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PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Thursday, June 25, 1998*

The House met at 10 a.m.

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

When the paths of life seem long and there is so much to do, we pray, gracious God, that the blessings of life will flow freely and Your benedictions will comfort and encourage. As we have received so fully from Your grace, O God, so may we share that love with others in our families and in our communities.

May good words and good thoughts and goodwill prevail. May justice mark the work of our hands, and may the spirit of mercy live in our hearts and souls this day and every day. In Your name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. ROGAN 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. 2202. An act to amend the Public Health Service Act to revise and extend the bone marrow donor program, and for other purposes.

H.R. 2864. An act to require the Secretary of Labor to establish a program under which employers may consult with State officials respecting compliance with occupational safety and health requirements.

H.R. 2877. An act to amend the Occupational Safety and Health Act of 1970.

H.R. 3035. An act to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize 10 1-minutes on each side.

Will the gentlewoman from Missouri (Mrs. EMERSON) kindly assume the chair.

CHINA SELECTS U.S. ARMY AS "MOST FAVORED WEBSITE"

(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, well, never let it be said that the Communist Chinese do not learn from their mistakes. Or, perhaps we should better say from our mistakes.

It seems that when the Army realized and analyzed their web site that catalogs a variety of "lessons learned," they were surprised to find out who came calling the most often.

Mr. Speaker, it was not the 82nd Airborne Division, it was not the First Infantry Division. It was not the Air Force. It was not the Navy. It was not the Marines.

Mr. Speaker, you guessed it. It was the Communist Chinese. That is right, the United States Army web site is most often visited by the People's Liberation Army. I guess it has attained "China's Most Favored Website" status.

I suppose we should be flattered. After all, is imitation not the sincerest form of flattery?

It does point out that the People's Liberation Army is not a sleeping giant. Communist China's army is actively working to improve its capabilities and learn from our mistakes. At the same time the President is pushing for China to receive Most Favored Nation status, China has selected the United States Army as its "Most Favored Website."

GOP MANAGED CARE PROPOSAL FALLS SHORT

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

Mr. GREEN. Madam Speaker, it took months of drafting and redrafting and threats and rejection, but last night we got our first look at the Republican managed care proposal.

While the final details will not be worked out for another month, the rough draft is not very promising. Most of the outlined provisions in the bill are too weak to help people like in the story in yesterday's Washington Post.

It was a father of five with liver cancer. He already had access to an appeals process that he actually won. Unfortunately for him, it took 5 months for his doctor to be told that he needed a liver transplant and the HMO was ordered to pay for it. But, Madam Speaker, he died right after they were given that permission.

What he needed was a timely appeals process and an HMO knowing that they would be responsible for the denial of that coverage.

The Republican bill would not help the Houston police officer who, after 30 years of service and not missing a day for illness, was diagnosed with cancer and it took him months to get to a specialist. The proposal would be just about as effective as using a Band-Aid for a deep flesh wound.

The provisions in the GOP bill would do nothing to stop HMOs from making major decisions based on profits instead of patients.

CHILD CUSTODY PROTECTION ACT

(Ms. ROS-LEHTINEN asked and was given permission to address the House

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, parents should not be robbed of the inherent right to counsel our children at their time of need. Yet, strangers are now allowed to transport our underage daughters in order to obtain abortions in States without parental notification laws.

This outrage, which is actually encouraged by heartless abortion clinics that place ads highlighting their State's lack of consent laws, must be stopped.

My legislation, H.R. 3682, the Child Custody Protection Act, will ensure that parental rights are respected. It would make it a Federal misdemeanor for a nonparent to transport a minor girl across State lines to avoid that State's abortion parental notification laws.

Innocent minor girls and parents must be protected from strangers who decide to make possible life-threatening decisions for them. This legislation has already been approved by the full House Judiciary Committee and it will soon be brought to this floor for a vote.

Madam Speaker, encourage my colleagues to support the protection of parental rights by voting for this important legislation.

DISCHARGE PETITION URGING CONSIDERATION OF IMF FUNDING

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

Mr. OBEY. Madam Speaker, several days ago I introduced House Resolution 473, which will provide for the consideration of the remnants of H.R. 3580, a supplemental appropriation bill funding the International Monetary Fund.

Madam Speaker, I would urge all Members to sign the discharge petition which will be available at the desk starting now.

Last fall the Speaker of the House decided to use the U.N. and the IMF funding as leverage to force the President to agree to unacceptable changes in international family planning policies, and he has continued to hold this needed funding hostage. Failure to act on the IMF funding continues to endanger the U.S. economy, which is becoming more concerned each passing day with what is happening in Asia.

We need to have the debate on the IMF so that the many concerns about how the IMF is run can be resolved and so that critically needed replenishments can be put in place. American jobs are at stake. We cannot afford to allow this threat to the American economy to continue. I urge every Member to sign the discharge petition now.

LIBERALS' RECORD ON EDUCATION IN AMERICA

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

Mr. CHABOT. Madam Speaker, as a former schoolteacher myself, I would like to review the liberals' record on the issue of education in this country.

In the 1960s, the liberals decided to "dumb down" the curriculum and now across the country academic rigor is absent from many of our public schools. The predictable result is that student achievement in many areas has plummeted.

The liberals also decided that self-esteem was in and that actual knowledge was out. The liberals embraced bogus, faddish teaching methods and produced a generation of children who never learned to read.

And now the liberals oppose legislation we recently passed here in Congress which would allow parents to put their own money in accounts and not to pay tax on the money in those accounts for educating their children, kindergarten through high school. They say it would somehow hurt the public schools.

Baloney. Let us make it a little easier for parents, particularly middle-class parents, to provide a quality education for their children.

REAL MANAGED CARE REFORM

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

Mr. PALLONE. Madam Speaker, yesterday the Republican Health Task Force unveiled a set of principles that fall far short of real patient protections for Americans in HMOs.

More sinister was the Republicans' stated intention to combine changes in managed care with limits on medical malpractice liability and other highly controversial add-ons which will immediately kill any possibility for even limited patient protections to pass Congress this year.

Earlier this week, the gentleman from Iowa (Mr. GANSKE) and the gentleman from Michigan (Mr. DINGELL) introduced a discharge petition to bypass the Republican leadership's opposition to real managed care reform and bring the Patients' Bill of Rights to the floor for a vote.

The Patients' Bill of Rights would put control of medical decisions back where they belong, in the hands of doctors and their patients, not with the insurance industry bureaucrats.

Madam Speaker, I urge all of my colleagues to sign the Ganske-Dingell discharge petition so we can have a vote on real managed care reform this year.

CONGRATULATIONS TO JESSICA LORINE GONDER, U.S. SAVINGS BOND NATIONAL STUDENT POSTER CONTEST WINNER

(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, the United States Savings Bond National Student Poster Contest provides an opportunity for thousands of our children to learn the value of saving money while increasing the public awareness of buying U.S. savings bonds as an easy way to save and invest in their own and America's future success.

I am extremely proud of one of my constituents, Jessica Lorine Gonder of Funkstown, Maryland, who designed posters which won both the 1997 and 1998 Maryland State contest. Her impressive freehand design, which I wish everyone could see, is the 1998 National Second Place winner. Jessica was just a sixth grader at E. Russell Hicks Middle School in Hagerstown, Maryland, in Washington County.

Jessica Gonder's award-winning posters are another testament to America's greatness and our leadership in the world. In America, competition, hard work, and perseverance improve quality and are the keys to achieving success.

Madam Speaker, I say, "Congratulations, Jessica."

CONGRESS SHOULD ADDRESS CLASS SIZE AND SCHOOL CONSTRUCTION

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

Mr. SNYDER. Madam Speaker, America's school kids are now out of school and we join them, beginning today, back home for the 2-week July 4th recess.

When we return, we will not have many work days left this year. And yet, we have done nothing about the two most critical problems facing America's public schools: class sizes that are too large and school buildings of poor quality.

Madam Speaker, I want Arkansas school boards to run their schools, but the American people expect their government in Washington to help with these critical needs. When we return in 2 weeks, I hope we will refocus our attention to America's public schools and help America put more teachers in the classrooms and create better quality classrooms to put them in. America's schoolchildren deserve the best schools that we can give them.

IN HONOR OF DR. GLORIA M. SHATTO, PRESIDENT, BERRY COLLEGE

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

Mr. BARR of Georgia. Madam Speaker, recently Dr. Gloria M. Shatto retired as president of Berry College. Dr. Shatto was inaugurated as Berry's sixth president in 1980 and thereby became the first woman to become a president of a college or university in the State of Georgia.

Dr. Shatto's honors include Phi Beta Kappa, the Organization of American States fellowship, the Organization of Women fellowship, and the list goes on and on.

To show its appreciation to Dr. Shatto, Berry College honored her with a "Voice of Berry Lifetime Award." The award is presented annually to a student, faculty, or staff member for communicating effectively to enhance morale, ability to motivate and inspire others, and the willingness to encourage open and free discussion.

Madam Speaker, Berry College is consistently recognized as one of the outstanding small comprehensive colleges in the South. Berry offers work experience as part of every student's development. Approximately 90 percent of the students are employed on campus in 120 job classifications during an academic year.

Madam Speaker, I proudly rise today in recognition of Dr. Shatto's outstanding service to Berry College and Berry's outstanding service to our Nation.

COMPREHENSIVE TOBACCO LEGISLATION NEEDED

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

Ms. DEGETTE. Madam Speaker, this past Saturday marked the 1-year anniversary of the State attorneys general's proposed tobacco settlement. Ironically, this anniversary was also marked by the death of tobacco legislation in this Congress.

Since June 1997, Congress has done nothing to stem the willful and destructive forces of the tobacco industry. Today, more than a year later, all we see is a list of principles from the majority party that protects Big Tobacco and still punishes teens.

By selling out to Big Tobacco, the 105th Congress has failed to act while an astounding 1,095,000 more kids became addicted to this lethal product. During this 1-minute speech, two more children will become addicted to tobacco. This tombstone symbolizes the 1,095,000 children addicted to tobacco just in the last year.

Madam Speaker, if we are serious about reducing teen smoking, we need to pass important and comprehensive legislation and we need to raise the legal purchase price from 18 to 21 years old. Let us not make this paper tombstone turn to stone.

IRS REFORM

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

Mr. SHIMKUS. Madam Speaker, I rise today to compliment the House for its vote last week to abolish the Tax Code by 2002. Although it is unlikely that this bill will become law, it is a significant first step in our effort to fundamentally reform the current Internal Revenue Code. If we are ever to reform our tax system, we must focus the debate on how we will change the Tax Code, not if or when.

The existing Tax Code is a complex web of credits, deductions, and revenue rulings which shifts resources and time from productive economic activities to tax compliance. Furthermore, taxpayers with identical incomes often have vastly different tax liabilities.

It is time we in Congress provide the American taxpayer with a Tax Code which promotes economic growth, lessens the burdens of compliance on individuals and small businesses and, most importantly, reestablishes fairness.

Madam Speaker, I look forward today to voting on IRS reform later on this afternoon.

□ 1015

ACADEMY APPOINTMENTS

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

Mr. PITTS. Madam Speaker, I rise today to talk about students. I would like to take a moment to recognize students who epitomize the phrase "patriotism."

This year I had the pleasure of nominating 37 young men and women from the 16th Congressional District of Pennsylvania to the four United States service academies. I am very pleased that 20 of these students were appointed to the academies.

Next week those young men and women will start a journey, 4 years of study at premier institutions of higher learning, followed by active duty service in the U.S. Armed Forces. They will not only study academics but prepare themselves militarily and physically for service to the Nation as military officers.

They are living proof of the phrase "duty, honor, country," and they are tomorrow's leaders. Therefore, I would like to join their parents and friends in saluting these students.

ON EDUCATION

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

Mr. ROGAN. Madam Speaker, last week Congress passed legislation making it easier for parents to save for their children's education. With this in mind, I would like to pose a few questions to the defenders of the education status quo.

Given that most of you have done this for your own children's education, why is it so bad for other parents to do so? Why is giving one's children more educational opportunities a bad thing? If parental choice on education really harms public schools, then does that mean that parents who desire to send their children to private or religious schools should be condemned because they are harming public schools?

What about all of those Members of Congress and public school teachers who send their children to private schools?

Lastly, what do you say to those parents in poor areas with dangerous, dysfunctional schools for their children? Too bad? Tough luck?

America demands and deserves answers to these critical questions.

CONGRESSIONAL FIRE SERVICES CAUCUS WILDLAND FIRE INITIATIVE

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

Mr. WELDON of Pennsylvania. Madam Speaker, each night on the evening news in our media across this country we see the devastation being caused by forest fires and wildlands fires. Florida is being devastated as we stand here today; Texas, the West, California.

Today at 11:30 in the Rayburn, Room 2216, a bipartisan group of our colleagues will come together and announce a six-part initiative that will deal with the issue of wildlands and forest fires. We will review what actions Members of Congress are taking to enhance the capability to use, in one case, Cold War technology to detect these fires at their inception.

We will talk about resources that this Congress has in fact provided this year and in past years to improve the capability of our local emergency responders to deal with these disasters. I encourage our colleagues to join with us in announcing these initiatives to assist these States during their time of need.

NATIONAL MISSILE DEFENSE

(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, I remember the Cuban missile crisis. I remember fallout shelters. I remember the drills we had to do when I was a child to protect us from a nuclear attack.

During the 1950s, America was practicing for what we thought was the inevitable. I do not want our Nation's children to ever experience that. It is time for us to build a national missile defense to protect our children.

The good news is we have the technology to knock missiles right out of the sky. The bad news is the administration does not think it is necessary. That is right. If an enemy missile was launched at the United States, our super-sophisticated computers would pick it up right away and calculate exactly where it was going to hit and when. And then nothing. All we could do is wait for it to hit its target and pray for all of the lives that would be lost.

We have the capability to protect ourselves with a national missile defense. We just choose not to build it.

Madam Speaker, I remember the 1950s. Let us use our technology to protect our kids. I want our kids to grow up happy and carefree, not practicing what to do when nuclear missiles are launched at us.

Let us build a national missile defense. Let us do it for our kids.

PROVIDING FOR CONSIDERATION OF A CONCURRENT RESOLUTION FOR ADJOURNMENT OF HOUSE AND SENATE FOR INDEPENDENCE DAY DISTRICT WORK PERIOD

Mr. DIAZ-BALART. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 491 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 491

Resolved, That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider a concurrent resolution providing for adjournment of the House and Senate for the Independence Day district work period.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER). During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ARMEY), distinguished majority leader.

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

Madam Speaker, we are about to take up a resolution for adjournment for the Independence Day work period. It will be a good period of time for all of us to go home, be in touch with our constituents in our districts, something we need to do, something we enjoy doing.

While we are home, Madam Speaker, undoubtedly we are going to encounter so many constituents who are going to again express their commitment to and their concern for the education of their children. This is a major, major concern of the American people. The American people celebrate their good schools, and they worry about the schools that are not performing on behalf of the children.

The American people take the education of their children very, very seriously. Where they can, when they have the resources, they couple, along with their wish that America have the best schools in the world for their children, their own personal commitment to put their own child in the best school possible. Every parent wants this, rich and poor alike.

Madam Speaker, just a few weeks ago we passed on to the President of the United States a bill that would have provided scholarship opportunities for the parents of poor children so that those children might be moved from a school that was failing them to a school in which the child could succeed. The President vetoed that.

Despite the fact that it was new money additional funding, the President vetoed that because he thought somehow that might be destructive to the public schools, without ever realizing that when the public schools are accountable to the parents, the public schools do better. When the parents have a right and an ability to move their children to a better school, the children are better off and the schools are better off.

Today, Madam Speaker, we will enroll a bill before we go home on this district recess period that makes available again the opportunity for choice to parents, further enhanced by tax-deductible savings accounts for those parents who can afford it so that they might be able to save their own money, in addition to the taxes they pay for schools, save their own money and have the opportunity to move their child to a better school.

Once again, the President says he is going to veto this because he says it is unfair to the poor children.

Well, no, Mr. President, you were unfair to the poor children when you vetoed the earlier bill. Are you going to couple that now to be unfair to the children whose parents work, save, sacrifice and wish only that little bit of edge that could come in tax-free savings accounts for their children's education because, once again, Mr. President, your complaint is it hurts the public schools?

This is no deduction in funds available for the public schools. It is only a modest increase in freedom and resources to living parents who know themselves to be the child's first, most dedicated teacher, to use their own resources to move the child to the best school possible.

It is time, I believe, for all of this government, the House, the Senate, and the White House to respond to the needs of the parents of America. Give each parent, rich or poor, able to save or not, the opportunity to do what each parent wants most deeply in their heart to do: provide the best possible opportunity for their child.

Do not veto that bill, Mr. President. Sign it. Show that you care for the parents who care for their children.

Mr. DIAZ-BALART. Madam Speaker, I yield myself such time a I may consume.

Madam Speaker, House Resolution 491 provides for consideration in the House of a concurrent resolution providing for the adjournment of the House and Senate for the Independence Day work period.

All points of order are waived against the resolution and its consideration.

Madam Speaker, obviously this has been a very busy year in the House. We have spent a significant number of hours on the floor debating issues ranging from higher education priorities to transportation needs, from the self-determination of the people of Puerto Rico to financial services modernization.

The House will have passed five appropriations bills by the time we leave for our Fourth of July district work period later today, and we will hopefully pass the other appropriations bills soon after returning from the break.

While adjournment resolutions are usually privileged, a rule is needed in order to waive a point of order that could be raised against the Fourth of July district work period resolution on the grounds that it would violate section 309 of the Budget Act which prohibits the House from adjourning for more than 3 days in July unless the House has completed action on all appropriations bills.

Independence Day is a time to be back in our districts, not only celebrating the birth of this great Nation but meeting with and listening to what our constituents have to say about the issues that are important to them. I personally, as I am sure most Members of this House, have numerous meetings with constituent groups scheduled in the next days.

The Congress has very important spending decisions to make with limited funds, and time spent in our districts listening to the priorities of our constituents will be very worthwhile.

Therefore, Madam Speaker, I feel it appropriate that we in the House return to our districts for the Independence Day work period to reflect together with our constituents on the principles that founded this Nation and also to consult with them and think out loud with them on the issues that confront us in the weeks ahead.

I would urge adoption of this resolution, 491.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, H. Res. 491 waives all points of order against the consideration of the resolution providing for the adjournment of the House and Senate for the Independence Day district work period.

Madam Speaker, why do we need to waive points of order on this adjournment resolution? Because the Congressional Budget Act, section 309, states, "It shall not be in order in the House of Representatives to consider any resolution providing for an adjournment period of more than 3 calendar days during the month of July until the House of Representatives has approved annual appropriations bills providing new budget authority under the jurisdiction of all subcommittees on the Committee on Appropriations for the fiscal year beginning on October 1 of such year."

Unhappily, the House has not met this legal requirement. Even after today's actions, we will have passed fewer than half of the 13 appropriations bills. This failure to meet our legal budget appropriations timetable is one more in a series of missed deadlines. Congress is required by the Budget Act to complete action on the budget resolution by April 15, but the House did not pass its version of the budget resolution until June 5. And the leadership has refused to appoint conferees on the resolution; so who knows when or if a final budget resolution will be adopted?

The Budget Act also requires the Committee on Appropriations to report all annual appropriations bills by June 10. No appropriations bills were reported by June 10 and, to date, only 6 have been reported.

By June 15, Congress is required by law to complete action on reconciliation legislation. However, since we have no budget resolution, we do not even know whether we will have a reconciliation bill this year or not. So, Madam Speaker, the House has not met its basic responsibility to consider the appropriations bills that fund the Federal Government.

Is this because we have been diligently considering other urgent business? No. Unfortunately, this session the House has passed very little legislation that has a chance of being signed into law. Instead we are voting on bumper sticker bills and the constitutional amendment of the week.

The American public is asking us to address issues that affect their lives. But the leadership refuses to move any legislation that might benefit the public if it has the slightest chance of upsetting its friends.

