitting the 1997 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100—504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

5863. A letter from the Director, The Morris K. Udall Foundation, transmitting the annual report pursuant to the Federal Managers' Financial Integrity Act and the Inspector General Act for the year ending September 30, 1997, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

5864. A letter from the Acting Director, The Woodrow Wilson Center, transmitting a consolidated report on audit and investigative coverage required by the Inspector General Act of 1978, as amended, and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

5865. A letter from the President and Chief Executive Officer, United States Enrichment Corporation, transmitting a consolidated report on audit and investigative coverage required by the Inspector General Act of 1978, as amended, and the Federal Managers' Financial Integrity Act covering the year ended September 30, 1997, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

5866. A letter from the President, United States Institute of Peace, transmitting the strategic plan for the period FY 1997 through 2002, pursuant to Public Law 103—62; to the Committee on Government Reform and Oversight.

5867. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Patent Preparation and Issuance [WO-350-1220-00-24 1A] (RIN: 1004-AC-88) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5868. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Insurance Coverage Provisions for Observer Contractors under the North Pacific Interim Groundfish Observer Program [Docket No. 960717195-7255-03; I.D. 100897E] (RIN: 0648-AI95) received November 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5869. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Longshore Act Civil Money Penalties Adjustment (RIN: 1215–AB17) received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5870. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, transmitting the Administration's final rule—Temporary Exemption from Chemical Registration for Distributors of Pseudoephedrine and Phenylpropanolamine Products [DEA Number 1681] (RIN: 1117–AA46) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5871. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Modifications to Michigan's Assumed Program to Administer the Section 404 Permitting Program Resulting from the Reorganization of the Michigan Environmental Agencies [FRL–5918–7] received November 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5872. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Modifications to Michigan's Approved Program to Administer the National Pollutant Discharge Elimination System Permitting Program Resulting from the Reorganization of the Michigan Environmental Agencies [FRL–5918–6] received November 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5873. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Grants to States for Construction or Acquisition of State Home Facilities (RIN: 2900–AI84) received November 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5874. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Mendocino Ridge Viticultural Area (RIN: 1512–AA07) received October 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5875. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Unemployment Insurance Program Letter [Nos. 41–97 and 44–97] received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5876. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Material Limitation on Surviving Spouse's Right to Income [Notice 97–63] received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5877. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Test of Bankruptcy Appeals Process [Announcement 97–111] received November 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee of Conference. Conference report on S. 830. An act to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes (Rept. 105–399). Ordered to be printed.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 319. Resolution providing for consideration of the bill (S. 738) to reform the statutes relating to Amtrak, and for other purposes (Rept. 105–400). Referred to the House Calendar.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

225. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 295 memorializing the Citizens' Committee of the United States Postal Service to consider and recommend to the United States Postal Service Board of Governors the issuance of a commemorative stamp honoring Richard Humphreys, Quaker, goldsmith and philanthropist, on the 160th Anniversary of the founding of Cheyney University of Pennsylvania; to the Committee on Government Reform and Oversight.

226. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 38 expressing support for a full, fair, and complete investigation of legal and ethical violations during the 1996 campaigns, and memorializing the President and the Congress to condemn all prejudice against Asian and Pacific Islander Americans, and to publicly support political and civic participation by these persons throughout the United States; to the Committee on the Judiciary.

227. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 32 memorializing the President and Congress of the United States to recognize the sacrifices and services rendered to our country by the Hmong-Lao veterans who served in the special guerrilla units that were allied with, and operating in support of, the military forces of the United States during the Vietnam War by granting those veterans and their families full United States citizenship; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HORN (for himself, Mrs. MALONEY of New York, Mr. BURTON of Indiana, and Mr. WAXMAN):

H.R. 2977. A bill to amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration; to the Committee on Government Reform and Oversight.

By Ms. VELAZQUEZ (for herself, Mr. GUTIERREZ, and Mr. SERRANO):

H.R. 2978. A bill to require the Secretary of the Treasury to mint coins in commemoration of all the brave and gallant Puerto Ricans in the 65th Infantry Regiment of the United States Army who fought in the Korean conflict; to the Committee on Banking and Financial Services.

By Mr. THOMAS:

H.R. 2979. A bill to authorize acquisition of certain real property for the Library of Congress, and for other purposes; to the Committee on House Oversight.

By Mr. ALLEN:

H.R. 2980. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Commerce.

By Mr. ALLEN (for himself and Mr. BALDACCI):

H.R. 2981. A bill to amend the Higher Education Act of 1965 relating to financial responsibility for refunds and during provisional certification and change of ownership; to the Committee on Education and the Workforce.