□ 1030

We should be working on bills to protect patients' rights, like H.R. 306, which would ban genetic discrimination in health insurance. We know Americans are profoundly concerned about the future of their medical care. Last week a Pew Research Center study showed that 69 percent of Americans believe the debate over HMO regulation is very important to the Nation, and 60 percent said it is very important to them personally. But instead of acting on pending health care bills, several supported by more than 200 bipartisan cosponsors, Congress continues to blatantly ignore this mandate from the American people.

Similarly we should be addressing child care and after-school care legislation, like the America After School Act. This program would expand after-school programs so that young people would have a safe place to go, with stimulating activities and tutoring when the school day ends. This after-school care would decrease juvenile crime while increasing student achievement, self-esteem and positive behavior.

Another pressing matter is genuine campaign finance reform. Instead of a structured debate that allows Members to make rational choices, leadership has imposed a procedure designed to debate reform to death. Their unfair rules call for the consideration of one constitutional amendment, 11 substitute bills, 258 non-germane amendments, and an unlimited number of germane amendments. But so far we have only considered one constitutional amendment, one substitute bill, and three amendments. That leaves us with 10 bills, hundreds of nongermane amendments, and an unknown number of germane amendments to deal with and we are going on recess for nearly 3 weeks.

Federal campaigns are becoming little more than a money chase to pay for increasingly expensive elections. In the most recent election cycle, spending on Federal elections shattered all records, reaching an estimated $1.6 billion. An all-time high of $500 million was spent on just one type of advertising, broadcast television, and yet voter turnout is at an all-time low. Fewer than half of all eligible Americans exercise their right to vote. The American people are discouraged by a system in which money seems more important than issues and the interests of large contributors seem more important than the concerns of working families. If Congress were serious about fixing our broken political system, we would pass campaign finance reform before going out of session for nearly 3 weeks.

Madam Speaker, I could go on about the unfinished agenda of the House, but the bottom line is we have failed to meet our legal responsibilities under the Budget Act, and we have failed to address the issues our constituents have told us are important.

Madam Speaker, in light of the importance of our unfinished work, I must oppose this rule providing for a nearly 3-week hiatus in the legislative work of this Congress.

Madam Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am a firm believer that history is a very important teacher. With regard to what was stated by my distinguished colleague and friend on the Committee on Rules that we have not fulfilled the requirements of the Budget Act in that all the appropriations bills have not been passed, I myself stated that earlier, but I think it is important to look at history, even recent history, when our friends on the other side of the aisle controlled the majority in this House and had the presidency, also, by a member of their party, which obviously it is much easier when you do not have to negotiate every single appropriations bill between the White House and the Congress in divided government. Even then in the 103rd Congress, all the appropriations bills were not passed before July 1. If we go back just a few years before that, to the 101st Congress, for example, only one appropriations bill had been passed before the July recess in the first session and we will have passed five today. If we go back just a few years before that, to the 97th Congress, no appropriations bills had been passed by this House before the July recess. I think it is important to point that out.

I think that it is also important to point out and to put in context what we have done, that it is the 105th Congress, with a majority on this side of the aisle, that has balanced the Federal budget for the first time in 30 years, and that is, I think, an accomplishment that is something that we can all in this House feel proud of.

Madam Speaker, I reserve the balance of my time.

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

Mr. DIAZ-BALART. Madam Speaker, accordingly, I would simply reiterate that this is an important resolution, that it is appropriate that we be able to think out loud and consult with our constituents in the next days.

Madam 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.

Ms. SLAUGHTER. 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 I, further proceedings on this resolution will be postponed until later today.

The point of no quorum is considered withdrawn.

ON JACK NICHOLSON'S VISIT TO CUBA

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

Mr. DIAZ-BALART. Madam Speaker, I read in the press this morning that a well-known actor by the name of Jack Nicholson is right now in Cuba. Not only did he arrive there and apparently demonstrate his intention to violate U.S. law, but he called, according to the press reports that I read this morning, Castro's Cuba a "paradise."

I would recommend to Mr. Nicholson, or to the President of Colombia, the gentleman whose visa has been denied to enter the United States because of allegations that he received money from the narcotraffickers in his campaign for President 4 years ago, I would recommend that both of them in the so-called paradise as described by Mr. Nicholson, that they seek to visit some of the political prisons, some of the prisons, of the hundreds of prisons in Cuba while they are staying in the so-called paradise.

There are, just to pick four examples, perhaps the most well-known of the leaders of the internal opposition in Cuba, the dissidents, are in dungeons in that paradise, according to Mr. Jack Nicholson. The dictator in Cuba, who has kept them there since July of 1997, the four most well-known leaders of the internal opposition in Cuba, has kept them in that dungeon, by the way, for the crime of publishing a document entitled "The Homeland Belongs To All" in which they call for free elections and a peaceful transition to democracy in Cuba. The Cuban dictator has not even decided yet what to charge them with. That is the so-called paradise, according to Mr. Nicholson.

So I would urge these millionaire visitors who go to the apartheid economy of Castro and partake of the pleasures available due to the slavery of the Cuban people, and when they call that so-called workers' paradise, as Nicholson did, a paradise, that they ask to visit the political prisons, or perhaps the widows or the orphans of the tens of thousands of victims of that so-called paradise.

It is shameful to see the attitude of these Jack Nicholsons of the world, the rich who believe they have no limits and who now go to the so-called workers' paradise only 90 miles from our shores to partake of the forbidden apple in all of its pleasures. It is sickening. It shows really the ugliest side of our free enterprise system, that some of these people with no conscience and no sensitivity would go and make statements like that and violate our laws and not be concerned about for 40 years the lack of the most elemental freedoms, the lack of democracy, and call a place like that totalitarian nightmare a paradise.

And so shame upon people like Nicholson. And also the President with the campaign contributions from the narcotraffickers. Obviously he feels comfortable in the land of a head of the narcotraffickers, the Cuban dictator.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2676, INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998

Mr. DREIER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 490 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 490

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2676) to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very good friend, the gentleman from Dayton, OH (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, this rule is needed to waive points of order against the conference report on H.R. 2676, the IRS Restructuring and Reform Act. This legislation is the culmination of years of dedicated effort and hard work by my colleague from Cincinnati, OH (Mr. PORTMAN) and the chairman of the Committee on Ways and Means the gentleman from Texas (Mr. ARCHER).

Before outlining the historic nature of the conference report this rule would make in order, I first want to applaud the gentleman from Texas for his tenacity in overcoming the Clinton administration's opposition to bringing some badly needed sanity to the tax code. I am referring, of course, to the provision to roll back the absurd 18-month capital gains holding period that the President insisted on in the Taxpayer Relief Act of 1997. That extra holding period turned the Schedule D form into the Rubik's Cube of tax forms, frustrating millions of families with unnecessary recordkeeping and complexity and also making it difficult for honest taxpayers to comply with the law.

□ 1045

Thanks to the inclusion, Madam Speaker, of the Archer rollback provision in this conference report, millions of American families will no longer have to endure endless hours of mindless calculations to complete that Schedule D.

But there are other benefits to the rollback as well.

Notwithstanding the static revenue estimate provided by the Joint Committee on Taxation, the Federal Government and State governments will see an increase in revenues from the effect of investors unlocking what heretofore has been unproductive capital. The unlocking effect from the reduction in the capital gains tax rate to 20 percent is primarily responsible for this year's budget surplus. Also, as our economy is further buffeted by the effects of the Asian economic crisis, streamlining the capital gains holding period will boost investment, capital formation and economic growth. And I will say parenthetically that I am very pleased that the Speaker has introduced legislation to take that top rate down to 15 percent. Nearly 170 of my colleagues, Democrats and Republicans alike, joined in the first session of the 105th Congress to get it to 14 percent.

So, we are headed in the right direction.

As I mentioned, this is a historic bill that will bring about the first comprehensive reform of the IRS in four decades. It will make the IRS more user friendly by, among other things, establishing an independent governing board and shifting the burden of proof from the taxpayer to the IRS in disputes that reach Tax Court. These reforms will make the IRS more accountable to the American people. They will enhance the fairness of the tax collection process by giving the taxpayer the benefit of the doubt when he or she has cooperated with the IRS and has documented evidence of compliance.

These reforms will not solve the more intractable problems brought on by a complicated and inefficient Tax Code. The solutions to those broader problems require comprehensive reform of the Internal Revenue Code itself, which I hope the House will address next year. But the reforms contained in H.R. 2676 will go a long way

toward protecting the right of taxpayers, making the IRS more accountable and restoring public confidence in the way the IRS enforces our tax laws.

Madam Speaker, I urge my colleagues to support both the rule and the conference report.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank my colleague from California (Mr. DREIER) for yielding me the time.

As my colleague described, this is a rule for consideration of the conference report on H.R. 2676. This is a bill to restructure the Internal Revenue Service. The rule waives all points of order against the conference report. This bill will transform the agency into a more customer-service-oriented operation that resolves taxpayers' problems right away instead of letting problems drag on.

I want to point out to my colleagues that the IRS has already taken steps to improve service in advance of this bill. For example, it has expanded telephone assistance, it has instituted nationwide problem-solving days, it strengthened the Office of the Taxpayer Advocate and has increased accountability for IRS management.

The legislation also directs the IRS commissioner to simplify the current complicated IRS structure and replace it with a new organization that will better serve taxpayers. This is a goal which is shared by the commissioner.

I regret that the conferees inserted provisions in the conference report that do not belong and, in my opinion, are unwise.

I am particularly concerned about the provision that changes the name of "most-favored-nation" trading status to "normal trade" relations. This name change is more than just symbolism. It is a prelude to a fundamental shift in the way we set our trading policies.

Madam Speaker, most-favored-nation trading status is earned by our trading partners. It is a reward for nations that have policies we can support. It can be denied to countries that do not conform, do not conform to our high standards such as those with a record of extreme human rights violations.

Changing the name is part of an effort to reduce the use of trade status as a tool of diplomacy especially to combat human rights abuses. If we change the name to "normal trade" relations, the implication is that all countries are entitled to this status.

The term "most-favored-nation" goes back to the 18th century. It has been used throughout the history of the United States and by our trading partners. It has worked well and should not be changed.

When the Committee on Rules considered the rule, I offered a motion to delete this section. Despite some support I received in the committee, and I appreciate that support, my amendment did fail.

I will not oppose the rule and risk delaying the legislation which is important to the American people. However, I remain opposed to the MFN provision in the manner in which it is being forced upon the House.

Madam Speaker, I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding this time to me. I rise, unfortunately, I rise in opposition to the rule on a bill that I had hoped to come to the floor to support today, and I do say I regretfully oppose this rule for the following reason:

There has been a good deal of debate about trade with China in this Congress. But I really did not think we would be having any today as the President starts his trip. I have myself refrained from speaking on this floor about that issue, as I say, while our President is in China. But then I found out that the Committee on Ways and Means had sneaked this provision into this bill. When I had spoken to members of the committee, they said, "No, it's not in there; I've read the entire bill, it's not in there." But upon further investigation it was learned that changing the name of "most favored nation" status to "normal trade" status was put into this bill.

I can understand why my colleagues would not want to face up to this, because it is not right, and they must be ashamed of what they are doing or else they would let this decision be faced by this Congress standing on its own in the full light of day. But, my colleagues, you can call it whatever we want. It is not a rose, so I will not say a rose by any other name is still a rose because it is more like a thorn, a thorn in the side of the American worker.

I have here the chart about the trade deficits with the People's Republic of China, and if I continued this chart to 1998, my colleagues would see that in the years of the Clinton administration alone, by the end of 1998, the trade deficit with China will be about a quarter of a trillion dollars. That is not million with an M, billion with a B, it is TR, trillion dollars, and that trade deficit continues to grow.

Our colleagues boast that China buys nearly $13 billion from us, and that that number has increased. At the same time, the Chinese exports to the United States have grown to $62 billion for 1997, will be close to $80 billion for 1998, resulting in a trade deficit projected for 1998 of about over $63 billion.

In addition to the high tariffs which block access to most products made in America to the Chinese market, China has engaged in other nontariff barriers to our products. Let us talk about the tariffs for a moment. And do not take my word for it. This is the Foreign Trade Barriers Report of the U.S. Trade Representative's Office. It is the 1998 National Trade Estimate Report, and in it the trade rep says China restricts imports through a variety of means including high tariffs and taxes, nontariff measures and limitations on which enterprises can import, and other barriers. For example, China has used prohibitively high tariffs which in late 1997 still reached as high as 100 percent on some motor vehicles.

In the interests of time I will not read all of that, but just to conclude on that point, I say that these nominal high tariff rates to which China adds applicable value-added taxes on some goods, consumption taxes contribute to inefficiencies in China's economy pose a major threat to U.S. commercial opportunities.

I would not be opposed to most favored-nation-status for China if China extended it to the United States. In addition, in terms of service barriers, while China has promised to liberalize access, restrictive investment laws, lack of transparency and arbitrary application of regulations and laws limit U.S. service imports, exports and investments in China. My colleagues can read for themselves more and more about that in here.

Since Tiananmen Square in 1998, the trade deficit has soared from $3 billion at that time to a projected $63 billion for 1998. It is important for our colleagues to note that because of these high tariffs most products made in America do not have access to the Chinese market. Indeed, less than 2 percent of our exports are allowed into the Chinese market, while we import nearly over 35 percent of Chinese exports into our market.

The list goes on and on about lack of market access, violation of intellectual property which continues (ask the software industry), technology transfer, production transfer, transshipment of textile goods, and the use of forced labor for export. The trade violations alone would be enough to say that this is not, call it what we want, a normal trade relationship, and then when we consider the leverage that we would have with this huge trade deficit to improve the human rights situation in China and to stop the proliferation of weapons of mass destruction, my colleagues can see that we are wasting an opportunity.

Speaking of the President's trip, one of the commentators said, "Well, when the President goes there, we will see that there's more in China than repression." Well, as long as repression is there, we should use every tool at our

disposal to make sure that it does not exist. If we are true to who we are as Americans, the central core value of promoting democratic values should be central. It should be not only on the table, it should be the table on which other concerns rest.

And so I say with regret, "Shame, shame, shame that the Committee on Ways and Means with the Committee on Rules is sneaking this in so that Members are forced to vote for something in the dark in the interests of passing a bigger law."

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume to respond to the statement of my very good friend from California (Ms. PELOSI).

For starters, this was not secretively stuck into this measure. It has been, discussed frankly for years. There are many people who for a long period of time have said, "Why don't we have truth in advertising? Why is it that we call something that is not in fact a favored nation status what it is: normal trade relations?"

So for years people have been advocating this, and over the last several weeks a number of individuals have said, "Gosh, as we proceed with the debate on the traditional MFN issue which will be coming up most likely the week of July 20, a number of people, Democrats and Republicans alike, said, “”Why don't we find an opportunity to finally establish normal trade relations and call them exactly what they are?'."

There are five countries that do not enjoy what is now considered to be a so-called most-favored-nation trading status. They are Afghanistan, Cuba, Laos, North Korea and Vietnam. It is basically the rest of the world has this kind of status, and we believe very strongly that it is important for us to do what we can to get our Western values into China.

Now my friend from San Francisco very correctly talked about the imbalance of trade with the People's Republic of China that exists, and she is right, there is an imbalance of trade. But there are two points that I would like to make as it relates to that. First and foremost, she falls into that trap of the neo-mercantilist view of trade, that the only benefit for trade is exports; not recognizing that the standard of living in the United States of America is as high as it is because the world has access to our consumer market.

And the second point that I think is very important that needs to be made here is the fact that as we have observed job shifts, they have taken place within the Pacific Rim. It is not this flow of U.S. jobs that have been going to China, as some would have us believe, but it has been the shift of jobs from Singapore, Taiwan, Hong Kong, South Korea and other countries within the Pacific Rim.

As we have seen those shifts take place, what has happened?

□ 1100

We have been able to see the cost of products coming into the United States and going to the other parts of the world come at a lower level. So it seems to me all we are providing here is truth in advertising by changing this from "MFN" to "normal trade relations." It is the right thing to do. Even opponents of MFN in the past have told me, "Why don't you call it exactly what it is?"

So we are doing the right thing here, and I urge my colleagues to support both the rule and the conference report when we proceed with it.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would respond to my friend, the gentleman from California (Mr. DREIER), in that I too am opposed to the changing of the name to normal trade relations from most-favored-nation, because I do not really think it is a normal trade situation.

I think it is a privilege to trade with this country. It is what this country is all about. It is what we stand for. We stand for fairness, we stand for fighting oppression. We stand for not only loving other people, but we also stand for displeasure when a country does something that is very much what we think is not only against the interests of our country, but against the interests of all people.

For years, even from the 18th century, we have spoken out about most-favored-nation. That is a name that is beyond symbolism. It carries the name of the United States. It means our country and what we stand for. It is a connotation that is good and it is right.

I remember when the gentleman from Virginia (Mr. WOLF) and the gentleman from New Jersey (Mr. SMITH) and myself went to Romania several years ago. The people in Romania, especially the people that had been oppressed, would press upon us as we spoke in churches and different places, and they would press notes all over us, put them in our pockets, and when we got back to our hotel at night, we would have 50, 60 notes of people telling us about torture and oppression, to please do something about it. Even then, under the old regime of Romania, people understood what most-favored-nation status was all about.

When we came back, the gentleman from Virginia (Mr. WOLF), the gentleman from New Jersey (Mr. SMITH) and myself sponsored legislation to take most-favored-nation away from Romania because it was not normal trade relations. It was something that is very special.

It took us three years to fight that, and we fought it on the floor. We finally succeeded, and a year later, a year later, the country's power, the country's government did fall. I cannot say it was as a result of us taking most-favored-nation away, but I think it helped because it enabled us in this country to speak out towards oppression, whether it be religious, political, economic, whatever it would be.

Most-favored-nation is something we have had for years in this country, and it is something that both people that are in favor and people that are not in favor, dissidents all over the world have come to understand what it means. It is not normal. It is a privilege, and we want to defend it. We believe in it, and that is why we are very much against this change in the name.

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

Madam Speaker, I would simply say that my colleague, the gentleman from Ohio (Mr. HALL), and I obviously share the exact same goal. It is very clear that those of us who believe in the power of markets want to deal with the horrendous repression that exists in China and other parts of the world. It is just that we believe passionately that western values are best epitomized with the movement of free markets, and we believe that the best way to undermine political repression is to get those things in there. In fact, I have concluded and said here time and time again that trade promotes private enterprise, which creates wealth, which improves living standards, which undermines political repression.

So I would just like the record to show, Madam Speaker, that the gentleman from Ohio (Mr. HALL) and I share the exact same goals. We obviously are approaching them in a slightly different way.

Madam Speaker, I yield 2 minutes to the gentleman from San Diego, California (Mr. BILBRAY), my very good friend, who is an expert on tax issues and is very pleased with a provision that has been incorporated in this conference report dealing with the effective date on the Tax Code.

Mr. BILBRAY. Madam Speaker, I have to make an editorial note that this issue of what is a most-favored-nation status reminds me of the rest of the "Washington speak". This is the city where you can have a 7.5 percent increase and they call it a cut; call something a balanced budget that the rest of America would not call a balanced budget; and now we talk about most-favored-nation relationship, and it is a misnomer.

It is not about China or anything else. I think we need to talk about is Washington going to start speaking plain English like the rest of us? The most-favored-nation status to America happens to be Canada and Mexico. That is a fact of life. Some people may not

like it, some of us are concerned about it, but I think the issue here about do we speak plain English when we start talking about our business in this body, I think there is a good argument of saying we should do it across the board, not just with the trade issue.

But getting back to home, let us talk about something near and dear to Americans here in the United States, and that is our tax structure, our Tax Code.

Madam Speaker, I happen to own a tax business and have owned a family tax business for a while now. My wife runs our tax business. I just got off the phone with the young lady who runs my business, my wife, and her comment was this. "When you start talking taxes, you start talking thresholds, will you please try to make it as simple as possible?"

Why do Americans across this country have to go to people like my wife to be able to get their taxes done? It is because Washington keeps making it more complicated.