By Mr. GILMAN:

H.R. 2982. A bill to improve the quality of child care provided through Federal facilities and programs, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on House Oversight, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself, Mr. FOX of Pennsylvania, Mr. PALLONE, Mr. VISCLOSKY, Mr. BONIOR, Ms. ESHOO, Mr. KENNEDY of Rhode Island, Mr. ROTHMAN, Mr. ROGAN, Mr. WEYGAND, Mr. RADANOVICH, Mr. MORAN of Virginia, Mr. KENNEDY of Massachusetts, and Mr. MARKEY):

H.R. 2983. A bill to promote long term stability in the Caucasus, deter renewed aggression, and facilitate the peaceful resolution of the Nagorno-Karabagh conflict; to the Committee on International Relations, and in addition to the Committee 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.

By Mr. BARR of Georgia:

H.R. 2984. A bill to provide an exemption from the Gun-Free School Zones Act of 1990 for conduct that does not violate State or local law; to the Committee on the Judiciary.

By Mr. CARDIN (for himself, Mr. BUNNING of Kentucky, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. STARK, and Mr. WELLER):

H.R. 2985. A bill to amend the Immigration and Nationality Act to make certain aliens determined to be delinquent in the payment of child support inadmissible, deportable, and ineligible for naturalization, to authorize immigration officers to serve process in child support cases on aliens entering the United States, and for other purposes; to the Committee on the Judiciary, 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. COLLINS:

H.R. 2986. A bill for the relief of the survivors of the 14 members of the Armed

Forces and the one United States civilian who were killed on April 14, 1994, when United States fighter aircraft mistakenly shot down 2 helicopters in Iraq; to the Committee on the Judiciary.

By Mr. DAVIS of Virginia (for himself and Mr. KUCINICH):

H.R. 2987. A bill to amend title 5, United States Code, to provide for appropriate overtime pay for National Weather Service forecasters performing essential services during severe weather events, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. DOOLITTLE:

H.R. 2988. A bill to facilitate the operation, maintenance, and upgrade of certain federally owned hydroelectric power generating facilities, to ensure the recovery of costs, and to improve the ability of the Federal Government to coordinate its generating and marketing of electricity with the non-Federalelectric utility industry; to the Committee on Resources, and in addition to the Committees on Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENSIGN:

H.R. 2989. A bill to direct the Secretary of the Interior to convey to the St. Jude's Ranch for Children, Nevada, approximately 40 acres of land in Las Vegas, Nevada, to be used for the development of facilities for the residential care and treatment of adjudicated girls; to the Committee on Resources.

By Mr. ENSIGN (for himself, Mr. RANGEL, Mr. LAZIO of New York, Mr. CHRISTENSEN, Mr. GIBBONS, Ms. LOFGREN, Mr. ENGLISH of Pennsylvania, Mr. BACHUS, Mr. RILEY, Mr. CALLAHAN, Mr. KENNEDY of Massachusetts, Mr. MICA, Mr. EVERETT, Mr. THOMPSON, Mr. HOUGHTON, Mr. WEYGAND, Mr. ADERHOLT, Mr. CARDIN, Mr. HILLIARD, Mr. CRAMER, Ms. DANNER, Ms. PELOSI, Mr. SKELTON, Mr. DIAZ-BALART, Mr. FILNER, Mr. FROST, Mr. CRAPO, Mr. ADAM SMITH of Washington, Mr. REYES, Mr. NEAL of Massachusetts, Ms. WOOLSEY, and Mr. KUCINICH):

H.R. 2990. A bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation; to the Committee on Ways and Means.

By Ms. ESHOO (for herself and Mr. TAUZIN):