I want to praise this bill because it finally is getting back to the basics. Let us start with January 1 as being the beginning of the year. What a radical concept. Finally we are getting a message across that maybe Washington should start living by the rules that everybody else lives by, and one of them is January 1 should be the beginning of the time for our tax year, as much as possible.

I praise this bill and I want to reflect the praise that my wife sends to this Congress, of keep it simple when you can. Let us make it January 1, the beginning of the year. I want to thank the Congress for doing that.

Also, let us say this is the beginning of doing other things, of making the entire Tax Code simpler.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise to support this rule and this bill which will finally bring reform to the Internal Revenue System.

In my recent campaign I spoke about taxes with thousands of residents of the central coast of California. They told me three things: First, get the IRS off the backs of innocent taxpayers; second, simplify the Tax Code; and, third, please let us keep a little more of our hard-earned money in our pockets.

This important bill does all three. No longer will American taxpayers be considered guilty until proven innocent. The capital gains tax has been simplified, which will bring welcome relief to everyone who has struggled with this complicated new Schedule D form, and the capital gains provision will allow working families to use more of their investment income for important needs like retirement or college education.

This is a good bill. It is long overdue. I urge my colleagues to support the IRS Restructuring and Reform Act.

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

Madam Speaker, I rise simply to associate myself with the very eloquent words of my very dear friend, the gentlewoman from Santa Barbara, California (Mrs. CAPPS).

Mr. HALL of Ohio. Madam Speaker, I yield two minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Madam Speaker, I am pleased to see that we are finally taking up passage of legislation designed to rein in the IRS. We have all heard the stories about the worst IRS nightmares in the Nation, people committing suicide, families going bankrupt and losing their small businesses. Last October I walked door-to-door and business-to-business in my district and heard from taxpayers about their own battles with the IRS.

The IRS has an extremely important job to do, but today we are making their job a little bit easier, and we are making the IRS a more fair, more efficient, and more taxpayer-friendly agency. But my friends, this bill is only the beginning. Next we must repeal the marriage penalty, which punishes two-income married couples. A married couple pays more in income taxes than if they were unmarried. This is simply unfair and sends the wrong message about the importance of families in our country. We must repeal the marriage penalty now.

Finally, we must also make our Tax Code much simpler. Anyone who has spent long hours huddled over their 1040 with broken pencils and piles of frustration knows that our tax system today is simply too complicated. We must simplify the Tax Code so that the average American does not need a Ph.D. in accounting to complete his or her taxes.

I urge support for this first step in IRS reform.

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

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

Madam Speaker, I rise to simply encourage my colleagues to support this rule. It is a very fair and balanced rule. It will finally bring about much needed reform of the Internal Revenue Service, which the American people are desperately seeking. It will provide truth in advertising by finally taking that MFN moniker and changing it to what it is, normal trade relations. I hope we can pass this overwhelmingly.

Of course, it will bring the very, very important end to that horrendous 18-month holding period on capital gains, which cannot be forgotten. I know my friend in the Chair was a cosponsor of H.R. 14 to cut that top rate on capital gains, and we are hoping to go further with that, but this is a very good first step.

Madam 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 (Mrs. EMERSON). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4104, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

Mr. MCINNIS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 485 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 485

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI or clause 7 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: page 104, line 14, through page 106, line 12. The amendments printed in part 2 of the report of the Committee on Rules may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read.

The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1115

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Colorado (Mr. MCINNIS) is recognized for 1 hour.

Mr. MCINNIS. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for purposes of debate only.

Madam Speaker, this is an open rule that waives points of order against consideration of the bill for failing to comply with clause 2(l)6 of rule XI requiring a 3-day layover of the committee report, or clause 7 of rule XXI, requiring printed hearings and reports to be available for 3 days prior to the consideration of general appropriation bills.

House Resolution 485 provides for 1 hour of general debate, equally divided between the chairman and ranking member of the Committee on Appropriations.

Madam Speaker, House Resolution 485 also provides that the amendments printed in part 1 of the report of the Committee on Rules accompanying the resolution be considered as adopted in the House and in the Committee of the Whole House.

House Resolution 485 waives points of order against provisions in the bill, as amended, which do not comply with clause 2 of rule XXI prohibiting unauthorized or legislative appropriations in a general appropriations bill, and clause 6 of rule XXI, prohibiting reappropriations in a general appropriations bill, except as specified by the rule.

Additionally, Madam Speaker, House Resolution 485 waives all points of order against the amendments printed in part 2 of the Committee on Rules report, and provides that such amendments shall be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time period specified in the report, equally divided and controlled by a proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

Furthermore, this rule provides for priority in recognition for those amendments that are preprinted in the CONGRESSIONAL RECORD, and provides that the chairman of the Committee of the Whole may postpone recorded votes on any amendment and that the chairman may reduce voting time on postponed questions to 5 minutes, provided that the voting time on the first in a series of questions is not less than 15 minutes.

Finally, the rule provides for one motion to recommit with or without instructions. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted.

Finally, Madam Speaker, the rule provides 1 motion to recommit, with or without instructions. This rule was reported out by the Committee on Rules by voice vote.

Madam Speaker, the underlying legislation, which makes the appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for fiscal year 1999, is important legislation.

Nearly 90 percent of the activities funded under this bill are devoted to the salaries and expenses of approximately 163,000 employees who are responsible for administering programs such as drug interdiction, presidential protection, violent crime reduction, and Federal financial management.

Additionally, H.R. 4104 provides $1.8 billion for drug-related activities, including a $195 million national media campaign targeting youth drug use, and doubles the funding for the Drug-Free Communities Act of 1997. I encourage my colleagues to support the rule and the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I reluctantly oppose this rule, because I would like to support it very much. It is an open rule, and it gives all Members of the House an opportunity to offer amendments that are germane and otherwise in compliance with House rules.

I also think that the underlying bill, for the most part, is fair and worthy of support. It provides $13.2 billion in discretionary budget authority, which is a slight increase from last year's bill. It funds most programs at the levels requested, levels that will adequately support the programs and services covered by the bill.

But one major exception, however, is the Federal Election Commission, which is funded significantly below the level necessary for the FEC to do its job properly and effectively. Furthermore, authorizing language imposing term limits for the Commission's staff director and general counsel will also hamstring the FEC's ability to do its work in a fair and impartial manner.

The rule protects from a point of order critical legislative language to implement a new, fair, and reasonable pay system to adequately compensate Federal firefighters for overtime. Such a provision is necessary because of the unique and unusual pay system for these brave men and women. Currently, there is a pay inequity between the Federal firefighters and their municipal and civil service counterparts.

I strongly support this language and its protection in the rule. The measure has 153 bipartisan cosponsors, and is supported by the administration. We are currently experiencing devastating fires in Florida, and must ensure that those who risk their lives fighting fires are compensated fairly for their brave efforts.

I am disappointed that the rule did not protect from a point of order another provision in the bill to address a pay problem for Federal employees. We passed a bill to create a fairer pay system by a margin of 383 to 30, and President Bush signed it into law in 1990. Unfortunately, the bill lacked a definition of what constitutes an economic crisis, and without that definition, the new system will not be implemented.

Language in this bill would fix the problem, but unfortunately, the rule does not protect the language from a point of order. It is regrettable that efforts to reform Federal employees' pay continues to be ignored.

The bill contains and the rule protects a provision requiring all Federal health plans to provide prescription contraceptive coverage to Federal workers. Certainly anyone interested in reducing unintended pregnancies should support that language.

Having said all that, Madam Speaker, I would like to take a minute to address my concern with the rule and why I must oppose it. The bill reported out of the Committee on Appropriations contained $2.25 billion to deal with an enormous computer problem that threatens to bring the country's computers to a halt when the champagne corks pop for the year 2000. It is called Y2K, in the popular language, which is a small name for what is going to be a huge problem.

If left unchecked, this could result in major chaos and confusion throughout the country, ranging from serious threats to our national security, a crash in the stock market, failure of our Air Traffic Control system, and the inability to process Social Security checks, or any others, on time. And if it is not fixed on time, the two places I am told not to be are on an airplane or a patient in a hospital at midnight, December 31, 1999.

Experts on the so-called "millennium bug" have been warning us for years about this impending doom, and they have worked hard to warn the public, but they are frustrated by the lack of a timely response. It is up to us in Congress to step up to the plate and make certain that this matter gets the attention and financial support that it desperately needs. That is why we are elected, to take responsibility for the well-being of our people and our Nation.

The Committee on Appropriations, to their credit, did just this by putting emergency funding in this bill and the defense bill for the Y2K situation. But my Republican colleagues have decided that this can wait. They have decided to remove the emergency funds from both these bills.

This has the potential to be a crisis of major proportions, and it will not go away. We are wasting precious time with our finger-pointing and partisan squabbling. We need to get money in the pipeline immediately to begin addressing this extraordinarily complex and dangerous situation.

They said, we will do it later in another bill, but we do not see another bill on the schedule to address this major problem. After the House finishes its business today, we will adjourn for a 2-week recess.

Madam Speaker, I do not know do not know a lot about computers, but I do get the feeling that we do not have a lot of time to fix this problem. Every day we lose attempting to address the situation counts dearly. We are playing with fire by not dealing with the Y2K matter immediately.

I hope for all of our sakes that our colleagues are genuine in their promise to make this a top priority. This should not be a political issue, because we are failing in our duty to our constituents and our Nation if we do not act responsibly and take action immediately. It is far too important, not just in our country but worldwide as well. We must act now.

Because of this self-executing provision to remove this critical funding, I must oppose this rule, and I urge Members to join me in voting no on the rule.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I would just note at the very beginning of this conversation on the rule that my colleague, the gentlewoman from New York, makes the statement that this Y2K problem should not be political, but preceding that statement, the three paragraphs before, it was 100 percent political.

So I ask her, do not make the kind of statement that this should not be political when the gentlewoman talks like that. She is trying to make it political. The fact is, the money is going to be there. We are going to appropriate the money. I will make it political: The administration should have been addressing this a year and a half ago. They have not been doing it, and now the bell is beginning to toll. We realize we have a problem there.

Madam Speaker, I yield such time as he may consume to my good friend, the gentleman from the State of Louisiana (Mr. LIVINGSTON), the chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Madam Speaker, I thank my friend from Colorado. On exactly that note, I just happened to walk in here and hear some phenomenal statements.

The fact is that this Congress is facing up to the funding demands for the Y2K problem. We are in the process of providing appropriations for them, even though, and I want to stress this, even though the administration has not requested enough money for the Y2K problem. We have been telling them, look, it is a big problem, for a long time. OMB, the Office of Management and Budget, has basically ignored it. They have taken the attitude, oh, we will worry about it manana; it is some ephemeral thing, let the Wizard of Oz take care of it.

We cannot afford to do that anymore. The fact is, the administration has not been realistic. The Vice President, Vice President GORE, has been the head of technology, the guru of technology, for the last 5 to 7 years, and has not paid a bit of attention to Y2K. Somebody walked up to him recently and said, what about Y2K? And he said, "I don't do Y2K," because it is too complex, evidently.

All I will say, we do not have a request from the President within his budget for any money to handle the emergencies that this Congress is going to have to handle within the coming months for Y2K, but we are going to step up to the plate, anyway. We are doing that within the appropriations process. I appreciate the gentleman yielding me the time.

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

Madam Speaker, I appreciate what the gentleman has had to say. We should know that while they have not asked for that, the Vice President has been very busy preparing for his telephone tax, the Gore tax, which goes in effect here in just a couple of days. I hope the consumers out there note that.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 7 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Speaker, I thank the gentlewoman for yielding time to me.

Madam Speaker, I want to first of all respond to my chairman and my friend, the gentleman from Louisiana (Mr. LIVINGSTON), as well as to the gentleman from Colorado (Mr. McINNIS).

The fact of the matter is that this administration did make a request that over $1 billion specifically be included in a $3.5 billion emergency request for Bosnia and for Y2K, so the representation that this administration did not address it is simply wrong. I hope it is wrong because of a lack of information, as opposed to an intent to mislead. I am sure the latter is not true. But it is nevertheless wrong. This administration has addressed this problem.

Now, as the private sector has experienced, the Federal Government has also experienced an emergency situation, an emergency that both in the public and private sector has grown exponentially, where the private sector, like the public sector, has experienced a growing scope of the problem and a growing expense to solving the problem.

There is no option to solving the problem, period. As has been said, no one wants to be on an airplane when FAA's computers decide that they cannot function because they have not contemplated the change of centuries.

I will tell the Members, Mr. Speaker, previous administrations and this administration have purchased a lot of information technology, as the private sector has purchased information technology, that does not contemplate the change of century. This is a great surprise to all of us, of course, that the century is changing.

But having said that, there is a reasonable explanation, of course. There was, in my opinion, a pennywise and pound-foolish, perhaps, judgment that was made in previous administrations, and as recently, perhaps, as this administration, which purchased technology which did not contemplate this change, knowing full well that there was absolutely no alternative but to solve this problem.

There is a lot of protestation on that side of the aisle, but in point of fact, the distinguished chairman of the Committee on Appropriations went to the Speaker and it was agreed, it was agreed between the Speaker and the chairman of the Committee on Appropriations, to do exactly what this committee recommended, to do exactly what the Committee on National Security yesterday had recommended, and that the gentleman from Pennsylvania (Mr. MURTHA) talked about. That was to fund a solution to this emergency, unavoidable expenditure that confronts us.

□ 1130

And so the gentleman from Louisiana (Mr. LIVINGSTON), chairman of the Committee on Appropriations, in conversation with the Speaker, agreed to recommend this. And the Republicans and Democrats in the Committee on Appropriations voted these bills out.

But lo and behold, there are some who would say, no, this is not an emergency, we will wait; just like with the BESTEA bill, that we are going to fund this at a later date. Ways and means to be announced. Vote with us now on faith.

Madam Speaker, we ought not to do that. We ought to reject this rule and we ought to go back to the drawing board. And, frankly, the Speaker and the chairman of the committee ought to again come to their conference and say the responsible thing to do is to make sure that we solve this problem, that we confront it honestly and we do it now. Now, if at some point in time later we want to fund that, we can do it. Nothing precludes that. The only thing that we are doing now is delaying the decision. We should not do that.

Madam Speaker, I regret that. And I want to say that the gentleman from Arizona (Mr. KOLBE), chairman of my subcommittee, and I agree on this. He believed this ought to be. I did not put it in. We do not have the votes on my subcommittee to put this in. It is 7-to-4 when we vote from a partisan standpoint and there was no dispute in the subcommittee, either from the seven Republicans or the four Democrats.

So I lament the fact that there has been some change because some Members of the Republican Conference felt this was not the way they wanted to proceed. That was not reflective of the Republican leadership of the Committee on Appropriations, nor for a period of time, at least, reflective of the Republican leadership of this House, including the Speaker.

Madam Speaker, I may speak at some greater length as well on this rule, because it is not just the Y2K problem that I think is unfortunate. And I want to say to the gentleman from Colorado (Mr. MCINNIS), I do not think the Committee on Rules made this determination, and I understand that as well.

Not that he would have disagreed with the solution that was effected; I do not mean to imply that. But I understand this decision was made by the leadership and not per se by the Committee on Rules, although the Committee on Rules obviously implemented in its rule that decision. So I do not quarrel with the Committee on Rules. I want to make that clear. What I quarrel with is the decision having been made to retreat from responsibly and immediately confronting this emergency situation.

Madam Speaker, I may also at some future time talk about the rule itself. I think, unfortunately, the rule did not do some of the things I think it should have. Other Members will discuss that, and perhaps in concluding a couple of minute remarks I will discuss those items as well.

Mr. MCINNIS. Madam Speaker, I yield 4 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Madam Speaker, I thank the gentleman from Colorado (Mr. MCINNIS) for the generous amount of time he has yielded to me.

Madam Speaker, I want to rise today to support the rule and also to speak briefly about an amendment that I will offer to strike an amendment that was brought up in the full Committee on Appropriations last week and passed by a very narrow margin, a 28-to-26 vote.

The result of this amendment is that we are going to impose a Federal mandate on all insurance companies that contract with the Federal Employees Health Benefits. This Federal mandate that is now going to be imposed on health care coverage will cover all prescription contraceptive devices that are FDA approved.

This coverage is already available as an option for health care coverage for government workers, but today this bill mandates coverage which includes the following FDA approved drugs and devices: The pill, diaphragm, IUDs, Norplant, Depo-Provera and the Morning-After abortion bill. And some day it could include the latest abortion pill, RU-486.

Madam Speaker, it is important that Members understand that my amendment will not deny any Federal employee the opportunity to receive a full range of contraceptive devices currently allowed by the FDA. All my amendment will do is allow the Federal employees to continue the freedom that they now enjoy to choose the type of coverage that best meets their family's needs.

According to the Office of Personnel Management, every health care provider for Federal employees currently provides full prescription coverage for the pill, the predominant method of choice for women of childbearing age in this country. Furthermore, over 75 percent of all Federal employees currently have coverage which includes all FDA approved methods.

The only health care plans which specifically do not cover any contraceptive devices are Catholic health care plans, which are formed for that specific purpose for reasons of conscience. In other words, 10 percent of the Federal employees who do not have contraceptive coverage do so by choice. So, ironically, those who demand freedom of choice have, through this language, limited the choice through the current language.

Under the language the Catholic Federal employees will no longer have a choice. Instead, Catholics and others will be forced to choose between receiving no health care benefits or health care insurance or belong to a plan which provides services which they believe are wrong.

This past Monday, The Washington Post reported incorrectly that the CBO had determined that this Federal mandate would not cost additional Federal funds. However, the CBO has reversed their decision and has determined that there will be costs associated with this new mandate. Once again we learn there is no free lunch.

Madam Speaker, when this bill comes to the floor, we will hear advocates of this provision argue that this mandate is about providing "parity between the coverage of family planning services and the coverages of other types of basic medical care in private insurance policies." Yet by their very nature, we know that contraceptives are elective and not medically necessary. This is what choice and freedom is all about, allowing the consumer to choose the health plan that best serves their needs.

We will also hear the proponents say that this mandate is about a woman's right to choose. Unfortunately, this mandate has nothing to do about choice and everything to do about forcing Federal employees to pay for services they may not need or want, with the result being higher priced health insurance for every Federal employee.

The bottom line is this mandate limits consumer choice. It provides nothing that is not already available to every Federal employee. If we adopt this provision and vote down my amendment, Congress will be saying to Federal employees, "We know what you want, and we know what you need, and you have no choice because we are going to provide it to you." And, Madam Speaker, the American public is going to get stuck with the bill, as are Federal workers.

In addition to the CBO stating that this is a mandate that will cost additional money, so has the Health Insurance Association of America in a letter to the gentleman from New York (Chairman SOLOMON).

Madam Speaker, I have listed reasons why we should support my amendment, and regrettably what we have is language that says there is one size that fits all. It is a Federal mandate.

I would also like to recognize in closing that this provision was legislation on an appropriations bill, which goes against our normal rules and it is not supported by the proper authorizing committee.

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

Ms. SLAUGHTER. Madam Speaker, I yield 7 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, I think we have a serious problem facing us in this House. I see frankly what appears to be the politics of intimidation being practiced on a broad scale.

First of all, we have seen the majority leadership try to intimidate the Congressional Budget Office into bending their numbers so that their budget estimates more neatly fit the political desires of the Republican majority in the Congress. That controversy is well-

known. It has been reported in the newspapers.

We also have the politics of intimidation being practiced against the Federal Election Commission. We have the majority party trying to turn the Federal Election Commission, which is supposed to be the watchdog that keeps every politician honest, what they are trying to do in this bill is to say to the legal counsel of the commission, "If you are not careful, if you do not soft pedal what you are doing, if you do not play kissy-face with both parties, then one party is going to be able to block you from reappointment."

That is going to turn the Federal Election Commission into being even a less effective defender of the public interest than it is today.

Then we have an effort to intimidate the General Accounting Office. There was an amendment that a number of Members on that side of the aisle sought to have made in order to change the appointment of the Comptroller General from the President, where it has traditionally been, to the Congress, again because they wanted to send a message to the GAO that they did not like some of the investigations that the GAO was conducting.

Madam Speaker, now we have seen the Republicans who know the most about this computer problem, the Republicans on the Committee on Appropriations, the Republicans who are supposed to know the most about this problem, we have seen them bring to the House their recommendation that we include in the Defense bill and in the Treasury-Post Office bill the money that is needed so that this country does not have a range of super problems when our computers go out in the year 2000 and shut down our ability to send Social Security checks, shut down our ability to make certain this country is adequately defended militarily.

Yet what is happening? Now what is happening is, on the Defense bill yesterday and on this bill today, we now have a new call by the Republican leadership which says, "Take the money out, boys." And we do not see a single Republican who took the action that was necessary in the first place now coming to the floor to defend their original actions, and wonder why.

And then I notice an article in Roll Call which says, in the June 22 edition, quote, "House Speaker Newt Gingrich was one of the first Republicans to sign a petition demanding that the congressional Republicans punish high-ranking GOP Members who team with Democrats on certain votes."

Now that sounds like intimidation to me. I am wondering whether that does not in fact explain why many of the Republicans who are the most knowledgeable on this issue, and know that this money ought to be in this bill to solve this computer problem, I am wondering if that does not explain why they are not coming here to the floor. I am wondering whether the thought police in this town are winning the argument once again.

The fact is this is the most serious mechanical problem faced by the government. I do not want to be around when Russians watching their computers in the year 2000 see their computers go blank and wonder whether America was responsible. I want to know whether they are going to understand that this is simply because of a computer accident. And I want them not to believe that somehow there is some game going on that requires them to urge that somebody push some buttons.

Madam Speaker, this is a very serious problem for our defense posture. It is a very serious problem for every person in America who expects the FAA to be able to regulate air traffic.

□ 1145

I, for the life of me, cannot see why this money is being taken out of this bill.

Some Members say: "well, it ought to be offset." I think it is the height of arrogance for Members of Congress to assume that God ought to have to comply with the budget process. There are going to be natural disasters that are emergencies, whether Republican or Democratic Members of Congress like it or not. And there are going to be other actions that are taken, such as computer companies screwing up computers which they sell to the government, which require us to take action without following the niceties of the Budget Act.

With all due respect, the nice, neat, green eyeshade accounting principles that govern the budget process are not nearly as important to this country as knowing that we can deliver quality service, deliver people's Social Security checks on time, protect the military interests of the United States effectively and do all the other things the government is supposed to do with the aid of these technological machines.

I think the gentleman from Maryland is exactly right. This rule is wrong. It ought to be defeated.

There are a number of things in the rule that I think are reasonable, but this is certainly not one of them. If we are interested in solving problems rather than having more political posturing, we will vote this rule down and allow the Republican majority on the Committee on Appropriations, who did the right thing the first time, to do what they know is right.

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

I should point out to the gentleman from Wisconsin (Mr. OBEY), who has probably the most partisan remarks we have heard yet this morning, not out of habit, but, again, we are trying to pass this open rule on a nonpartisan basis, and we protected one of the gentleman's amendments. He fails to mention that.

Second of all, anytime someone seems to question the position of the gentleman from Wisconsin (Mr. OBEY), it seems to elevate itself from a question to a level of intimidation. It is not intimidation. It is part of the checks and balances. Members ought to ask questions around here. He is not immune from those kind of questions.

Madam Speaker, I yield 6 minutes to the gentleman from Arizona (Mr. KOLBE), who is our in-house expert who can talk with some substance about the Y2K problem.

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

I want to say that I rise in support of this Rule, open rule for the consideration of H.R. 4104, which is the fiscal year 1999 Treasury and general government appropriations bill.

I want to pay tribute to the Committee on Rules for crafting a Rule that I think is fair to everyone. I want to pay tribute to my ranking member, the gentleman from Maryland (Mr. HOYER) for the good work that he has done on the bill, and I will have more to say on that when we come to the consideration of the legislation.

I listened with interest to the debate that we had on the Rule yesterday on the National Security appropriations bill, and I have listened today to the debate that we have had, particularly the remarks of the gentleman from Wisconsin (Mr. OBEY).

With all due respect to my colleagues on the other side of the aisle, I think they have the facts wrong here. The rhetoric is nothing more than an attempt to shift the blame for the vulnerable state of the Federal computer systems and put it in the laps of the Republican Congress. I think that if there is blame, and I think there is some, I think it rests very clearly with the Administration.

Let us be clear about this. Our bill included $2.25 billion for the unanticipated emergency requirements of ensuring Federal information technology systems will be compliant with the requirements of the Year 2000. By the rule, that will be taken out. The fact that it is going to move in a separate vehicle, in my opinion, is really a nonissue. The money is going to get to the Federal agencies. It is going to get there in a timely fashion. There is no one on either side of the aisle that does not understand that we have to have the money to make sure our Federal agencies are ready—whether we are talking about defense with its mission-critical issues, or whether we are talking about the FAA with its mission-

critical issues, or whether we are talking about the Social Security Administration and the Financial Management Administration to make sure that the checks go out on time and the bills get paid on time, or whether we are talking about something as simple as the Congress to make sure the elevators move on January 1, 2000. We all understand that we have to do this. We are going to make sure that the money is there.

The fact is, the Administration has consistently low-balled the true costs of the fiscal year 2000 efforts. In May of 1997, the Administration told us it would cost $2.8 billion governmentwide to make Federal information systems compliant for the year 2000. The estimate has been rapidly going up. They now tell us it is going to cost $5 billion. The reality is the Administration does not really know how much it will cost. And that may be fair. We do not really know. But they have not been aggressive enough, in my opinion, in their oversight. And that is part of the reason we do not know the cost; they have not been aggressive enough in their assessment of agency progress on this issue.

Governmentwide, the Administration has requested only $1.3 billion in fiscal year 1999 for the Y2K issue. They are asking agencies to absorb the cost within their regular appropriations. Now we are told that $1.3 billion just is not going to cut it. We know that the Department of Treasury is working on a budget amendment and anticipates that they will need an additional $100 million. I know that because Treasury comes under the purview of my subcommittee.

For the Department of Treasury, the Administration has been asking for Y2K money bit by bit; the fiscal year 1998 supplemental included $174 million. This was on top of the $419 million made available through the regular appropriation bill.

The Administration has displayed what I think is a real lack of urgency and attention to this issue. This should not be a partisan issue. I do not intend to make it a partisan issue. I want to knock somebody over the head to get their attention down there and make sure that we are giving this issue the kind of attention that it needs. It is not being given the attention that it needs.

Up until the appointment of a Y2K coordinator in February of this year, 22 months prior to the time that the drop-dead date occurs, there has been no centralized Federal management structure in place to coordinate policy and oversight across agencies. There has been no coordinated management of this issue despite the fact that some agencies, going back as far as the Social Security Administration in 1989, recognized the seriousness of this problem and began to put some effort in to addressing it. But there has been no centralized, no coordinated effort. There will be other speakers who can speak even more directly to this, such as the gentlewoman from Maryland (Mrs. MORELLA) who has been very engaged in the oversight of this critical issue.

Madam Speaker, the fact is, Republicans have acknowledged that Y2K is a true emergency. We are being up front. We are declaring it just as that. We are going to put it into a supplemental appropriations bill. And whether we offset it or whether we do not offset it is a decision that can be made by this body and by the Senate at a later time. There are those who will argue it ought to be offset, that agencies should have seen this coming. They should have provided enough contingency funding for this. They should reduce other things. There are others who say this is a one-time shot, it is a true emergency, and it really should be paid for with the budget surplus.

There are good arguments on both sides. That is something that this body can debate and we can decide upon. But it is appropriate that we do it in a supplemental appropriation bill.

So we are not going to appropriate the money bit by bit. We need to provide this money up front and make it available as soon as possible. That means it has to be made available at the beginning of the next fiscal year. I believe that is the responsible way to proceed, and I believe that putting it into a separate supplemental emergency appropriation bill is the right way to go.

I support this rule which in every other way. I think, it meets the needs of all the Members on both sides of the aisle in terms of protecting legislative items that are in H.R. 4104 and giving opportunities to offer amendments.

I support this rule.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY), ranking member on the Committee on Appropriations.

Mr. OBEY. Madam Speaker, let us talk about who is being partisan.

The fact is that when there was a vote in the committee to take this money out, 16 Republicans correctly voted against it, a majority. We are simply asking that we stick to that position on this vote.

Secondly, I would point out, if you want to attack the administration, if you look at their budget on page 253, you will see that in addition to the $1.2 billion which the administration asked for on an agency-by-agency basis to deal with this problem, the administration also has $3.25 billion set aside for contingencies, a major piece of which was supposed to be to deal with additional computer problems.

I would point out that also the subcommittee, the leadership of the gentleman from Arizona (Mr. KOLBE) cut $400 million from the specific agencies in his bill because he was going to be providing the $2.5 billion in another way. Now you are going to have both of those numbers gone. That leaves this country naked in dealing with this problem.

Mr. MCINNIS. Madam Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Madam Speaker, I rise in support of the rule.

My intention today is not to in any way delay the implementation of this rule, because it is a good rule, and we should adopt it to get to the issue. However, I want to fire a warning shot across the bow of this bill because if, indeed, Customs does not do their statutory requirement, and that is exercise the law on the Canadian softwood lumber agreement, I intend to solicit the assistance of the Forestry 2000 Task Force members, which there are over 100 of us in this Congress, to vote against the final passage of this bill unless Customs does what they are supposed to do under the law.

We negotiated a free trade agreement with Canada. The Canadians found a loophole in a rule that Customs implemented. Since that time Customs has recognized their error and has published a revocation of that rule, an explanation of it.

What the Canadians are doing now, even though they have an agreement and a quota of Canadian lumber coming to the United States, they found if they drill a pinhole in a piece of lumber, that it gives them the authority to ship as much lumber to this country as they want to because of a ruling, not a treaty, but because of a ruling by Customs which Customs admits is wrong, yet refuses to implement their own revocation of the decision that they made.

This is costing American lumber companies a million dollars a day. During this recess we are going on, it is going to cost $15 million. So while the rest of the country is experiencing a great economic prosperity, the lumber mills are just about to the position where they are going to have to close because of this unfair situation that is taking place.

My mission here today is to tell this committee, to tell this House and to tell Customs, if they do not implement the provisions according to the law, if they do not implement it by the time this bill comes to the floor, then I am going to encourage my colleagues to vote against this entire bill because this is an atrocity that has been placed upon people in Arizona. When George Wallace ran for President he said he wanted to stand up for the people of America. Well, I am here today standing up for the people of Alabama and also for the people of Arizona and for the people of Kansas and the people all over this country who are experiencing

an unfair situation simply because Customs will not obey the law.

I want to support this bill. It has many good provisions in it. I want to support Customs because they do a lot of good things. But we have a few bureaucrats that are holding up the ability of American lumber manufacturers to be able to continue to survive in this period of prosperity.

I hope Members will pass this rule today, but I am here to tell my colleagues, if the bill comes up today or if it comes up the day we get back, I intend to filibuster this thing by using the five-minute rule, getting the 100-plus members of the Forestry 2000 Task Force to indeed support me in the effort.

Ms. SLAUGHTER. Madam Speaker, I reserve the balance of my time. I believe I have 11 minutes remaining.

The SPEAKER pro tempore (Mrs. EMERSON). The gentlewoman is correct.

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

Ms. SLAUGHTER. Madam Speaker, may I inquire how much time the gentleman from Colorado has remaining?

The SPEAKER pro tempore. The gentleman from Colorado (Mr. MCINNIS) has 10 minutes remaining.

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

□ 1200

Ms. SLAUGHTER. Madam Speaker, I yield 3½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Speaker, I thank the gentlewoman for yielding to me.

Madam Speaker, there has been a suggestion that the administration did not exercise its responsibilities with respect to the Y2K problem. The gentleman from Wisconsin (Mr. OBEY) has pointed out that that included the total of about almost $5 billion for emergency and contingency spending in their budget, that $1.2 billion was specifically requested for Y2K, and that another $3.25 billion was requested for Bosnia contingency spending and also Y2K.

That is not described, so neither I nor anybody else can specifically say what figure one can apply. But the fact is the administration, as all governments and all private sectors, has been working this issue very hard.

But the issue is not who is to blame: Did the Reagan administration or the Bush administration or the Clinton administration purchase incorrect hardware or software. In fact, we had a hearing before the Committee on House Oversight that the new leadership, Republican leadership, came in and bought some new computerware in 1995, which is outdated. We are going to have to replace them. That is because technology is moving very quickly.

This is not to blame anybody. It is to say that that decision is in error, recognized in error yesterday before the committee in testimony by the administrator. With no criticism of that, we need to move on to make sure that, technologically, we can handle our information systems properly.

The fact of the matter is, the point we are making on this rule is that we have some 40 days, 40 legislative days left. We have not done much in this Congress to date. Everybody observes that. We have 40 days left. This country is confronted with an emergency. Everybody recognizes that on both sides of the aisle. There is no dispute about that. There is an emergency.

The dispute is whether we delay confronting that emergency. The Committee on Appropriations said no. The Subcommittee on the Treasury, Postal Service, and General Government said no.

Let us address it now. Let us deal with this issue now. Let us responsibly say we are going to fund the solution and not delay. That is what this dispute is about.

You can go all you want and say, oh, well, it was the other guys, point fingers, and it was somebody yesterday or the day before or the day before that that caused this problem. What you cannot, however, say is that there is not an absolutely essential need for us to respond.

My distinguished chairman, the gentleman from Arizona (Mr. KOLBE) said, well, we can delay and we can decide later in a supplemental as to how we pay for it or we do not pay for it, whether it is emergency or not. That sounds good, but all of us know that the longer this is delayed, the longer agencies cannot plan for dollars available, the more problematic becomes the solution. As the gentleman from Missouri (Mr. GEPHARDT) likes to quote Ed Harris as saying in Apollo 13, "In this instance, failure is not an option."

This rule puts at risk solving this problem. It does not preclude it. I understand that. But it puts it at risk unnecessarily. This is an emergency. Far too often, frankly, in the last 3 years we have found emergencies by tornado, by flood, by other devices; and we have delayed the solution to the detriment of those who were injured. We ought not to do that in this instance.

Mr. MCINNIS. Madam Speaker, first of all, I would note to the gentleman, hang around until 5 o'clock this evening, and we are going to pass the IRS reform which is the most major piece of reform. We are doing something today. It is going to be a very significant day.

Madam Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Madam Speaker, I thank the gentleman for yielding the time.

Madam Speaker, I just wanted to set the record straight. I wanted to set the record straight in terms of the fact that we all know that on January 1 in the year 2000, we will launch the mother of all computer glitches which we hope will be remedied.

Congress, I want to affirm to my friends, Congress has been working on this problem for over 2 years in a bipartisan way. I chair the Subcommittee on Technology of the Committee on Science. The gentleman from California (Mr. HORN) chairs the appropriate subcommittee of the Committee on Government Reform and Oversight.

We have alerted our other colleagues who chair and who are ranking members of other committees to have hearings. We have had more than 26 hearings on this one issue.

Let me suggest that it was in February of 1997 that the estimate of remedying the Year 2000 computer glitch was estimated at $2.3 billion for its entirety. It has now gone up to, in May of this year, it has gone up to $5 billion. I would submit that even that is not going to be enough.

We heard debate yesterday about why it was not in the DOD bill, today why it is not in Treasury-postal. It is because we know, by virtue of the hearings that we have had, by virtue of the quarterly reports we have required from agencies where they give a national strategy and milestones, now we are going to require monthly, we know that this money is going to be requested of each agency. We want to put it together so we can look at a supplemental appropriation for the Y2K problem.

Please do not think it will be delayed. It cannot be delayed. It will be part of the appropriations process. But we are putting it all together.

I just want to point out again how it has escalated, why there is the need for it, and the fact that Congress has put into the bills, and Treasury-postal has been a wonderful opportunity for us to, through the years, put within that bill the requirement that we have a national strategy and the requirement that agencies will respond to and that no information technology can be purchased if it is not totally compliant.

So I and the administration are aware of the problem, although we had to go to them to come out with an Executive order, to use the bully pulpit, and I think more can be done, and to appoint a Year 2000 czar. John Koskinen is working very hard. Sally Katzen is the vice chair.

We must move together. The American people demand it. All of our utilities, all of our agencies, the interoperability concept make it all so very important.

But, please, I want the American people to know that Congress has been working on this issue. We will have enough money to solve it. We have been in the lead in terms of making sure that it is remedied.

Ms. SLAUGHTER. Madam Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Speaker, I thank the gentlewoman for yielding to me, and I certainly am not going to use the balance of the time that remains.

The gentlewoman from Maryland is correct. Everybody has observed that this problem is coming. She also made, I think, a very valid point. The cost of the solution has escalated over the last 12 months, and I would say even over the last few months.

My point that I made before is this has happened in the private sector and the public sector. The reason for that is that the scope of the problem was not contemplated. There are computers in almost everything we use, including our automobile as we drive down the street, which apparently also has this glitch built into a number of the chips that control many of the systems in the automobiles. That is how complicated this system is.

The Committee on Appropriations, I say to my friend from Maryland, did contemplate that. We have taken, as the gentleman from Wisconsin (Mr. OBEY) said, $400 million out of the IRS. I say to my friend, the gentleman from Colorado, who got up and said we are going to pass an IRS reform bill today, it is an IRS reform bill with some tax provisions in it which are going to change the Tax Code. We are going to have to have computers amended. It is the same thing we do, on the one hand, we say reform; but on the other hand, we complicate the code.

But that aside, I will tell my friend, the gentleman from Colorado, if we do not do this emergency fix of the Y2K problem, IRS reform bill or not, IRS is going to crash in 2000, period. Then there will be no funds to do anything in the Federal Government, whether it is emergency or nonemergency, defense or domestic, Social Security, or Medicare.

All of those are going to come crashing down around America's head. They will not want to hear, very frankly, oh, well, we delayed. We washed our hands and said we are going to do it later. If it was going to be done later, it should have been done. We have heard a lot about later.

The gentleman from Louisiana (Mr. LIVINGSTON), the Speaker, all agreed some weeks ago that this was going to be an emergency and that we needed to fund it through emergency funding. They recommended that. The committee adopted that.

As the gentleman from Wisconsin (Mr. OBEY) pointed out, there were only 16 members of a 54 member committee that did not vote for that. Think of that. That is a pretty overwhelming bipartisan determination by the Committee on Appropriations that has the responsibility to make sure that we address this emergency to fund it.

We are now retreating from this; not retreating from it in the Committee on Appropriations. The Committee on Rules took it upon itself to strike it from the defense bill.

This is not a liberal/conservative issue. The gentleman from Pennsylvania (Mr. MURTHA) was up here on behalf of defense, one of the strongest advocates of defense in this Nation, saying this was a problem. He urged that we defeat the last bill specifically for that reason.

I am urging that we defeat this rule for the same reason that the gentleman from Pennsylvania (Mr. MURTHA) urged that we defeat the defense bill rule. I do not think we are going to do that. I understand that. I think the other side of the aisle has determined in a unanimous way that they are going to vote for this rule.

There is nothing I can do about that other than bring to my colleagues' attention that this does, in fact, place at risk solving what is one of the most critical problems confronting our government today, was recognized as an emergency, is an emergency.

The gentlewoman from Maryland and I agree it is an emergency. We have got to address it. Lamenting the fact, however, that we have today said that we are going to pass IRS reform, but we are going to delay to some other day solving the emergency situation of the computer glitches that will occur in the Year 2000, thus placing at risk the very IRS reform procedures that we are going to adopt later today.

I urge the House to reject this rule so that the Committee on Rules can go back, there can be a reconsideration, calmer and cooler heads can prevail, and then we can move ahead with solving this Y2K problem.

Ms. SLAUGHTER. Madam Speaker, I yield back the balance of my time.

Mr. MCINNIS. Madam Speaker, I yield myself such time as I may consume, especially in consideration of the remarks made by the gentleman over there who, at times, tends to drift from substance to partisanship.