H.R. 2991. A bill to enhance electronic commerce by requiring agencies to use digital signatures, which are compatible with standards for such technology used in commerce and industry, to enable persons to submit Federal forms electronically, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAHAM (for himself, Mr. SAM JOHNSON, Mr. HILLEARY, Mr. INGLIS of South Carolina, Mr. WAMP, Mr. NORWOOD, Mr. BARTLETT of Maryland, Mr. TAYLOR of North Carolina, Mr. STUMP, Mr. HERGER, Mr. MILLER of Florida, Mr. WATTS of Oklahoma, Mr. ISTOOK, Mrs. LINDA SMITH of Washington, Mr. TALENT, Mr. THORNBERRY, Mr. CHABOT, Mr. SPENCE, Mr. SANFORD, Mr. TIAHRT, Mr. KNOLLENBERG, Mrs. MYRICK, Mr. HEFLEY, Mr. SOLOMON, Mr. BARTON of Texas, Mr. PITTS, Ms. DUNN of Washington, Mr. SALMON, Mr. SHADEGG, Mr. LARGENT, Mr. BACHUS, Mr. BALLENGER, Mr. DICKEY, Mr. BLUNT, Mrs. EMERSON, Mr. LAHOOD, Mr. MCKEON, Mr. RADANOVICH, Mr. ROHRABACHER, Mr. COX of California, Mr. SENSENBRENNER, Mr. HUTCHINSON, Mr. HOSTETTLER, Mr. BOB SCHAFFER, Mr. PETERSON of Pennsylvania, Mr. SOUDER, Mr. MCINTOSH, Mr. SESSIONS, Mr. ROYCE, Mr. WELDON of Florida, and Mr. NETHERCUTT):

H.R. 2992. A bill to repeal the Goals 2000: Educate America Act and the National Skill Standards Act of 1994 to allow local areas to develop elementary and secondary education programs that meet their needs; to the Committee on Education and the Workforce.

By Mr. HEFLEY:

H.R. 2993. A bill to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes; to the Committee on Resources.

By Ms. HOOLEY of Oregon (for herself and Mr. DAVIS of Virginia):

H.R. 2994. A bill to provide for various capital investments in technology education in the United States; to the Committee on Education and the Workforce, and in addition to the Committees on Science, and 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. JOHNSON of Connecticut (for herself and Mrs. LOWEY):

H.R. 2995. A bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations (other than governmental units) a credit against employment taxes in an amount equivalent to the work opportunity credit allowable to taxable employers, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY of Massachusetts:

H.R. 2996. A bill to amend the Securities Exchange Act of 1934 to revise the definition of limited partnership rollup transaction; to the Committee on Commerce.

By Mr. KENNEDY of Massachusetts (for himself, Mr. DELLUMS, Mr. KLECZKA, Mr. LAFALCE, Mr. FILNER, Mr. MCDERMOTT, Mr. BONIOR, Mr. TOWNS, Ms. SLAUGHTER, Mr. LEWIS of Georgia, Mr. JACKSON, Ms. VELAZQUEZ, Mr. MCGOVERN, Mr. BERMAN, Ms. PELOSI, Mr. OLVER, Mr. MARKEY, Mr. WAXMAN, Ms. NORTON, Ms. KILPATRICK, Mr. MEEHAN, Ms. ROYBAL-ALLARD, Mr. MILLER of California, Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. DELAHUNT, Ms. CARSON, Mr. MARTINEZ, Mrs. MEEK of Florida, Mr. HINCHEY, Mr. OWENS, Mr. TIERNEY, Mr. FATTAH, Mr. PAYNE, Mr. NEAL of Massachusetts, Mr. ACKERMAN, Ms. WATERS, Ms. BROWN of Florida, Mr. POMEROY, and Ms. HOOLEY of Oregon):

H.R. 2997. A bill to establish a commission on fairness in the workplace; to the Committee on Education and the Workforce.

By Mr. LEVIN (for himself and Mr. KILDEE):

H.R. 2998. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain amounts received as scholarships by an individual under the National Health Service Corps Scholarship Program; to the Committee on Ways and Means.

By Mr. LEVIN:

H.R. 2999. A bill to amend title XVIII and XIX of the Social Security Act to expand and clarify the requirements regarding advance directives in order to ensure that an individual's health care decisions are complied with, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OXLEY (for himself, Mr. CONDIT, Mr. JOHN, Mr. BLILEY, Mr. FORD, Mr. UPTON, Mr. GREENWOOD, Mr. KLUG, Mr. MARTINEZ, Mr. GOODLING, Mr. TRAFICANT, Mr. TAUZIN, Mr. PETERSON of Minnesota, Mr. STENHOLM, Mr. GILLMOR, Mr. BISHOP, Mr. PAXON, Mr. SISISKY, Mr. LARGENT, Mr. BAESLER, Mr. BUYER, Mr. GOODE, Mr. FRELINGHUYSEN, Mr. BOYD, Mrs. EMERSON, Mr. CRAMER, Mr. BARRETT of Nebraska, Mr. HOLDEN, Mr. BURR of North Carolina, Mr. PICKETT, Mr. HEFLEY, Mr. MCINTYRE, Mr. DUNCAN, Mr. SANDLIN, Mr. PETERSON of Pennsylvania, and Mr. RUSH):

H.R. 3000. A bill to amend the Comprehensive Environmental, Response, Compensation, and Liability Act of 1980; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and 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. LOWEY (for herself, Mrs. JOHNSON of Connecticut, Mr. HOYER, Mrs. MORELLA, Mr. NADLER, Mr. STEARNS, Ms. DELAURO, Mr. LEACH, Mr. LEWIS of Georgia, Mr. WICKER, and Mr. CARDIN):

H.R. 3001. A bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes; to the Committee on Commerce.