Nobody on the Republican side said we ought to do this later. We heard from the gentleman from Arizona (Mr. KOLBE). We heard from the gentlewoman from Maryland (Mrs. MORELLA). There are a lot of people over here who have a pretty good understanding of this issue and who are focusing a lot of resources on that.

The difference between you and the difference between me is the gentleman wants to do it; we want to do it right. That is exactly what is going to occur here.

No one is saying do not fund this thing. We heard the chairman, or if you did not hear the chairman from the Committee on Appropriations, the gentleman from Louisiana (Mr. LIVINGSTON), he was here, he addressed that issue.

I take issue with the fact that my colleagues stand up here and say, well, Republicans want to do this later. They do not realize it is an emergency. You would have to have fallen off the swing twice on your head to figure out this is not important. Clearly, it is important. Clearly, we have an understanding of the Year 2000.

I am not sure the administration understands the importance of this. But in these Chambers, I think both sides understand the importance of this, and that is why it is receiving the priority. It is going to get the funding. It is getting the kind of attention it needs. We have some of our very best minds, as reflected by the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Arizona (Mr. KOLBE) working on this.

So the gentleman is out of line, in my opinion, when he says, well, we are waiting till later. Again, the difference between that side of the aisle, the Democrats who want to do it, and this side of the aisle, is that we want to do it right. Madam Chairman, I urge the passage of the rule.

Mr. HALL of Ohio. Madam Speaker, this rule protects from a point of order a provision that would remove the U.S. Postal Service as the American representative to the Universal Postal Union and substitute the U.S. Trade Representative (USTR). The Universal Postal Union oversees the functioning of the international mail system.

Without the special protection of this rule, the provision violates the House rule against legislating in an appropriations bill. I believe the Rules Committee was wrong in granting a waiver for this ill-advised provision.

The USTR does not want the job and is not qualified for the job. The USTR fears that the new responsibilities would interfere with its principal mission of administering U.S. trade policies.

The State Department believes that the U.S. Postal Service is the proper agency to represent the United States because only the Postal Service has the necessary specialized expertise in mail operations.

Mr. GILMAN, the chairman of the House International Relations Committee, has concerns about the change because the USTR is not able to manage the new responsibility.

This provision is opposed by major businesses which depend on the mail system such as L.L. Bean, the J.C. Penney Company, Land's End, the Magazine Publishers of America, the Direct Marketing Association, Hammacher Schlemmer, and the Parcel Shippers Association.

It is opposed by the National Association of Letter Carriers, National Rural Letter Carriers Association, National Association of Postal Supervisors, National Association of Postmasters of the United States, National League of Postmasters, and American Postal Workers Union.

In fact, there is a question as to whether the Universal Postal Union would even accept the USTR as a member, since the regulations of the Universal Postal Union require representatives to be a "qualified official of the Postal Administration" of the member country and

representatives to the organization's governing body must be "competent in postal matters."

For the benefit of my colleagues, I submit for the RECORD a letter from Susan G. Esserman, Acting U.S. Trade Representative; a statement from the State Department; a letter from BENJAMIN A. GILMAN, chairman of the House International Relations Committee; and a statement from the Coalition in Support of International Trade and Competition.

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE,

Washington, DC.

Hon. ROBERT LIVINGSTON,
Chairman, House Appropriations Committee, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter states our disappointment with the approval yesterday of an amendment which would transfer responsibilities from the U.S. Postal Service to the U.S. Office of the U.S. Trade Representative (USTR) to represent the United States at meetings of the Universal Postal Union (UPU). We continue to oppose this amendment.

Our view is that assuming this responsibility would be a very substantial undertaking for our small agency, whose major activity is to formulate trade policy and negotiating strategies and to represent the United States in trade negotiations. The entire staff of the agency is about 180, including clerical and support staff.

USTR has no expertise in postal administration and lacks the capability of dealing with operational aspects of the international exchange of mail and the setting of rates for international mail and settlement rates with other countries for the carriage of unequal volumes of mail. I understand the UPU handles a wide range of issues related to international mail, such as security, mail fraud, hazardous materials, and financial management. These matters are well outside USTR's expertise.

USTR's Service unit, which would have to assume this function, is preparing to engage in major new international trade negotiations that are of great importance to all U.S. services industries, including the delivery services industry. These rapidly approaching negotiations will occur in the World Trade Organization, bilaterally with the European Union, in the Free Trade Area of the Americas negotiation and in the Asia-Pacific Economic Cooperation forum. To meet these responsibilities, USTR will be required to pull away resources from preparations and involvement in these broader services negotiations affecting $258 billion in exports in services.

Please feel free to contact me if I can be of further assistance.

Sincerely,

SUSAN G. ESSERMAN,
Acting.

STATE DEPARTMENT POSITION ON NORTHUP DRAFT AMENDMENT TO THE TREASURY/POSTAL APPROPRIATIONS BILL

BACKGROUND

The United States Postal Service (USPS) represents the United States on subjects relating to international mail services, and ensures that our obligations under international treaties and conventions are carried out. The USPS is authorized by law (39 U.S.C. 407) to negotiate and conclude postal treaties or conventions with the consent of the President. The Postal Service currently heads U.S. government delegations to meetings of the Universal Postal Union (UPU), which oversees the functioning of the international mail system, and fills the post of U.S. Representative. The State Department actively participates in these delegations. The Department of State and the USPS work together closely to ensure coordination between policies on international postal issues and our broader foreign policy goals.

DEPARTMENT OF STATE POSITION

As the only U.S. entity with the necessary specialized expertise in all aspects of international and domestic mail operations, the USPS is the proper agency to represent the United States in negotiating and concluding international conventions and treaties on postal matters.

UPU practice and regulations virtually mandate USPS leadership on U.S. delegations. UPU regulations require that any Representative to the UPU Postal Operations Council be a "qualified official of the Postal Administration" of the member country. Similarly, Representatives to the UPU Council of Administration, the organization's governing body, must be "competent in postal matters." In practice, all other UPU member country delegations to UPU bodies are headed by postal officials from the member countries.

Responsibility for the conduct of international postal services and UPU representation would be misplaced with the Department of State or with any other federal agency. The Department of State conducts United States foreign policy. The UPU is a specialized agency of the United Nations responsible for coordinating the exchange of mail between all of the countries of the world; it is not a foreign policy body as such.

The State Department does not have the detailed subject expertise nor the substantial personnel and support resources required to properly represent U.S. interests in the UPU. A look at the agenda of the April 1998 UPU Postal Operations Council—which included, inter alia, postal security, philately development, the direct mail advisory board, postal accounting, quality of service, and terminal dues sessions—underlines the fact that the USPS is the only U.S. entity capable of adequately representing U.S. interests with regard to the full range of UPU agenda items.

Finally, we note that the requirement in proposed Section 407 (a) raises serious constitutional concerns. The negotiation and conclusion of treaties and international agreements, including the content of such instruments, is a Constitutional responsibility vested solely in the President, and is therefore an area in which Congress may not intrude.

LEVEL PLAYING FIELD

Without resorting to new legislation, mechanisms exist to ensure that government and private sector interests are factored into any policies, or conventions on international mail services. State, Commerce, USTR and the Postal Service participate in an interagency process which can examine competing demands and make decisions based on maximum benefit to all parties, including private mail carriers.

USPS hosts meetings with representatives of the private sector to brief on UPU activities and get industry input for its policy formation (the most recent of these meetings was held on April 14, 1998) and State, Commerce, USTR and USPS participate in the interagency process when needed to discuss international mail issues.

SUMMARY

The Department of State believes the U.S. Postal Service is the most appropriate representative for the United States government in the Universal Postal Union, and it appears to us that sufficient mechanisms exist currently to ensure coordination of U.S. policy and the interests of other US government agencies and private industry under USPS leadership.

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,

Washington, DC, June 22, 1998.

Hon. JERRY SOLOMON,
Chairman, Rules Committee, Washington, DC.

DEAR JERRY: I am writing regarding the Treasury Postal Appropriations bill for FY99. The bill contains an amendment offered by Representative Northup that revises how international postal service negotiations are conducted.

I have strong concerns about this provision, and the assigning the USTR with the broad responsibility for "the formulation, coordination, and oversight of foreign policy related to international postal services . . .". The USTR is not responsible for the conduct of US foreign policy. Moreover, this provision would dramatically change the way in which postal issues are managed in international fora and raises questions as to the rules governing the Universal Postal Union. It is my understanding that the UPU Postal Operations Council requires that a representative be a qualified official of the Postal Administration. The governing body of the UPU Council of Administration requires the representative to be competent in postal matters. This raises the question as to whether the USTR has the capacity to manage this new portfolio.

I would urge the Rules Committee not to waive points of order with respect to this provision.

With best wishes.

Sincerely,

BENJAMIN A. GILMAN,
Chairman.

COALITION IN SUPPORT OF INTERNATIONAL TRADE AND COMPETITION,

June 23, 1998.

To the Members of the Committee on Rules:

The members of the COALITION IN SUPPORT OF INTERNATIONAL TRADE AND COMPETITION, listed below, strongly urge the Committee on Rules *not* to waive points of order against the amendment on International Postal and adopted by the Committee on Appropriations, Arrangements offered by Rep. Ann Northup included in the Treasury-Postal appropriations bill under consideration today as well as any changes to the amendment Rep. Northup desires to make.

The amendment would place all international postal negotiations and representation under the U.S. Trade Representative rather than the Postal Service. The USTR has opposed this amendment, and we believe that passage could be very harmful to our international postal services and the business that use them.

Advertising Mail Marketing Association, Washington, DC.

American Postal Workers Union, Washington, DC.

Ballard Designs, Atlanta, GA.

L.L. Bean, Freeport, ME.

Current, Inc., Colorado Springs, CO.

Damark International, Inc., Minneapolis, MN.

The Direct Marketing Association, Washington, DC.

Fingerhut Companies, Inc., Minnetonka, MN.

Frontgate, Lebanon, OH.
Garnet Hill, Lebanon, NH.
Hammacher Schlemmer, Chicago, IL.
J.C. Penney Company, Plano, TX.
Land's End, Dodgeville, WI.
Magazine Publishers of America, Washington, DC.
Mail Order Association of America, Washington, DC.
National Association of Letter Carriers, Washington, DC.
National Association of Postal Supervisors, Alexandria, VA.
National Association of Postmasters of the United States, Alexandria, VA.
National League of Postmasters, Alexandria, VA.
National Retail Federation, Washington, DC.
National Rural Letter Carriers Association, Arlington, VA.
Parcel Shippers Association, Washington, DC.
Performance Data TransUnion Corporation, Chicago, IL.
Territory Ahead, Santa Barbara, CA., TravelSmith, Novato, CA.
Whispering Pines, Fairfield, CT.

Mr. McINNIS. Madam 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 (Mrs. EMERSON) announced that the ayes appeared to have it.

Ms. SLAUGHTER. 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 I, further proceedings on this resolution will be postponed until later today.

The point of no quorum is considered withdrawn.

PERSONAL EXPLANATION

Mr. GREEN (during consideration of H. Res. 489). Madam Speaker, on Thursday, June 18 and Friday, June 19, I was unavoidably detained in my district working on the House that Congress Built Project.

Had I been present I would have voted "yes" on rollcall 242; "no" on rollcall 243; "no" on rollcall 244; "yes" on rollcall 245; "no" on rollcalls 246, 247, 248 and 249; and "yes" on rollcalls 250 and 251.

□ 1215

PROVIDING FOR CONSIDERATION OF H.R. 4112, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1999

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 489 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 489

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4112) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI, clause 3 or 7 of rule XXI, or section 401 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: page 10, line 1 through line 10. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment maybe considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against amendments printed in the report are waived. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

Mr. Speaker, House Resolution 489 is a structured rule providing for the consideration of H.R. 4112, the fiscal year 1999 Legislative Branch appropriations bill.

At the outset, I would like to commend the gentleman from New York (Mr. WALSH) and the gentleman from New York (Mr. SERRANO) for their bipartisan efforts to produce a good bill which continues our efforts to create a smaller, smarter government and to lead by example.

For instance, H.R. 4112 scales back employment in the Legislative Branch by eliminating 438 positions. The bill continues efforts to reduce redundancy and inefficiencies by preparing for the closure of the Joint Committee on Printing.

That said, some of my colleagues may point out that this bill actually provides for a slight increase in spending over last year's level. However, taken in the context of our progress over 4 years, it contributes to an overall savings of $575 million in Legislative Branch spending under this majority. In fact, since 1994, over 15 percent of the Legislative Branch has been downsized.

The rule before us will provide an opportunity to acknowledge this good work and debate what more we can do to improve the operations of this institution.

Specifically, the rule provides for 1 hour of general debate equally divided between the chairman and ranking member of the Committee on Appropriations. Under the rule, clause 2(l)(6) of rule XI is waived as are clause 3 and 7 of rule XXI. In our hearing yesterday, the Committee on Rules heard no objection to these provisions which are designed to facilitate consideration of this bipartisan bill.

The rule also waives section 104 of the Budget Act which is necessary to provide for the salary of the Director of the Congressional Research Service. In addition, this waiver will protect provisions in the bill that address severance pay and early retirement for employees of the Architect of the Capitol as well as voluntary separation incentives for employees of the Government Printing Office.

Further, clause 2 of rule XXI which prohibits unauthorized appropriations or legislative provisions in a general appropriations bill is waived, as is clause 6 of rule XXI which prohibits reappropriations in a general appropriations bill. However, these waivers do not apply to section 108 of the bill. Section 108 allows the House to participate in State and local government transit programs which encourage employees to use public transportation. This is an idea that has merit which is evidenced by the bipartisan support it has gained as a freestanding bill. There are many private businesses as well as government agencies which compensate employees for part of their public transportation expenses. There is no reason the House should not consider affording the benefit to its employees. However, the Committee on Rules believes it is wiser to allow this change in House policy to run through the normal channels of committee consideration rather than add it on to a spending bill.

Under the rule, the two amendments printed in the Committee on Rules report are the only ones made in order

for House consideration. These amendments, both offered by Democrat Members, address the important issues of recycling and energy conservation. I know that many of my colleagues on both sides of the aisle are interested in these issues. In fact, a number of us have developed office policies to encourage such efficiencies. But there is much more we can do as an institution to improve upon these efforts and it makes sense to do these things in terms of fulfilling both environmental and fiscal responsibilities.

Under the rule, these amendments may be offered by the Democratic Members designated in the Committee on Rules report, are not subject to amendment, and shall be debatable for 10 minutes each, equally divided between a proponent and an opponent. All points of order against the amendments are waived.

To provide for speedy and orderly consideration of the Legislative Branch appropriations bill, the Chairman of the Committee of the Whole may postpone and reduce votes to 5 minutes as long as the first vote in any series is 15 minutes. Another opportunity to change the bill exists through a motion to recommit, with or without instructions.

Mr. Speaker, there is more in the Legislative Branch appropriations bill than salaries and expenses for Members of Congress and their staff. The spending in this bill also serves the thousands of Americans who visit their Nation's Capitol each year to witness democracy in action. This bill provides the funding which preserves the Capitol building and the grounds of the Capitol for enjoyment of all our Nation's visitors. And it is this legislation that supports the hard work and dedication of our Capitol police force who keep our Capitol and the surrounding neighborhoods safe for visitors and residents alike.

I am also pleased to report that through this appropriations bill, we will support the ongoing efforts to examine the art work in the Capitol with an eye to how it can better represent the contributions and accomplishments of American women throughout our Nation's history.

Mr. Speaker, the bottom line is that this is a fair rule which the Committee on Rules reported by voice vote. The underlying bill is bipartisan and fiscally responsible. The subcommittee did an excellent job of allocating scarce resources while building upon the internal reforms we have adopted in recent years to improve congressional operations. I urge my colleagues to vote "yes" on the rule as well as the underlying legislation.

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

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

Mr. Speaker, yesterday the Republican majority on the Committee on Rules refused to make in order an amendment to this rule which would have allowed the gentleman from Maryland (Mr. HOYER) to offer a sensible amendment to H.R. 4112, the Legislative Branch appropriations bill. For that reason, it is my intention to oppose the previous question on this rule. Should the House defeat the previous question, it will be my intention to offer an amendment to this rule which will allow for consideration of the Hoyer amendment.

Mr. Speaker, as Members know, at the beginning of the 105th Congress, the rules package of the Republican majority included an amendment to rule XI which created a new slush fund for committees to draw from for the expenses associated with the numerous investigations planned by the Republican leadership for this Congress. Subsequently, the Republican majority adopted a committee funding resolution which included, along with prior year unexpended funds, $7.9 million for the slush fund, and my Republican colleagues have been happily spending that money ever since.

Mr. Speaker, I include for the RECORD a report prepared by the Democratic leadership about the partisan investigations that have been conducted by the Republican majority during the 105th Congress.

The text of the report is as follows:

POLITICALLY-MOTIVATED INVESTIGATIONS BY HOUSE COMMITTEES

1995–Present

U.S. House Democratic Policy Committee,
Richard A. Gephardt, Chair, June 18, 1998

"The congressional investigation can be an instrument of freedom. Or it can be freedom's scourge. A legislative inquiry can serve as the tool to pry open the barriers that hide government corruption. It can be the catalyst that spurs Congress and the public to support vital reforms in our nation's laws. Or it can debase our principles, invade the privacy of our citizens, and afford a platform for demagogues and the rankest partisans."—Senator Sam J. Ervin (D-N.C.)[1]

"Long ago, before the permanent culture of investigation had laid siege to Washington—meaning in the early 1980's—a formal congressional investigation was considered major if it issued a few dozen subpoenas. That was then. In the [last] year or so . . . [one committee] has issued 479 supoenas. Those forced to appear are grilled in private, sometimes for hours at a stretch, with few of the protections from badgering that shield witnesses in the real world . . . [it is] redolent of a mentality that Washington has not seen for some decades. The term 'McCarthyism' is used too often and too loosely, but there are times when it is useful and one of these is now."—Jonathan Rauch[2]

EXECUTIVE SUMMARY

"Clinton Democrats should be portrayed as 'the enemy of normal Americans . . . Republicans will use the subpoena power to investigate the Administration.'[3]—House Speaker Newt Gingrich

Since Republicans took control of the U.S. House of Representatives in 1995, they have initiated an endless parade of politically-motivated investigations.

This report details the breadth and magnitude of the Republican effort, including how duplicative and wasteful the committee investigations have been, and how much of the committees' taxpayer-financed resources are devoted to these politically-motivated investigations.

In other words, this report investigates the self-appointed investigators, in order to provide the public with information about how their taxpayer dollars are being misappropriated.

Key findings include:

As of today, House Republicans have spent more than $17 million in taxpayer dollars on politically-motivated investigations.

There have been more than 50 politically-motivated investigations in the House, 38 of which are still ongoing.

These investigations have involved 15 of the 20 House standing committees. Currently, 13 committees are involved in investigations.

Of all the completed investigations, none have turned up evidence of wrongdoing.

Perhaps even more important, a clear pattern of abuse has emerged. The House Republican leadership has called on and, when necessary, prodded its committees to devote their resources to harass political enemies.

In the process, Republicans have: undermined the credibility of the oversight function of Congress; issued overly broad and excessive subpoenas; and targeted innocent private individuals with whom they have political disagreements, and as a result, have harmed those people's businesses, humiliated them personally and professionally, and forced them to bear extraordinary travel and legal costs to try to defend their reputations.

HISTORICAL NOTE

"Washington just can't imagine a world in which Republicans would have subpoena power," said Newt Gingrich shortly before he became Speaker.[4] It was a surprising comment for a historian to make.

The House first asserted its power to investigate in 1792,[5] when a special House committee was appointed to look into the Indian massacre of U.S. soldiers under Major General Arthur St. Clair's command.

Republicans have led some of the worst[6] investigations in the history of the Congress. In particular, Senator Joseph McCarthy's (R-WI)[7] hearings will long be remembered as the most egregious abuse of Congress' power to investigate.