By Mrs. LOWEY:

H.R. 3002. A bill to expand the educational and work opportunities of welfare recipients under the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means.

By Mr. MCCOLLUM (for himself, Mr. LEACH, Mr. LAFALCE, Mrs. ROUKEMA, Mr. BEREUTER, Mr. BAKER, Mr. BACHUS, Mr. KING of New York, Mr. ROYCE, Mr. EHRLICH, Mr. BARR of Georgia, Mr. COOK, Mr. SESSIONS, Mr. HILL, and Mr. BONO):

H.R. 3003. A bill to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to safeguard confidential banking and credit union information, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. MALONEY of New York (for herself, Mrs. MORELLA, and Mr. COBURN):

H.R. 3004. A bill to amend part E of title IV of the Social Security Act to require States to administer qualifying examinations to all State employees with new authority to make decisions regarding child welfare services, to expedite the permanent placement of foster children, to facilitate the placement of foster children in permanent kinship care arrangements, and to require State agencies,

in considering applications to adopt certain foster children, to give preference to applications of a foster parent or caretaker relative of the child; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself, Mr. DELLUMS, Mr. MANTON, and Mr. PETERSON of Minnesota):

H.R. 3005. A bill to amend part E of title IV of the Social Security Act to require States to have laws that would permit a parent who is chronically ill or near death to name a standby guardian for a minor child without surrendering parental rights; to the Committee on Ways and Means.

By Ms. MILLENDER-McDONALD:

H.R. 3006. A bill to direct the Attorney General to provide a written opinion regarding the constitutionality of proposed state ballot initiatives, and for other purposes; to the Committee on the Judiciary.

By Mrs. MORELLA:

H.R. 3007. A bill to establish the Commission on the Advancement of Women in Science, Engineering, and Technology Development; to the Committee on Education and the Workforce, and in addition to the Committee on Science, 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. NEUMANN:

H.R. 3008. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totalling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Budget, 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. PALLONE (for himself, Mr. GILMAN, Mr. BROWN of Ohio, Mr. FOX of Pennsylvania, Ms. SANCHEZ, Mr. HORN, Ms. ESHOO, Mr. GREEN, Mr. FROST, Mr. ANDREWS, Mr. FILNER, Mr. ACKERMAN, Mr. WEXLER, Mr. BROWN of California, Mrs. MALONEY of New York, Mr. HASTINGS of Florida, Mr. PASCRELL, Mr. MASCARA, Mr. DAVIS of Illinois, Ms. MILLENDER-McDONALD, Ms. CARSON, Mrs. CLAYTON, Mr. LAMPSON, Mr. NADLER, Ms. JACKSON-LEE, Mr. ROTHMAN, Mr. ENGEL, Mr. PAYNE, Mr. McCOLLUM, Mr. SHERMAN, Mr. CRAMER, and Mrs. MORELLA):

H.R. 3009. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to establish standards for managed care plans; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, 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. PALLONE (for himself, Mr. SHERMAN, Mr. FOX of Pennsylvania, Mr. VISCLOSKY, Mr. BONIOR, Ms. ESHOO, Mr. KENNEDY of Rhode Island, Mr. ROTHMAN, Mr. ROGAN, Mr. WEYGAND, Mr. RADANOVICH, Mr. MARKEY, Mr. MORAN of Virginia, and Mr. KENNEDY of Massachusetts):

H.R. 3010. A bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and 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.

By Mr. PASCRELL:

H.R. 3011. A bill to amend the Internal Revenue Code of 1986 to exclude certain severance payment amounts from income; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 3012. A bill to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes; to the Committee on Resources.

By Ms. PRYCE of Ohio (for herself, Mr. EWING, and Mr. GREENWOOD):

H.R. 3013. A bill to reduce the incidence of child abuse and neglect, and for other purposes; to the Committee on the Judiciary.

By Mr. RADANOVICH (for himself, Mr. BILBRAY, Ms. ESHOO, Mr. MILLER of California, Mr. ROGAN, Mr. LEWIS of California, Ms. PELOSI, Mr. POMBO, and Mr. FARR of California):

H.R. 3014. A bill to amend the Consolidated Omnibus Budget Reconciliation Act of 1985 to expand the number of county operated health insuring organizations authorized to enroll Medicaid beneficiaries; to the Committee on Commerce.

By Mr. SANDERS:

H.R. 3015. A bill to provide additional appropriations for certain nutrition programs; to the Committee on Appropriations.

By Mr. SANDERS (for himself, Mr. SHAYS, and Mr. DEFAZIO):

H.R. 3016. A bill to amend section 332 of the Communications Act of 1934 to preserve State and local authority to regulate the placement, construction, and modification of certain telecommunications facilities, and for other purposes; to the Committee on Commerce.

By Mr. SANDERS:

H.R. 3017. A bill calling for ratification of the United Nations Convention on the Rights of the Child; to the Committee on International Relations, 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. SCARBOROUGH (for himself and Mrs. THURMAN):

H.R. 3018. A bill to release the reversionary interests retained by the United States in four deeds that conveyed certain lands to the State of Florida so as to permit the State to sell, exchange, or otherwise dispose of the lands, and to provide for the conveyance of certain mineral interests of the United States in the lands to the State of Florida; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LINDA SMITH of Washington:

H.R. 3019. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of soft money by political parties, to permit individuals to elect to not have payroll deductions used for political activities, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STOKES:

H.R. 3020. A bill to establish a program, primarily through the States and municipalities, and their agents, to facilitate the environmental assessment, cleanup, and reuse of abandoned or underutilized, potentially contaminated properties not on, or proposed for inclusion on, the National Priorities List; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and 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. STUPAK:

H.R. 3021. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reduce certain funds if eligible States do not enact certain laws; to the Committee on the Judiciary.

By Mr. WATT of North Carolina (for himself, Mr. CONYERS, and Mr. COLLINS):

H.R. 3022. A bill to amend title 10, United States Code, to authorize the settlement and payment of claims against the United States for injury and death of members of the Armed Forces and Department of Defense civilian employees arising from incidents in which claims are settled for death or injury of foreign nationals; to the Committee on the Judiciary.

By Mr. WELDON of Pennsylvania (for himself and Mr. MARKEY):

H.R. 3023. A bill to end American subsidization of entities contributing to weapons proliferation; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Banking and Financial Services, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LIVINGSTON:

H.J. Res. 104. A joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes; to the Committee on Appropriations. November 9, 1997, the Committee on Appropriations discharged; considered and passed.

By Mr. LIVINGSTON:

H.J. Res. 105. A joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes; to the Committee on Appropriations; November 10 (Legislative Day, November 9), 1997, the Committee on Appropriations discharged; considered and passed.

By Ms. VELAZQUEZ (for herself, Mr. GUTIERREZ, and Mr. SERRANO):

H. Con. Res. 192. Concurrent resolution expressing the sense of the Congress that the heroism of the brave and gallant Puerto Ricans in the 65th Infantry Regiment of the United States Army who fought in the Korean conflict should be commemorated; to the Committee on Veterans' Affairs, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA (for himself, Mr. CONDIT, Mr. UPTON, Mr. WELDON of Florida, Mr. NORWOOD, Mr. PAPPAS, Mrs. FOWLER, Mr. SCARBOROUGH, Mr. SALMON, Mr. PITTS, Mr. HILLEARY, Mr. ROHRABACHER, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. MILLER of Florida, Mr. HERGER, Mr. STEARNS, Mr. POMBO, Mr. LUCAS of Oklahoma, Mr. KINGSTON, Mr. SANFORD, Mr. JONES, Mr. BRADY, Mr. BACHUS, Mr. ROGAN, Mr. PICKERING, Mr. LAZIO of New York, Mr. INGLIS of South Carolina, Mr. PORTMAN, Mr. BLUNT, Mr. SHIMKUS, Mr. HEFLEY, Mr. HOSTETTLER, Mr. BURTON of Indiana, Mr. CHAMBLISS, Mr. LATOURETTE, Mr. WELLER, Mr. YOUNG of Florida, Mr. MCDADE, Mr. CALLAHAN, Mr. FOLEY, Mr. FOSSELLA, Mr. DICKEY, Mr. WAMP, Mr. COX of California, Mr. MANZULLO, Mr. GILCHREST, Mr. BARTLETT of Maryland, Mr. RIGGS, Mr. SAXTON, Mr. SHAYS, Mr. THOMAS, Mr. PAUL, Mr. HAYWORTH, Mr. BUYER, Mr. WICKER, Mrs. KELLY, Mr. COLLINS, Mr. EVERETT, Mr. LOBIONDO, Mr. HORN, Mr. KNOLLENBERG, Mr. RAMSTAD, Mr. MORAN of Virginia, Mr. ENSIGN, Mr. NETHERCUTT, Mrs. LINDA SMITH of Washington, Mr. RYUN, Mr. FRANKS of New Jersey, Mrs. CHENOWETH, Mr. SOUDER, Mr. TIAHRT, Mr. GUTKNECHT, Mr. KLUG, Mr. MCCOLLUM, Mr. MCKEON, Mr. DUNCAN, Mr. ENGLISH of Pennsylvania, Mr. THUNE, Mr. SMITH of New Jersey, Ms. GRANGER, Mr. SMITH of Michigan, Mr. WATKINS, Mr. BURR of North Carolina, Mr. WATTS of Oklahoma, Mr. STENHOLM, Mr. PETERSON of Minnesota, Mr. BOYD, Mr. OBERSTAR, Mr. CRANE, and Mr. EHLERS):