EXTENT AND COST OF INVESTIGATIONS

"Republicans are pouring millions of new dollars into House committees to beef up the party's ability to investigate not only Democratic fundraising scandals but also longtime adversaries such as organized labor."[8]

"Speaker Newt Gingrich is poised to launch a battery of probes next year [1998] that will involve half of the House's 20 committees."[9]

Since assuming control of Congress in 1995, House Republicans have pressed 15 of the 20 standing committees into service to conduct more than 50 politically-motivated investigations.

None of the completed investigations has turned up evidence of wrongdoing.

Today, 13 committees are conducting 38 separate politically-motivated investigations. These investigations are aimed exclusively at the individuals and organizations perceived by the Republican leadership as their political enemies, including the Clinton Administration, Democratic state parties, environmentalists, and labor unions.

The cost to the taxpayers of the House investigations now exceeds $17 million. This

Footnotes are at end of article.

figure includes only costs incurred by the legislative branch, and does not include the extensive costs incurred by federal agencies to comply with these investigations, which is currently the subject of an ongoing GAO study.

Following is an accounting of the politically-motivated investigations conducted by House committees since 1995.

Subject of investigation (listed by committee and no.)	Start date	Status	Cost to taxpayer (includes costs incurred by legislative branch only)
Agriculture			[10] $105,000
1. Commodity transactions by First Lady Hillary Rodham Clinton	1996	Closed	
Appropriations			[11] $118,000
2. Alleged access to White House (Lincoln Bedroom, etc.) in exchange for contributions to the DNC	1997	Ongoing	
Banking			[12] $2,250,000
3. Whitewater	1995	Closed	
4. Alleged money-laundering and drug trafficking at the Mena, Arkansas airport during the term of then-Gov. Clinton	1996	Ongoing	
Commerce			[13] $128,000
5. Allegations that the Molten Metal Technology company received government contracts in exchange for contributions to the Clinton-Gore campaign	1997	Closed	
6. Involvement of former Gore aide Peter Knight in advocating a relocation of the FCC to the Portals building in Southwest D.C.	1997	Ongoing	
Education and the Workforce			[14] $2,530,000
7. American Worker Project, to look into the conduct of labor unions and the agencies that oversee them	1997	Ongoing	
8. Irregularities in the Teamsters 1996 elections	1997	Ongoing	
Government Reform and Oversight			[15] $6,000,000
9. Review of Ramspeck Act, prompted by large numbers of Democratic staff getting executive branch jobs following GOP takeover of House	1995	Closed	
10. Political ideology of organizations participating in the Combined Federal Campaign	1995	Closed	
11. Firing of White House travel office personnel	1996	Closed	
12. Alleged White House acquisition of FBI files of certain individuals	1995	Ongoing	
13. Alleged abuse of travel privileges by Energy Secretary Hazel O'Leary	1995	Closed	
14. Clinton Administration enforcement action against the Branch Davidians in Waco, Texas	1995	Closed	
15. Financial holdings and activities of former Commerce Secretary Rob Brown	1996	Closed	
16. Alleged illegal foreign contributions to the DNC in the '96 elections	1996	Ongoing	
17. Alleged fundraising activities on federal property (e.g. White House coffees, Lincoln Bedroom)	1996	Ongoing	
18. Alleged Hatch Act violations (e.g. fundraising phone calls from official residences, acceptance of campaign checks by White House secretaries)	1996	Ongoing	
19. Alleged "conduit" contributions to the DNC in the '96 elections (made at the request of and paid for by a third party)	1997	Ongoing	
20. Alleged foreign influence on U.S. elections and access to U.S. intelligence	1997	Ongoing	
21. Clinton Administration's appointment of Charlie Trie to a special Commerce trade commission allegedly in return for campaign contributions	1997	Ongoing	
22. Justice Department failure to appoint an independent counsel to investigate alleged fundraising calls from the White House	1997	Ongoing	
23. Alleged quid pro quo—refusal by Interior Secretary Babbitt to grant a gaming permit to the Hudson Casino and Dog Track because of campaign contributions from opposing parties.	1997	Closed	
24. Designation of Grand Staircase-Escalante National Monument, allegedly in part to benefit a Texas mining company connected with James Riady which did not want mining competition in Utah.	1997	Ongoing	
25. Alleged failure of FEC to prosecute fundraiser Howard Glicken, because of ties to Vice President Gore	1997	Ongoing	
26. Fundraising practices of state Democratic parties	1997	Ongoing	
27. Alleged use of White House databases for political purposes	1996	Ongoing	
28. Irregularities in the Teamsters 1996 elections	1997	Ongoing	
29. Alleged lack of compliance with subpoenas issued to White House, including failure to produce videotapes of White House coffees	1997	Ongoing	
30. Alleged acceptance by Webb Hubbell of White House-arranged "hush money"	1997	Ongoing	
31. Alleged White House obstruction surrounding allegations regarding Monica Lewinsky and her relationship with President Clinton	1998	Ongoing	
House Oversight			[16] $1,510,000
32. Alleged voter fraud in the Dornan-Sanchez election contest in California's 46th district in 1996	1997	Closed	
Intelligence			N/A
33. Alleged foreign influence on U.S. elections and access to U.S. intelligence	1997	Ongoing	
34. U.S. technology transfers to China, including allegations that political contributions influenced the Clinton Administration's export policy	1998	Ongoing	
International Relations			(*)
35. Alleged link between Clinton Administration's trade policies and political contributions, including but not limited to alleged illegal contributions from Indonesian and Chinese sources.	1996	Closed	(*)
36. U.S. technology transfers to China, including allegations that political contributions influenced the Clinton Administration's export policy	1998	Ongoing	(*)
Judiciary			[17] $1,445,000
37. Clinton Administration enforcement action against the Branch Davidians in Waco, Texas	1995	Closed	
38. Allegations that the Clinton Administration improperly influenced career prosecutors at the Justice Dept. to settle a civil racketeering lawsuit involving the Laborers' International Union.	1996	Closed	
39. Justice Department failure to appoint an independence counsel to investigate alleged fundraising calls from the White House	1997	Closed	
40. Justice Department oversight/preparation for impeachment proceedings	1998	Ongoing	
National Security			(*)
41. U.S. technology transfers to China, including allegations that political contributions influenced the Clinton Administration's export policy	1998	Ongoing	
Resources			[18] $460,000
Note: There are more than 15 investigations ongoing in the Resources Committee which involve abuses of the investigative powers of the Congress. In several instances, committee Republicans have used investigations to aid a conservative legal foundation which has brought three lawsuits against the Clinton Administration (these are discussed later in this report, under "Abuse of Subpoena Power.") Following is a description of some of the most clearly politically-motivated Resources Committee investigations.			
42. Designation of Grand Staircase-Escalante National Monument, allegedly for political purposes	1997	Ongoing	
43. Alleged quid pro quo—refusal by Interior Secretary Babbitt to grant a gaming permit to the Hudson Casino and Dog Track because of campaign contributions.	1997	Ongoing	
44. Allegations that campaign contributions influenced Interior Department policies on Guam	1997	Ongoing	
Rules			[19] $75,000
45. Allegations that former Energy Secretary Hazel O'Leary or her staff solicited a bribe for a Department of Energy contract	1996	Closed	
46. General investigation into fundraising activities of Clinton Administration and Democratic party officials	1996	Ongoing	
47. Alleged economic espionage for the Chinese government by John Huang while employed at the Commerce Dept.	1996	Ongoing	
48. Alleged foreign influence on U.S. elections and access to U.S. intelligence	1996	Ongoing	
49. China Ocean Shipping Company	1997	Ongoing	
50. Preparation for impeachment inquiry (based on referral to committee of Barr resolution, H. Res. 304)	1997	Ongoing	
51. Pentagon release to press of Linda Tripp's personnel file	1998	Ongoing	
52. U.S. technology transfers to China, including allegations that political contributions influenced the Clinton Administration's export policy	1998	Ongoing	
Select Committee on China			$2,500,000
53. U.S. technology transfers to China, including allegations that political contributions influenced the Clinton Administration's export policy	1998	Ongoing	
Veterans' Affairs			(*)
54. Alleged use of political influence and campaign contributions to allow for burial of non-eligible persons in Arlington National Cemetery	1997	Closed	
Ways and Means/Joint Tax			(*)
55. Alleged politically-motivated IRS audits of conservative organizations	1997	Ongoing	
Total cost for all committees			$17,121,000

* Less than $25,000.

DUPLICATION AND WASTE

"It's been very expensive and it hasn't amounted to much."[20]—Senior Republican leadership aide.

Many House committees are covering the same ground:

Four House committees are investigating the influence of foreign governments on American elections (Government Reform and Oversight; Intelligence, International Relations; and Rules)

Two House committees are looking into use of the Lincoln bedroom (Appropriations and Government Reform and Oversight).

Two House committees are looking into the Hudson casino and dogtrack (Government Reform and Oversight and Resources).

Two House committees are looking into an alleged Riady connection to the designation of Grand Staircase-Escalante National Monument (Government Reform and Oversight and Resources).

Two House committees investigated Waco (Government Reform and Oversight and Judiciary).

Both the Education and the Workforce Committee and the Government Reform and Oversight Committee have issued similar subpoenas to the International Brotherhood of Teamsters, the Ron Carey campaign, and Citizen Action to gather information related to the contested union election of 1996.

The Judiciary Committee and the Government Reform and Oversight Committee both

investigated the Attorney General's decision not to appoint an independent counsel to investigate campaign finance matters. The Attorney General testified at the Judiciary Committee on October 15, 1997; less than two months later she was called to answer the same questions before the Government Reform and Oversight Committee.

Duplication within the House is only a part of the picture.

Both the large investigations and the more focused inquiries in the House are covering the same ground covered by Senate investigations, Justice Department examinations, and explorations by federal prosecutors and grand juries.

The Senate Commerce Committee already looked into the FCC relocation into the Portals Building. The House Commerce Committee recently authorized eight subpoenas in the same matter and several have been issued.

In addition to the $1.6 million spent by the House investigating Whitewater: the Senate spent $1.8 million; the RTC spent $3.6 million; and the independent counsels have spent $30 million.

Reagan-appointed federal prosecutors and several grand juries thoroughly examined allegations of money-laundering and trafficking at the Mena, Arkansas airport during Gov. Clinton's term and concluded no indictments were warranted long before the House Banking Committee undertook its investigation.

The House investigation of campaign finance follows on a completed Senate investigation and a Justice Department probe. Much of Chairman Burton's work directly duplicates Senator Thompson's investigation: of the 524 subpoenas issued by Chairman Burton, 210 (more than 40%) are duplicates of subpoenas issued in the already completed Senate investigation.

Furthermore, the House Government Reform and Oversight Committee has spent $6 million to produce only seven public hearings and hastily doctored transcripts of Webster Hubbell's phone calls. By comparison, the Senate Governmental Affairs Committee finished its work months ago, having spent a total of $3.5 million hold 33 days of hearings and publish a 1,100 page report.

The tower of wasted dollars has been built up brick by brick. In June 1997, the House Government Reform and Oversight Committee sent three staff members to Miami to retrieve a computer disk. The two-day trip (six working days of staff time) cost several thousands of dollars. Later the minority discovered that nothing prevented those who had the disk from mailing it for the cost of first-class postage.[21]

The Government Reform Committee also paid for Charles Intriago, a Florida businessman, to fly to Washington, D.C. to be deposed despite the fact that his attorney had made clear that Mr. Intriago would assert his Fifth Amendment right not to testify.[22] The bill came to several thousands of dollars—after travel expenses, court reporter fees and staff time—even though the committee knew he would answer no questions. The committee spent $62,000 on domestic travel last year, has authorized more than $50,000 this year, and tapped a State Department account to pay for two trips abroad.

Chairman Burton rewarded his staff by providing "lavish bonuses to his investigators."[23] The former investigation coordinator, David Bossie, received three pay raises in the course of a single year, bumping him up to an annual wage of $123,000. The firm of the lead attorney, Richard Bennett, is paid $15,000 a month, far more than the maximum amount permitted for congressional employees.

Government Reform is not the only committee with expensive staff. The Teamster investigation conducted by the Education and the Workforce Committee has hired Joseph DiGenova and Victoria Toensing as outside counsel/consultants. The two together are to be paid $150,000 for six months of part-time work. They each receive $12,500 a month for a 20-hour work week, which is the equivalent—on a full-time annualized basis—of $300,000 a year, more than double the maximum salary allowed for any employee of the House of Representatives. Moreover, as consultants who are not bound by House ethics restrictions, they have lobbied Members of Congress and provided legal representation for their clients including Chairman Burton.

Finally, there are significant costs which have not yet been accounted for, which are attributable to the administrative costs of producing and transmitting the vast amounts of documents in these duplicative and overlapping investigations.

CENTRAL CONTROL

"Newt has made it very clear to the chairman how important this investigation is, a source said after the meeting."[24]

"Gingrich forced this thing, that's very clear. The guy has tried to micromanage the investigation every step of the way."[25]

The fingerprints of Republican party leaders are all over the political investigations in this Congress. This is a dangerous sign because legitimate congressional inquiries spring from legislative purposes. Committees are responsible for investigating whether the laws under their jurisdiction are administered properly and effectively, whether new laws are needed and whether old programs still serve a worthwhile purpose. Given these aims, one expects the initial inquiry to come from the legislators involved in the issues, not from a directive of the party leaders.

But the Republican House leadership, in the 104th Congress, issued urgent instructions to all the committees to dig up dirt on specific enemies of the Republican party: "On behalf of the House leadership, we have been asked to cull all committees for information . . . The subjects are: waste, fraud and abuse in the Clinton Administration; influence of Washington labor union bosses/corruption; examples of dishonesty or ethical lapses in the Clinton administration."[26]

The memo lists as the contact person a staffer in Majority Leader Dick Armey's office.

After the Republican leadership issued their general call to investigate and harass its enemies, they did not keep their hands off. The leadership waded into the details of many of these political investigations, prodding them on.

Gingrich slush fund

The clearest indication that the Speaker intended all along to maintain control of the investigations was evident, though little noted, on day one of the 105th Congress. On January 7, 1997, the House adopted, by party-line vote, its rules for the new Congress. Embedded among them was a small item (section 15 of House Resolution 5) which authorized a committee reserve fund for "unanticipated committee needs." The fund is under the Speaker's control through the House Oversight Committee. On March 21, the House capitalized the slush fund to the tune of $7.9 million. The House placed an unprecedented multi-million dollar slush fund in the hands of a Speaker for the purpose of funding, controlling, and directing partisan investigations. To date, the Speaker, without a vote of the House, has given $5.3 million from the fund to three committees in connection with politically-motivated investigations:

Education and the Workforce ($2.2 million) to look into labor unions;

Government Reform and Oversight ($1.8 million) to continue its one-sided investigation into alleged Democratic campaign finance irregularities; and

Judiciary ($1.3 million) to prepare for a potential impeachment investigation.

The remainder is being held in reserve by Speaker Gingrich for the next partisan investigation he decides to pursue.

As one senior Republican leadership aide said, "It's been very expensive, and it hasn't amounted to much."[27]

Teamsters

The Speaker stepped into the Education and the Workforce probe of the International Brotherhood of Teamsters in its earliest stages. "House Speaker Newt Gingrich has intervened on behalf of hard-liners in a simmering dispute among Republicans on the House committee investigating the Teamsters union . . . Committee sources said Chairman Goodling is worried that the good relations he has had with Democrats on education issues is being jeopardized by the Hoekstra subcommittee investigation . . . 'Newt has made it very clear to the chairman how important this investigation is,' a source said after the meeting. 'He told the chairman, "You need to support it."'"[28]

The intervention of leadership did not stop there. As recently as April 30, 1998, it was reported that Mr. Gingrich again asked to meet with Chairman Goodling and subcommittee chair Hoekstra and, according to sources, the Speaker "gave his thoughts on where the investigation should go."[29]

Laborers

At the behest of the Republican leadership, the Judiciary Committee conducted an investigation into the Administration's successful efforts to rid the Laborers' International Union of organized crime influence. In a series of memos, the leadership prejudicially charged the Administration with improperly influencing career prosecutors at the Justice Department to settle a civil racketeering lawsuit involving the Laborers' Union. Rep. John Boehner (R–OH), chairman of the House Republican Conference, wrote urging investigations into "the action by Clinton appointees in the Justice Department to quash the efforts by Justice Department prosecutors to clean up Coia's union."[30] Shortly thereafter, he followed up with a Republican Conference report titled, "Washington's Union Bosses: A Look Behind the Rhetoric," in which it is stated that: "Washington union bosses [are] winning favor with the Clinton Administration to block Justice Department investigations into union boss corruption . . . Arthur Coia, President of the Laborers International Union of North America, recently received a 'sweetheart' deal from the Clinton DOJ in the face of a 212 page racketeering complaint."

It should be noted that the Judiciary Committee majority report filed after the investigation was completed admitted that there was no direct evidence of "wrongdoing" or "improper influence." Moreover, the Republican report concluded that the settlement which their leadership had called a "sweetheart deal" had in fact "produced positive results."[31]

Campaign finance

The series of investigations on campaign finance by the Government Reform and Oversight Committee have, from their inception, been closely monitored by the Republican House leadership. In June 1997, Speaker Gingrich told CNN's "Inside Politics" that he would be "overseeing how Burton's committee investigation is unfolding."[32] At about the same time, Roll Call reported that Speaker Gingrich assigned four senior Republicans to meet regularly with Chairman Burton to "allow Gingrich and his leadership to keep close tabs on Burton and his plans for the investigation . . . 'Newt just wants to monitor the situation and be prepared to act when necessary,' [according to a Republican leadership advisor]."[33] Another account quotes "a close Gingrich advisor" who gives this rationale for the Speaker appointing Representative Chris Cox as vice chairman under Chairman Burton: "The Speaker's real goal is 'to encircle' the chairman and 'put him on a short leash.'"[34] Time magazine quotes another Republican leadership aide: "We only gave him [Chairman Burton] money for this year. That way, if he tanks, we can pull the plug on him."

ABUSE OF SUBPOENA POWER

A subpoena is a powerful tool. It compels people to produce documents, even if compliance is against their wishes and best interests, and threatens criminal sanctions for failure to comply.

Congressional subpoenas are more intrusive than court subpoenas because many protections of individual rights do not apply to documents requested in the course of a congressional investigation. Congress is not always required to recognize the attorney-client privilege, the work product doctrine or other privileges protecting individuals' privacy ordinarily recognized in the course of litigation. A committee demanding documents in the course of an investigation is also exempt from the Privacy Act and from Bank Secrecy laws.

Leaking subpoenaed documents to help GOP friends

A troubling pattern of Republican abuse of their subpoena power has been the leaking of subpoenaed documents to help political allies in pending litigation against the federal government.

Congress can compel the production of some documents that private litigants do not have a right to see. The Resources Committee has used this technique in several instances to help Republican friends. The document subpoenas issued in relation to the President's designation of the Grand Staircase-Escalante National Monument in Utah are a clear example. Documents were delivered to the committee under subpoena from the White House, on October 22, 1997, with the comment from White House counsel Charles Ruff that the documents "implicate substantial confidentiality interests of the Executive Branch." The subpoenaed documents included communications among the President, the Vice President and their senior advisors reflecting their deliberations. Lawsuits challenging the President's monument declaration had been filed by several interest groups, including the Rocky Mountain States Legal Foundation. There is little doubt the Foundation could not obtain the documents through a Freedom of Information Act (FOIA) request or as a litigant. The Salt Lake Tribune reported that Chairman Hansen subpoenaed the Grand Staircase-Escalante documents and released them to help those suing the federal government. "Concern that one goal of the Congressional investigation may be to benefit the lawsuits challenging the document appear to be valid. After the release of the internal White House documents, Rep. Jim Hansen R-Utah was quoted as saying: 'They [the groups suing] will feel they hit the mother lode with this. That's one reason I pushed to make the documents public, to help them'."[35]

The same pattern was followed in the investigation of the Bureau of Land Management's issuance of mining bonding regulations. The mining industry has filed suit[36] to challenge the bonding regulations; the suit is pending in the U.S. District Court for the District of Columbia. The mining industry is represented by the Rocky Mountain States Legal Foundation, the same group litigating to overturn the President's Utah monument declaration.[37] The Resources Committee has developed a draft report concluding that the bonding regulations are illegal and the report will be made public shortly. It contains documents subpoenaed from the Department of Interior, including attorney-client work products that are otherwise not attainable by the litigants.