H. Con. Res. 193. Concurrent resolution expressing the sense of the Congress that the Attorney General should remove Hani El-Sayegh from the United States to the Kingdom of Saudi Arabia; to the Committee on the Judiciary.

By Mr. SOLOMON:

H. Con. Res. 194. Concurrent resolution providing for a joint session of Congress to receive a message from the President; adopted pursuant to H. Res. 311.

By Ms. HARMAN (for herself, Mr. SAWYER, Mr. REGULA, Mr. SPRATT, Mr. DAVIS of Virginia, Mr. PORTMAN, Mr. BECERRA, Mr. HASTINGS of Florida, Mr. BARRETT of Wisconsin, Mr. WATT of North Carolina, Ms. ROS-LEHTINEN, Mr. HOUGHTON, Mr. DICKEY, Mr. LEWIS of Georgia, Mr. MATSUI, and Ms. MILLENDER-MCDONALD):

H. Con. Res. 195. Concurrent resolution expressing the sense of Congress in support of National Days of Dialogue associated with the national celebration of the birth of Dr. Martin Luther King, Jr. to improve understanding and cooperation across race, ethnicity, culture, gender, religion and creed; to the Committee on the Judiciary.

By Mr. DAN SCHAEFER of Colorado:

H. Res. 317. A resolution providing for the agreement of the House to the Senate amendment to the bill, H.R. 2472, with an amendment; considered and agreed to.

By Mr. GEPHARDT:

H. Res. 318. Resolution relating to a question of the privileges of the House; considered and laid on the table.

By Mr. SOLOMON:

H. Res. 320. Resolution providing for a committee to notify the President of completion of business; adopted pursuant to H. Res. 311.

By Mr. KENNEDY of Massachusetts:

H. Res. 321. A resolution expressing the sense of the House of Representatives that college and university administrators should adopt a code of principles to change the culture of alcohol consumption on college campuses; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. RIGGS.

H.R. 34: Mr. SUNUNU.

H.R. 225: Mr. ABERCROMBIE.

H.R. 251: Mr. PETERSON of Pennsylvania.

H.R. 352: Mr. SALMON.

H.R. 409: Mr. PAPPAS.

H.R. 530: Mr. BEREUTER and Mr. CALVERT.

H.R. 543: Mr. SOLOMON, Mr. NETHERCUTT, Mr. DIXON, and Mr. HYDE.

H.R. 586: Mr. JOHNSON of Wisconson.

H.R. 738: Ms. SLAUGHTER.

H.R. 820: Ms. FURSE.

H.R. 979: Mr. JOHNSON of Wisconsin and Ms. WATERS.

H.R. 992: Mr. DEAL of Georgia and Mr. HUTCHINSON.

H.R. 1151: Mr. ABERCROMBIE and Mr. SESSIONS.

H.R. 1289: Mr. YATES.

H.R. 1334: Mr. RIGGS and Ms. PELOSI.

H.R. 1415: Mr. GOODLING.

H.R. 1519: Mr. STOKES.

H.R. 1525: Mr. MCNULTY.

H.R. 1591: Mr. BARR of Georgia, Mr. SNOWBARGER, and Mr. SCARBOROUGH.

H.R. 1628: Mr. KIM.

H.R. 1635: Mr. BAESLER, Mr. SAXTON, Mr. LEACH, Mr. COSTELLO, Mrs. LOWEY, Mr. HINCHEY, Mr. ROMERO-BARCELÓ, Mr. HORN, Mr. WAXMAN, and Mr. SKAGGS.

H.R. 1822: Mr. JOHNSON of Wisconsin.

H.R. 1872: Mr. GREENWOOD, Mr. STRICKLAND, Mr. DAVIS of Virginia, Mr. PALLONE, Mr. LINDER, Mr. DICKS, Mr. GREEN, and Mr. RUSH.

H.R. 1891: Mr. BOEHNER.

H.R. 2053: Mr. LOFGREN.

H.R. 2131: Mr. JOHNSON of Wisconsin.

H.R. 2174: Mr. MALONEY of Connecticut.

H.R. 2229: Mr. WATTS of Oklahoma.

H.R. 2273: Mr. STUPAK, Mr. BAESLER, Mr. MALONEY of Connecticut, and Mr. HUTCHINSON.

H.R. 2319: Mr. LUTHER.

H.R. 2321: Mr. RIGGS.

H.R. 2335: Mr. CONDIT.

H.R. 2363: Mr. CABOT, Mr. DREIER, Mr. KOLBE, Mr. LIVINGSTON, Mr. RYUN, Mr. SAXTON, Mr. SMITH of Oregon, Mr. SOLOMON, Mr. SPENCE, and Mr. WICKER.

H.R. 2369: Mr. CAMPBELL.

H.R. 2391: Mr. KUCINICH, and Mr. MCGOVERN.

H.R. 2397: Ms. SLAUGHTER.

H.R. 2436: Mr. LAFALCE.

H.R. 2483: Mr. FRANKS of New Jersey.

H.R. 2500: Mr. ARMEY, Mr. BAESLER, Mr. BAKER, Mr. BALLENGER, Mr. BARCIA of Michigan, Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BEREUTER, Mr. BLAGOJEVICH, Mr. BLILEY, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONILLA, Mr. BONO, Mr. BOYD, Mr. BRYANT, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. CALVERT, Mr. CANADY of Florida, Mr. CHABOT, Mr. CHAMBLISS, Mr. CHRISTENSEN, Mr. CLEMENT, Mr. COBLE, Mr. CONDIT, Mr. COOK, Mr. COOKSEY, Mr. COX of California, Mr. CRANE, Mr. DEAL of Georgia, Mr. DEUTSCH, Mr. DOOLEY of California, Mr. DREIER, Ms. DUNN of Washington, Mr. EHRLICH, Mr. FATTAH, Mr. FOLEY, Mrs. FOWLER, Mr. FOX of Pennsylvania, Mr. FROST, Ms. FURSE, Mr. GILMAN, Mr. GOODE, Mr. GOODLATTE, Mr. GOODLING, Mr. GORDON, Mr. GOSS, Mr. HALL of Texas, Mr. HANSEN, Mr. HASTERT, Mr. HEFLEY, Mr. HILL, Mr. HOLDEN, Mr. HUNTER, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. JENKINS, Mr. JONES, Mr. SAM JOHNSON, Mr. KASICH, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KING of New York, Mr. LATOURETTE, Mr. LEWIS of California, Mr. LINDER, Ms. MCCARTHY of Missouri, Mr. MEEHAN, Mr. METCALF, Mr. MORAN of Virginia, Mrs. MYRICK, Mr. NEY, Mrs. NORTHUP, Mr. OXLEY, Mr. PARKER, Mr. PAXON, Mr. PETERSON of Minnesota, Mr. PICKETT, Mr. REDMOND, Mr. RIGGS, Mr. ROEMER, Mr. ROGAN, Mr. ROYCE, Mr. SAXTON, Mr. SCARBOROUGH, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHIMKUS, Mr. SISISKY, Mr. SKELTON, Mr. ADAM SMITH of Washington, Mr. SMITH of Texas, Mr. SOLOMON, Mr. SPENCE, Mr. STENHOLM, Mr. TANNER, Mrs. TAUSCHER, Mr. TAUZIN, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WELLER, Mr. BURTON of Indiana, Mr. DICKEY, Mr. ARCHER, Mr. QUINN, Mr. LAHOOD, Mr. TIAHRT, Mr. DAVIS of Virginia, Mr. THOMAS, Mr. CUNNINGHAM, Mr. ENSIGN, Mr. GIBBONS, Mr. STUMP, Mr. COMBEST, Mr. HAYWORTH, Mr. ROHRABACHER, Mr. CALLAHAN, Mr. EVERETT, Mr. STEARNS, Mr. DELAY, Mr. GINGRICH, and Mr. LIVINGSTON.