These abuses of the subpoena power have made the agencies understandably wary of even voluntary requests for documents. A case study is the request by Resources Subcommittee on Energy and Mineral Resources Chair Barbara Cubin (R-WY) for certain documents at the Bureau of Land Management (BLM) relating to proposals to recover the costs of mineral document processing. In June, 1997, the oil and gas industry (including the Rocky Mountain Oil & Gas Association, the Independent Petroleum Association of America, the Independent Petroleum Association of Mountain States, the New Mexico Oil & Gas Association, the Western States Petroleum Association, the American Association of Professional Landmen, the California Independent Petroleum Association, the American Petroleum Institute, the Independent Petroleum Association of New Mexico, and the Wyoming Independent Petroleum Association) filed a Freedom of Information Act (FOIA) request at the Department of Interior for certain documents.[38] In November 1997, the same industry requesters informed the BLM that the documents in question may be used in litigation against the Department in the event the Department adopts certain regulations relating to recovering costs of mineral document processing.[39] Commercial companies making FOIA requests are required to pay for the costs of gathering, reviewing and copying the documents. The industry and the BLM began negotiating about how much the requesters had to reimburse the agency and whether certain documents were protected by litigation privileges. In March 1998, in the midst of these negotiations, Rep. Cubin wrote to Secretary Babbitt requesting the very documents in question. Ms. Melanie Beiler, assistant to the Secretary, responded to the request noting: "We have learned that there is a Freedom of Information Act (FOIA) request pending in the BLM . . . requesting documents virtually identical to those included in your request . . . The Department is also concerned that documents provided to the Subcommittee that would be protected from disclosure under FOIA or in any litigation will be made available to potential litigants against the United States through your Committee. In light of this, please advise us whether you wish to proceed with your request, and if so, what safeguards are appropriate to ensure that documents protected from disclosure by FOIA and litigation privileges are not made available to potential litigants against the United States."[40]

The request is still outstanding.

The Resources Committee is not alone in using the subpoena to help friendly private litigants. The Teamsters investigation at the Education and Workforce Committee has seen a similar pattern. A suit was brought against the international Brotherhood of Teamsters to force them to disclose certain documents. After a court ruled against disclosure, the Chairman subpoenaed the same documents for his investigation.

Chairman Burton was also just recently caught trying the same tactic. He subpoenaed all White House records related to Hillary Clinton and the White House Counsel's office acquisition of FBI files of former White House employees.[41] The subpoena was suspicious because the Committee had completed a thorough investigation of the matter in the last Congress, under a different chairman. The subpoena appears to be "designed to bolster the private lawsuit of Judicial Watch, a nonprofit group headed by a leading Clinton critic Larry Klayman."[42] Klayman is quoted in The Hill saying that the Committee and Judicial Watch "generally know what each other is doing" and that Judicial Watch would be "interested to see" the documents that the Committee has obtained.[43]

Plaintiffs suing the federal government to overturn the decision to deny the Hudson casino application were also helped by House investigators to documents they sought from the Interior Department and the Democratic National Committee. The Interior Department gave certain documents to the Government Reform and Oversight Committee, including documents prepared by the U.S. Attorney's office in connection with the lawsuit. Ordinarily these items would be denied to plaintiffs on grounds of work-product and attorney-client privilege Chairman Burton released the document despite the Interior Department's objections.[44] As to the release of DNC documents, an employee, David Mercer, testified under oath that he was contacted by a Milwaukee reporter who told him, "investigators had released documents from the House committee to lawyers in the [Hudson] litigation, and then the lawyers released it to the press . . . the press was calling me to find out . . . what other documents we were handing over to the House."[45]

This misuse of Congressional subpoena power to benefit favored private parties involved in federal court cases is absolutely appalling. These types of actions raise some very serious questions.

But subpoenaed documents leaked for much simpler reasons raise equally troubling questions. Chairman Burton's release of subpoenaed Bureau of Prisons recordings of phone conversations between Webster Hubbell and his wife and doctored transcripts of selected portions of those tape have led many to question his fairness as a "seeker of truth." But his leaks began when he took charge in November 1996. It was promptly reported that "Burton confirmed that . . . one of his top aides improperly leaked the confidential phone logs of former Commerce Department official John Huang."[46] On February 27, 1998, he released his staff's notes of an interview with Steven Clemons, a former aide to Senator Jeff Bingaman (D-NM). Senate Majority Leader Trent Lott (R-MS) and Senate Democratic Leader Tom Daschle (D-SD) had agreed and notified Chairman Burton that, in order to protect the independence of the two chambers, Mr. Clemons

should not be called to testify. Chairman Burton canceled his hearing but released the notes, disregarding the Senate's concerns.

Subpoenaming tax records

There is also a pattern of Republican abuse of subpoena power with regard to tax records. Chairman Burton subpoenaed several tax accountants for their tax preparation materials relating to specific clients, including accountant Donald Lam with regard to Mr. Sioeng, and accountant Michael C. Schaufele with regard to Webster Hubbell's taxes. It is against the law for an accountant to reveal information gathered to prepare tax returns without either the consent of the client or a court order.[47] When his client did not consent to release and when Mr. Burton failed to seek a court order, lawyers for Donald Lam informed the committee that for his client to comply with the subpoena would subject him to criminal penalties.[48] One week later, Chairman Burton threatened accountant Donald Lam with contempt of Congress if he did not provide information to the Committee.[49]

Moreover, federal law prohibits any House committee, except the tax committees, from issuing a subpoena for tax records without special authorization by the House to seek such records.[50] Chairman Burton's subpoenas are even more questionable in light of the deliberate withdrawal of language that would have granted Chairman Burton this authority. The House adopted House Resolution 167 granting Chairman Burton broad and unprecedented unilateral authority to pursue his investigation. Before the Rules Committee marked up that resolution, a draft resolution was circulated for review. The draft resolution contained language giving unilateral authority to request tax records of any "individuals and entities named by the Chairman of the Committee as possible participants, beneficiaries, or intermediaries in the transactions under investigation by the Committee."[51] The language was dropped immediately before the Rules Committee markup. In this way, a deliberate decision was made to deny Chairman Burton authority to seek tax records.

Chairman Burton was not alone in this abuse of the subpoena power. Chairman Hoekstra requested, by letter, that the accounting firm of Grant Thornton, the teamsters' outside accountants, produce all work papers, correspondence files and other documents it held relating to the preparation of the Teamsters' financial statements and federal income taxes. Knowing it was against the law to comply with the committee's request without the consent of their client, the Grant Thornton accountants sought the Teamsters' permission to produce the documents. The Teamsters originally objected, saying the request was too broad and that they needed time to review the documents.

The Grant Thornton accountants then returned to the Republicans and tried to negotiate a narrowing of the request. The Republicans promptly wrote to the Teamsters, insisting they withdraw their objections and agree to let the accountants release the tax records by 5 p.m., April 8, 1998 or else "the Subcommittee will consider the means available to it to enforce compliance, including the institution of proceedings for contempt of Congress."[52] Before the deadline passed, the Chairman issued a subpoena and it was served on the Grant Thornton firm on the afternoon of April 8, 1998.

Needless to say, the Education and Workforce Committee is no more authorized by the House to seek tax records than the Government Reform Committee.

Enemies list subpoenas

In the Sanchez-Dornan investigation led by the House Oversight Committee, Republicans approved 42 highly burdensome subpoenas to a wide variety of individuals and entities that Mr. Dornan identified: Catholic Charities, a local community college (Rancho Santiago Community College), the Lou Correa for Assembly campaign, the Laborers Union and the Carpenter's Union. All the financial records of the Catholic Charities and their affiliates were subpoenaed. The community college was asked to produce the private, personal files of more than 22,000 students who had taken "English as Second Language" classes; it was an attempt, ultimately futile, to find illegal aliens who had voted. Republicans issued overly broad subpoenas asking for sensitive political information from the Sanchez campaign and others without agreeing on a protocol for its use and distribution.

Initially, Mr. Dornan issued subpoenas in his own name.[53] The United States District Court ordered their recall[54] as "irregular on their face." Among other documents, Mr. Dornan wanted student records protected by the Privacy Act from a Florida company hired by the Immigration and Naturalization Service to conduct citizenship classes. Mr. Dornan altered one of the recalled subpoenas to make it appear as if it had been signed by a Florida judge. He then used the altered subpoena to convince the company to turn over the private records. Despite written promises to keep the records sealed, Mr. Dornan opened the records and made them public.

On May 1, 1997, Congresswoman Sanchez and her attorneys filed objections with the House Oversight Committee based on Mr. Dornan's use of the altered subpoena. The Committee refused to consider her objections. In fact, the Committee approved 24 new subpoenas issued by Mr. Dornan by ordering the individuals to comply.

Overly broad subpoenas

To be legitimate, a subpoena calls only for pertinent and admissible information with a fair degree of specificity.

Many of the subpoenas issued by the Republicans have been overly broad and burdensome. The Education and the Workforce Committee subpoenaed all the minutes of every Board meeting of the International Brotherhood of Teamsters for the past seven years and virtually all of its financial records for the period 1991 through 1997. The documents requested include all sorts of matters (discussions of collective bargaining strategies, etc.) unrelated to the investigation of the 1996 Teamsters elections. The Teamsters estimated that the original subpoena would require them to produce between one and five million pages of documents in order to comply. They were given 14 days to comply. Then the committee had to revoke the original subpoena, because Republican staff had altered it after the committee had voted. The second subpoena was identical but gave the Teamsters only one week to comply. When the Teamsters sought to negotiate the scope of document demands, Education and the Workforce counsel first threatened them with contempt.[55] Only within the last week have Republicans begun to discuss limiting their demand.

In the same fashion, Education and the Workforce subpoenaed from the Democratic National Committee all records of fundraising phone calls to labor leaders from January 1995 through December 1997. The subpoena asks for phone calls to all labor leaders; it is not confined to the Teamsters who are under investigation. Recently, Republicans agreed to limit phone calls to the AFL-CIO, SEIU, AFSCME and Teamsters. But the subpoena still demands information about all fundraising calls, not limited to the Carey campaign, and not even limited to the 1996 election cycle.

The Committee on Government Reform and Oversight followed the same model when it subpoenaed the Democratic National Committee on March 4, 1997 with an astonishingly broad demand. It called for *all* DNC records relating to its senior staff (including memos dealing with internal budgeting, campaign strategies, media buys, issue and advertising strategies, and other political activities totally unrelated to the matters of fund-raising that the Committee is investigating) and for *all* DNC phone records from January 20, 1993 forward, again without even limiting the scope to matters related to fund-raising.[56]

The purpose here is obvious: to cast a wide enough fishing net to capture all sorts of interesting but irrelevant tidbits (like campaign strategies) and to force the Democratic National Committee to devote its resources to comply (or to fight) the overly broad subpoena.

Chairman Burton also subpoenaed the White House for *all* phone records from Air Force One and Air Force Two and *all* records of visitors to the White House since 1993.[57] These demands for documents were not limited to matters related to fund-raising or matters relevant to the committee's investigation; moreover, in making the demand, there was no consideration given to national security or the Clinton family's privacy.

The Resource Committee follows the Republican script on overly broad subpoenas. Chairman Young of the Resources Committee has repeatedly made document demands from the Interior and Agriculture Departments which are aimed at intimidating those departments and coercing them into making decisions which are advantageous to their Republican constituency. In its investigation of Forest Service timber sales, the Committee demanded documents from the Forest Service indicating every agency contact with environmentalists and subpoenaed records of all contacts by the white House Council on Environmental Quality. The Committee also issued overly broad subpoenas in its Grande Escalante Monument investigation, demanding even those documents that reflect advice to and policy deliberations of the President, Vice President and their senior advisors. In the Tucson Rod and Gun Club investigation, the Committee issued six recess subpoenas to the Forest Service again asking for extensive information beyond the scope of the investigation.

These subpoenas intentionally overwhelm the agency staffs required to respond to these multiple unfocused investigations, depriving them of the time necessary to carry out their other duties. They also do great damage to the right of confidentiality and security of their conversations, meetings, and decisions.

Contempt of Congress

A person who has been subpoenaed to produce documents and fails to do so may be guilty of a misdemeanor punishable by a fine of up to $1,000 and imprisonment for up to 1 year.[58] This is contempt of Congress and it is a serious criminal offense.

Because it is a serious criminal offense, the courts have been asked to review criminal convictions. Committees do not have to accord all the protections the court must but certain standards have to be met before a contempt citation will be sustained.

Federal courts have held that to prove contempt requires Congress to show that the subpoenaed documents are pertinent. The United States Court of Appeals for the Third Circuit explained the term "pertinent": "two separate elements must appear before pertinency is established: (1) that the material sought or answers requested are related to a legislative purpose which Congress could constitutionally entertain; and (2) that such material or answers fell within the grant of authority actually made by Congress to the investigating committee. . . ."[59]

The last element is significant and has been amplified. The fact that a committee is engaged in an investigation within the committee's jurisdiction does not make valid a specific subpoena issued by the committee. As the Supreme Court stated: "Validation of the broad subject matter under investigation does not necessarily carry with it automatic and wholesale validation of all individual questions, subpoenas, and document demands."[60]

And the courts have also ruled that before a committee can properly adopt a contempt resolution, the committee must hear the objections—including the claim that the subpoena is overly broad and asks for material that is not pertinent to the investigation—and must formally dispose of the objections.

The committees have been a little quick on the trigger to threaten criminal contempt. In the Education and the Workforce investigations, subpoenas issued to the Teamsters and the DNC demanded massive amounts of documents to be produced within one week. Before the Republicans negotiated either the scope or timing of the subpoenas, they threatened to cite the organizations with contempt of Congress if they failed to comply in full.

Chairman Hoekstra showed he was also quick to threaten contempt in the American Workers Project investigation in which his staff had requested meetings with several Labor Department officials. The Labor Department people asked that Democratic staff be included in the meeting. Chairman Hoekstra promptly wrote to the Secretary of Labor, reminding her that: "An agency has a legal obligation to comply with the chairman's oversight request. Under 18 U.S.C. 1505: 'Whoever . . . obstructs, or impedes . . . the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House . . . shall be fined not more than $5,000 or imprisoned not more than five years, or both.'"

The Resources Committee found a creative way to use the holiday calendar to constrict further the 10 days they gave the Democratic National Committee to comply with broad subpoenas in the Hudson casino investigation. It had the feel of setting up a contempt citation. On Thursday, December 18, 1997, Resources Committee Chairman Don Young (R–AK), issued broad subpoenas for document production to eight individuals: Roy Romer, DNC Chairman; Don Fowler, former DNC Chairman; Eric Kleinfeld, Clinton-Gore '96; and five people at the law firm of O'Connor and Hannan. The Committee made no prior effort to obtain the documents voluntarily by letter request but simply issued the subpoenas. Document delivery was demanded immediately after the holiday weekend, on Monday, December 29 at noon.

TARGETING POLITICAL ENEMIES

"If Organized Labor launches a $35 million campaign against you, you're not going to lay down and play dead."[62]—House Judiciary Committee Chairman Henry Hyde (R–Ill.)

"I'm after him [President Clinton]."[63]—House Government Reform and Oversight Committee Chairman Dan Burton (R–Ind.)

"This is a matter of consequence when that contractor is a substantial contributor to the Democratic party. These things need to be investigated and people need to come through."[64]—House Majority Leader Dick Armey (R–Tex.)

"The focus has got to be on the crimes that are being committed at the White House," one lawmaker quoted Gingrich as saying, "I want you to forget the word 'scandals' and start using the word 'crimes.'"[65]

"Unlike Thompson, who sought a degree of evenhandedness, the more partisan House is looking almost exclusively at Democratic abuses, avoiding inquiries into questionable practices employed by Republicans to raise record-shattering amounts of money in 1996."[66]

Molten metal

The textbook example of Republicans targeting a political opponent has to be the Commerce Committee's ongoing harassment of Peter Knight. Knight was picked because he is a friend of and former chief aid to Vice President Al Gore, and a campaign manager of the 1996 Clinton-Gore campaign. Republicans on the Commerce Committee tried to smear Knight first through an investigation of a company called Molten Metal Technology, and then through an investigation into the decision to move the Federal Communications Commission (FCC) into the Portals Building in southwest Washington, D.C.

Molten Metal Technology Inc. hired Peter Knight, along with several other lobbyists from both political parties, for strategic advice in obtaining government contracts. Knight drew the attention of Rep. Joe Barton (R–Tex.), the chair of the Commerce Committee's oversight subcommittee, because Knight had previously worked with Thomas Grumbly. Grumbly was the Department of Energy (DOE) Assistant Secretary for Environmental Management during part of the time of the Molten Metal contract. Years before, Grumbly had served as staff director for a subcommittee of the House Science Committee when then-Representative Gore had been chairman (and Peter Knight, Gore's chief of staff) and this "coincidence" seemed suspicious to the Republican members of the subcommittee.

DOE is required to dispose of wastes it has been gathering, and spends over $1 billion on cleanup and cleanup technologies. Molten Metal Technology had a unique process for disposal and won a contract from DOE and, over the years, the contract was expanded. Ironically, the DOE made its first contract with Molten Metal under the Bush Administration. Nonetheless, the subcommittee decided to investigate whether Department of Energy decisions with respect to the Molten Metal Technology contract were influenced by Mr. Knight and Democratic campaign contributions.

The most cowardly aspect of this whole affair was the Republican decision to hold hearings—even after the investigation failed to produce evidence of wrongdoing—in order to make Knight deny in public the allegations the subcommittee knew it couldn't prove. The basis for the subcommittee's craven decision is on the record. The subcommittee counsels (chief counsel Mark Paoletta and counsel Tom DiLenge) wrote an internal memorandum "to set forth the key findings from our investigation of Molten Metal Technology ('MMT') relationship and contracts with the Department of Energy ('DOE') and to lay out our recommendation that the Subcommittee hold a hearing on this matter on October 30."[67] In summing up the major findings, the counsels state: "many of the DOE career people gave signed statements to the DOE Inspector General's Office, swearing that nothing improper occurred with regard to the MMT contract"[68] and "most of the career people who were directly involved in the handling of this contract . . . believed that CEP [Catalytic Extraction Processing, a technology used to treat and recycle radioactively-contaminated scrap metal] was a promising technology for certain mixed wastes and worth investing in."[69]

The final two conclusions of the counsels are most damning: "Despite the incredible coincidence of MMT's political contributions and favorable DOE contract actions, all parties denied there was any link, and everyone at DOE (including Grumbly) said there were no discussions about MMT's contributions at all; there also is no documentary evidence to contradict these assertions.

"Finally, and not surprisingly, we have not uncovered any intervention or interference on the part of the Vice President (or his office) with regard to MMT's DOE contracts."[70]

After they confess their failure to prove any wrongdoing, they move to the question of whether the subcommittee should hold hearings. "The pros of holding such a hearing are . . . (ii) it forces the key players to deny allegations of misconduct under oath . . . and (v) will likely generate enormous press coverage . . . The cons of holding such a hearing are (i) there is no smoking gun, which opens us up to partisan criticism for engaging in a witchhunt or smear of Democrat[ic] official, lobbyists, and fundraising practices . . . and (iv) there are documents and witnesses that undercut our case against Grumbly, Knight and MMT which the minority (and the well-prepared witnesses) certainly will raise."[71]

Peter Knight testified well into the night on November 5, 1997.

Chairman Barton recently wrote to certain government witnesses asking questions for the official record, saying "it will be necessary for you to provide your written responses in the form of a sworn affidavit," even though there is no House requirement that written responses for a hearing record be in the form of a sworn affidavit.[72]

The Molten Metal hearings brought bad press on a Democratic campaign manager (Peter Knight) with ties to the Vice President (Al Gore) and drove into bankruptcy a company that was developing technology to clean the environment (Molten Metal Technology). From the Republicans' perspective, it was a triple win. And they "accomplished" so much with an allegation they knew they couldn't prove and for which they acknowledged the exculpatory evidence was very strong.