H.R. 2509: Mr. LEWIS of Georgia.

H.R. 2524: Mr. ABERCROMBIE.

H.R. 2593: Mrs. LOWEY, Mr. WAMP, Mr. GRAHAM, Mr. NETHERCUTT, Mr. BRADY, Mr. KNOLLENBERG, Mr. SENSENBRENNER, Mr. MCINTOSH, Mr. HOBSON, Mr. TAYLOR of North Carolina, Mr. WELDON of Pennsylvania, Mr. MICA, Mr. DICKEY, Mr. THOMAS, Mr. CANNON, Mr. SAXTON, Mr. SOLOMON, Mrs. KELLY, Mr. MANZULLO, Mr. WELDON of Florida, Mr. PAXON, Mr. SNOWBARGER, Mr. HORN, Mr. SALMON, Mr. DAN SCHAEFER of Colorado, Mr. NEY, Mr. STUMP, and Mr. RAMSTAD.

H.R. 2611: Mr. BLUNT, Mr. DUNCAN, Mr. TAUZIN, Mr. BARR of Georgia, Mr. BILBRAY, Mr. CANNON, Mr. CHRISTENSEN, Mr. HEFLEY, Mr. MCKEON, Mr. MICA, Mrs. LINDA SMITH of Washington, Mr. SMITH of Oregon, Mr. SOUDER, Mr. SPENCE, Mr. EHRLICH, Mr. RIGGS, and Mr. CRANE.

H.R. 2695: Mr. BONIOR, Mr. DELLUMS, Mr. KUCINICH, Mr. MCGOVERN, Ms. LOFGREN, Mrs. THURMAN, and Ms. MILLENDER-MCDONALD.

H.R. 2750: Mrs. THURMAN.

H.R. 2755: Mr. WAXMAN, Mrs. MINK OF HAWAII, Mr. FRANK OF MASSACHUSETTS, Mr. FROST, Mr. WALSH, Ms. LOFGREN, Ms. CARSON, Ms. KILPATRICK, Mr. BONIOR, and Mr. EVANS.

H.R. 2760: Mr. CALVERT, Mr. BACHUS, and Mr. RADANOVICH.

H.R. 2780: Mr. CAMPBELL, Mr. LARGENT, Mr. MCINTOSH, Mr. BRYANT, Mr. WHITE, Mr. LATOURETTE, and Mr. SALMON.

H.R. 2819: Mr. HERGER and Ms. HARMAN.

H.R. 2820: Mr. CALVERT.

H.R. 2821: Mr. NEAL of Massachusetts.

H.R. 2826: Ms. SLAUGHTER and Ms. NORTON.

H.R. 2829: Mr. ACKERMAN, Mr. DAVIS of Illinois, Mr. FARR of California, Mr. KUCINICH, Mr. PARKER, Mr. POMEROY, Mr. SCHUMER, and Ms. STABENOW.

H.R. 2846: Mr. WATTS of Oklahoma and Mr. EHRLICH.

H.R. 2850: Ms. LOFGREN and Mr. STOKES.

H.R. 2858: Mr. GONZALEZ.

H.R. 2870: Mr. EWING.

H.R. 2921: Mr. WHITFIELD, Mr. SHIMKUS, Mr. NORWOOD, Mr. HALL of Texas, Mr. GREENWOOD, Mr. STEARNS, Mr. HILL, Mr. MCHUGH, Mr. PACKARD, and Mr. BONILLA.

H.R. 2922: Mr. HUTCHINSON.
H.R. 2929: Mr. BACHUS.
H.R. 2938: Mr. MILLER of Florida and Mr. STEARNS.
H.R. 2940: Mr. BAKER.
H.J. Res. 99: Ms. SLAUGHTER.
H. Con. Res. 41: Mr. LOBIONDO.
H. Con. Res. 141: Mr. DAVIS of Illinois and Mr. ADAM SMITH of Washington.
H. Con. Res. 156: Mr. CLEMENT and Mr. CALVERT.
H. Con. Res. 181: Mr. MCGOVERN, Mrs. MORELLA, Mr. GEKAS, Mr. FORBES, and Mr. LAZIO of New York.
H. Res. 119: Mr. ALLEN.
H. Res. 251: Mr. MANTON, Mr. WAXMAN, Mr. ALLEN, and Ms. STABENOW.
H. Res. 279: Ms. SLAUGHTER.