Plus, the subcommittee has already begun another smear job on Knight. The General Services Administration, again under the Bush Administration, recommended the relocation of the FCC to the Portals location. Republicans have discovered that Peter Knight received a payment from Franklin Haney, the owner of the Portals Building, and this fact somehow raised suspicions at the subcommittee. The subcommittee has authorized eight subpoenas to individuals and several have been issued. But despite Democratic requests, Republicans have refused to hold a public hearing to get all the facts out.

Campaign finance

The Government Reform and Oversight Committee's campaign finance hearings are

another clear example of partisan targeting.[73] Of the 1,063 information requests that Chairman Burton has made, 1,051 (or 99%) have been to investigate alleged Democratic abuses. Seventeen subpoenas were issued to the Democratic National Committee, only one was issued to the Republican National Committee. Of the 1.5 million pages of documents received to date by the Committee, less than 2% were in response to requests about Republican fund-raising abuses.

Several other House committees also demanded massive numbers of documents from the DNC and many of these, of course, duplicated requests made by Senate investigators. By deluging the Democratic National Committee with demands for documents, Republicans forced the DNC to hire 22 new employees—including 10 attorneys—to respond. The DNC has produced over 450,000 pages of documents (and had to search through more than 10 million pages to find responsive documents) just in response to Chairman Burton's requests. It cost $5.7 million just to produce these documents. Another $7.5 million was spent on legal fees. That was $13.2 million not spent on voter education or "get out the vote" efforts, activities that are the purpose of the DNC.

Chairman Burton has also targeted state Democratic parties. In February and March, 1998, the Chairman subpoenaed 14 state Democratic parties: Arkansas, California, Florida, Georgia, Illinois, Kansas,[74] Louisiana, Maine, Michigan, New Hampshire, New York, North Carolina, Ohio, and Pennsylvania.

The Committee asked for all documents relating to certain individuals. Yet despite the fact that some of the named individuals (e.g., Kenneth Wynn) contributed to state Republican campaigns, Chairman Burton has not requested any information from state Republican parties nor issued a single subpoena to a state Republican party.

Most of the information being sought from Democratic state parties is readily available through public sources such as state campaign finance reporting agencies. The subpoenas impose unnecessary burdens and tie up Democratic state resources, making Democrats in those states less competitive in the next election.

Chairman Burton has been quite vocal about who he is out to get. Speaking of President Clinton, he said, "This guy's a scumbag. That's why I'm after him."[75] He announced his targeting of Democrats at a GOPAC luncheon in 1997: "Brashly acknowledging his own partisan motives during this closed meeting of political allies, Burton tells the GOPAC crowd that the current fundraising scandal will turn out to be the Democrats' Watergate, resulting in a new gain of 'twenty to twenty-four seats' for the GOP in next year's congressional elections. 'It's over,' he hollers."[76]

Chairman Burton's chief counsel, John P. Rowley III, resigned on July 1, 1997 and was interviewed in the Washington times.[77] Mr. Rowley commented on the role of the investigative coordinator, David Bossie, (who resigned in May, 1998 following the Hubbell tapes fiasco) saying Bossie "was trying to 'slime' the Democrats while Mr. Rowley wanted to 'follow where the evidence leads.'"

Mena Airport

In 1995, the Banking Committee began an inquiry into allegations of illegal activities in areas of rural Arkansas around Mena Airport. It had been rumored that this area of rural Arkansas had been a center for money laundering, drug trafficking, and gun running to the Nicaraguan Contras, operations associated with DEA informant Barry Seal with the complicity of the CIA. The Banking Committee inquiry was described as "tangential" to Whitewater, and was supposed to focus on money laundering. The events occurred during Gov. Clinton's term. They had been thoroughly examined by two grand juries that decided against issuing any indictments.

there is little pretense in any of this investigation—either through the people interviewed, the facts gathered, or the numerous contacts with the agencies—to suggest it was targeted at money laundering.

Money-laundering was merely a committee hook to carry on the investigation. The investigation was clearly aimed at the role of then-Governor Clinton and the political activities of the people surrounding him. It was part of a pattern of looking and re-looking at every aspect of Governor Clinton and his associates. The final report from the majority staff is still pending.

Ethnic groups

An extremely disturbing form of targeting has been aimed at certain ethnic groups. Republicans on the House Oversight Committee targeted Latino voters in the Sanchez-Dornan election probe, and many of the House and Senate campaign finance investigations have focused on Asian-Americans. According to the Wall Street Journal, "nearly 300 people with Asian-sounding names" were subpoenaed.[78] In many cases, committees were careless about identifying the right person with the Asian-sounding name. The Government Reform and Oversight Committee in October 1997 subpoenaed the phone records of Mrs. LiPing Chen Hudson[79], though the committee was interested in a different LiPing Chen. In fact, the Hudsons had not been involved in any political campaign this decade. The carelessness caused some to wonder if Asian-Americans were being targeted in order to chill their political participation.[80]

ABUSE OF INDIVIDUAL'S RIGHTS

"You wake up with a knot in your stomach, and you wonder what your kid's friends say to him. My wife obsesses about it."[81].—Peter Knight

"This is unbelievable . . . I have no idea why they have my name."[82]—Professor Wang

In testimony before the House Rules Committee last year,[83] Rep. John Dingell (D-Mich.) described what a congressional investigation is like from the perspective of the witness: "I don't know how many in this room have participated in congressional investigations, but they are a rather scary event. You [the witness] are up there very much alone. You may have a counsel present, but that counsel can only advise you as to your rights. He can't defend you. And the rights that you have in an appearance before a congressional committee are far less, far less, than the rights that you have when you appear in court. A Member of Congress under the Speech and Debate clause can say almost anything he wants to you. He can abuse you. He can make some of the most scandalous and outrageous charges. He can deny you the real right to respond to the questions and answer charges that are made in his comments to you, about you. It is terrifying and it is oftentimes a demeaning experience." Despite this testimony. Republicans repealed a long-standing right of subpoenaed witnesses before congressional committees—a right installed in House rules in response to the excesses of the McCarthy era—the right to turn off the TV cameras. When they took away one of the few rights left to witnesses, Republicans indicated how reckless they may be with the reputations of the individuals they call up before congressional committees.

They proved it in the Commerce Committee campaign against Peter Knight and Molten Metal Technology (MMT). The Subcommittee on Oversight and investigations decided to conduct a public hearing just so that Knight and MMT would be compelled to deny the unproved charges under oath and before the press. The bullying behavior of committees obviously wastes taxpayer dollars, diverts committee resources away from legitimate oversight, but it also unfairly harms the reputations of individuals and businesses.

Knight found his picture in the paper beside allegations of misconduct and illegal influence. "You wake up with a knot in your stomach, and you wonder what your kids's friends say to him. My wife obsesses about it."[84] Peter Knight now says. And Knights young son, Zachary, was sucked into the investigation because the chairman of Molten Metal Technology, William Hanley II, had given a gift of stock to the boy. Readily available documents proved the Molten Metal executive gave similar gifts to family members of other associates of Molten Metal. "At week's end the Republican staff on the House Commerce Committee set a new low in scandal-mongering by activating a youth crimes division, smearing Knight's 13-year old son."[85]

The harm to Molten Metal Technology was devastating. Molten Metal was demonstrating its technology at Oak Ridge; the company was setting up three wastes-disposal plants in Texas and Tennessee. The growing pains left the company cash poor. Other private companies interested in the environmental cleanup business, such as Westinghouse, Fluor Daniel and Lockheed Martin, were discussing joint ventures with MMT. "The Republicans began leaking their allegations about Knight and Molten Metal just as the company was trying to attract investors. With the investigation in full swing, the investors grew skittish."[86]

Unable to attract investors while the smear campaign was swirling, the company was cash starved. Molten Metal Technology filed for bankruptcy in December. MMT was forced to lay off 221 employees, including half of its workforce in Waltham and Fall River, Massachusetts, and 45 workers in Texas. The promising new technology and the new waste-disposal plants (like the $70 million site planned for Bay City, Texas) are on hold. The human costs are impossible to quantify.

Carelessness

Some committees in the House have besmirched reputations by accident. In some cases, careless and mistaken subpoenas were served at the place of employment causing embarrassment and other consequences. In September 1997, a U.S. marshal served a subpoena on a Brian Kim, a mail carrier from Downey, California, at his place of work, the U.S. Post Office. Unfortunately, Brian Kim the mail carrier was the wrong Brian Kim. His supervisor was convinced that Kim had done something wrong. Kim contacted the Committee by telephone and was told to write a letter proving he was the wrong person. Kim wrote the letter but the committee never apologized to Kim and never cleared up the confusion with his supervisor.

Instead of gathering information from a Los Angeles DNC contributor, Chi Ruan Wang, the Government Reform and Oversight Committee subpoenaed the bank

records of a respected Georgetown University history professor, Chi Wang.[87] Eventually, the Committee withdrew the subpoena. However, the Committee never apologized to Professor Wang and, in fact, compounded its error by denying they made a mistake to the press, leaving the impression that Professor Wan may not be the wrong person. When asked directly if the subpoena was a mistake by the Los Angeles Times, a Republican spokesman was quoted as saying: "We're not sure we made one . . . Whether he deserves a subpoena or not, we haven't decided. We've put it on hold."[88]

A Department of Agriculture employee was the unfortunate victim of carelessness. Justice Department filings in prosecutions of four Agriculture employees for misdemeanor election law violations identified three and referred to the fourth only as a "political appointee." Investigators from the Agriculture Subcommittee on Department Operations, Nutrition, and Foreign Agriculture decided to guess which individual at the Department was the "political appointee." They guessed wrong.

On September 5, 1996, the political appointee they guessed was subpoenaed to appear before the subcommittee and a list of the subpoenaed individuals, including his name, was made public. After the subcommittee investigator learned he had guessed the wrong person, the subcommittee met again on September 12 to reissue the subpoenas and subsequently released a second list with the "correctly" identified individual's name substituted. The subcommittee made no effort to explain or apologize for its mistake or to clear the reputation of the erroneously subpoenaed individual.

Depositions

It is intimidating to be called to appear before a congressional panel. Most people are deposed by Members or staff before a decision is made to call them as witness. Even if you are not called back to testify at a hearing, the deposition can be costly. Travel costs, missed work, preparation time, and legal representation are all costs that may be shouldered by the individual. These costs run as high as $10,000 per day of deposition.

People can be asked anything at a deposition; they can be bullied and badgered. Marsha Scott, deputy director of the White House Office of Personnel, had been a cooperative witness. Scott gave over 18 hours of deposition testimony before the Senate investigation and then was deposed by the House Government Reform and Oversight Committee. She was deposed for three more full days at the House committee and the majority insisted a fourth day would be required just to go over her conversations with White House counsel's office about a memo she had written. She offered instead to provide the Committee with a sworn affidavit about the conversation but her offer was rejected. She appeared for the fourth day but when the Committee chose to ask about everything except the conversation, on the advice of counsel, Scott ended the deposition. Hours later, Rep. DAVID MCINTOSH (R-IN), chair of a Government Reform and Oversight subcommittee, called a hearing for 8:00 p.m. that night and Chairman Burton subpoenaed Marsha Scott to appear. The rules of the House require seven days notice, except in extraordinary cases, before a public hearing can be held.

In a deposition, staff may pursue questions far removed from the scope of the fund-raising investigation, often prying into people's private lives. Yusaf Kharpa, a former White House intern, was asked for the name of his girlfriend. Karen Hancox, an employee in the White House Office of Political Affairs, was asked "Did you ever receive a drug test?" At times the questions are so far afield, they seem absurd. Janice Enright, special assistant to deputy chief of staff Harold Ickes, was asked to describe the type of car she drives.[89] Dick Morris was asked about others at the White House including these two questions: "You hail from New York as Mr. Ickes does. Are you familiar with his—do you have any personal knowledge about any legal problems in his background?[90]

"Did there come a time when Mr. Stephanopoulus told you about the discovery of life on Mars?[91]

Here is a Member deposing a former Interior Department official:

"Member: One of your sentences was, "I don't believe there is a shred of evidence that Mr. Ickes ever called the Secretary." Is that correct?

Witness: Yes.

Member: Was that because it had been shredded. . . .?

Witness: No.

Member: You are not aware of that?

Witness: No.

Member: And you did not do any?

Witness: No.

Member: Or did you?"[92]

CONCLUSION

The Republican Congress has diverted significant amounts of time and money away from the important issues before the United States Congress into an endless politically-motivated investigations.

It is certainly the case that some of the investigations detailed in this report involve serious allegations of wrongdoing. But what the Republicans leading the House committees should be doing is initiating fair-minded, serious inquiries, not politically-motivated smear campaigns, manipulated by party leaders and designed to create multiple press opportunities rather than to get out the facts.

Speaker Gingrich complained, shortly after Chairman Burton released doctored transcripts of the Hubbell tapes, about too much attention being paid to the committees, "to those who seek the truth" in Speaker Gingrich's words. His characterization begs the question: are the investigating committees seeking the truth?

Truth is not sought when the political leaders who instigate these investigations make up their minds in advance of the evidence and when they make their intentions obvious by telling the committee chairmen. The objectivity of these investigations must be questioned when those in charge of finding the truth tell us to "forget the word 'scandals' and start using the word 'crimes'."[93] in the words of Newt Gingrich. Or, in the words of House Government Reform and Oversight Committee Chairman Dan Burton, speaking about President Clinton, "This guy's a scumbag. That's why I'm after him."[94]

These investigations are not about finding the truth. They are about suppressing voices. They are about harassing labor unions, environmental groups, even the Catholic Charities. They are about draining the resources of Democratic national and state-wide campaign organizations. They are about intimidating Asian-Americans from participating in politics. They are about frightening Latino voters from registering or entering the polls. They are about carelessly investigating the wrong people and never apologizing, unconcerned about the damage to their reputations. They are about helping friends of the Republicans, subpoenaing legally protected documents and leaking them to friendly private litigants.

And finally, they are about wasting taxpayer dollars and abusing the vast investigative powers of congressional committees to run the biggest negative smear campaign in the history of the United States.

Joe McCarthy would have been proud of this Republican Congress.

FOOTNOTES

[1] Quoted in James Hamilton, "The Power to Probe: A study of Congressional Investigations" (New York: Random House, 1976) page xii.

[2] Los Angeles Times, March 15, 1998.

[3] "Gingrich Foresees Corruption Probe By a GOP House," Washington Post, October 14, 1994.

[4] Washington Post, October 14, 1994.

[5] The power of Congress to investigate is never expressly stated in the Constitution. Nonetheless, congressional committees are granted extraordinary powers to compel testimony, to force the production of documents and other evidence, and to punish contempt, and these powers have time and again been sustained by the Courts, because the power to investigate is "inherent in the power to make laws." (Eastland v. United States Servicemen's Fund, 421 U.S. 491 (1975)).

[6] Republicans have also been in charge of the two investigations that have brought the most discredit to the House: the McCarthy hearings of 1953 and 1954 and an 1861 joint committee investigation into the on-going conduct of the Civil War.

[7] Before McCarthy, historians point to a Republican joint committee that attacked President Lincoln's conduct of the war as the worst of congressional investigations. See Guide to Congress, Congressional Quarterly, 4th edition, 1991. The chapter entitled "Major Investigations: History in Brief" includes the following passage: "The Joint Committee on the Conduct of the War compiled what was widely considered—at least until the McCarthy era of the 1950's—the worst record of any congressional investigating unit. It was a political vehicle for Radical Republicans opposed to President Lincoln, as its far-reaching inquiries were used for intensely partisan purposes. It harassed conservative and Democratic generals., particularly Gen. George McClellan . . . Committee sessions were supposed to be closed to the press but information often would be made public if it suited the purpose of the Radicals. As a result, Confederate General Robert E. Lee was moved to observe that the committee was worth about two divisions of Confederate troops."

[8] Wall Street Journal, March 24, 1997.

[9] Wall Street Journal, December 14, 1997.

[10] Cost attributable to: Salaries of five professional staff working on the investigation, July-August, 1996.

[11] Cost attributable to: Salaries of professional committee staff and GAO investigators.

[12] Cost attributable to: Salaries of professional staff working on Whitewater investigation, 1995-96: $1.6 million. Salaries and travel costs of professional staff working on Mena Airport investigation, 1997-98: $650,000.

[13] Cost attributable to: Salaries of professional staff working part-time on the two investigations, 1997-present.

[14] Includes $750,000 from leadership slush fund for Teamsters investigation, $1.4 million from slush fund for American Worker project, $300,000 from committee funds for diGenova and Toensing contracts, and $80,000 for additional investigator consultant contracts.

[15] Includes $1.8 million from leadership slush fund. This amount only covers for staff, equipment, and travel. It does not include court reporters that have transcribed 600 hours of depositions, xeroxing, and printing. More importantly, it only includes those costs relating to campaign finance related investigations in 1997 and 1998.

[16] Includes salaries, consultant fees, and reimbursement requests from both parties to the contested election. The Federal Contested Election Act authorizes the Committee to reimburse the parties for such costs. These reimbursement requests are currently pending before the committee. This figure does not include the cost of travel, computers, or paper.

[17] Includes $1,300,000 from leadership slush fund, and $145,000 in professional staff salary costs for Waco investigation in summer of 1995.

[18] Includes only salaries of investigative staff and does not include other administrative costs.

[19] Cost attributable: Salary of professional staff member working on investigations.

[20] Congressional Quarterly, March 21, 1998.

[21] Letter from ranking minority member Waxman to Speaker Gingrich, July 7, 1997.

[22] Majority counsel responded that Mr. Intriago could not assert his Fifth Amendment privilege and threatened contempt if Mr. Intriago did not appear. "Burton Team Threatens Contempt for Witness" The Hill, February 25, 1998.

[23] Wall Street Journal, March 27, 1998.

[24] Washington Post, March 19, 1998.

[25] Floyd Brown, chairman of Citizens United, host of a conservative radio call-in show in Seattle on the firing of David Bossie, Chairman Burton's top aide, Washington Post, May 7, 1998.

[26] April 23, 1996 Memo "To: All House Full and Subcommittee Chairmen, From: Bob Walker and Jim Nussle, Subject: Request for Information—URGENT".

[27] Congressional Quarterly, March 21, 1998.

[28] Washington Post, March 19, 1998.

[29] National Journal Congress Daily, April 30, 1998, page 4.

[30] Dear Colleague, March 28, 1996.

[31] Subcommittee on Crime report, "The Administration's Efforts Against the Influence of Organized Crime in the Laborers' International Union of North America" U.S. House of Representatives, 104th Cong., 2d session, page 4.

[32] CNN's Inside Politics, June 4, 1997.

[33] "Four Picked to Watch Over Burton's Probe," Roll Call, June 6, 1997, page 1.

[34] "Burton's Glass House: Does He Have the Probity of a Prime-Time Prosecutor? Newt Seems to Have Doubts," Time, May 26, 1997.

[35] *Salt Lake Tribune*, November 11, 1997.

[36] Northwest Mining Association v. Bruce Babbitt (C.A. No. 97-1013-JLG).

[37] Rocky Mountain States Legal Foundation also represents Chairman Young and three other Republican members of the Resources Committee (Representatives Chenowith, Pombo and Schaefer) in federal court litigation seeking to block the President's American Heritage Rivers initiative.

[38] June 9, 1997 Freedom of Information Act Request letter to the Director, Office of Administrative Services, U.S. Department of Interior.

[39] November 13, 1997 letter to the Director, Office of Administrative Services, U.S. Department of Interior.

[40] April 3, 1998 Letter from Melanie Beiler, Assistant to the Secretary and Director of Congressional and Legislative Affairs, Department of the Interior to Chairman Barbara Cubin, Chair.

[41] Government Reform committee subpoena to the Executive Office of the President, January 28, 1998.

[42] "Burton Subpoenas Hillary on Filegate," *The Hill*, February 13, 1998.

[43] Ibid.

[44] Letter from Karen Maloy Sprecher, Department of Interior, to Chairman Burton, January 1, 1998.

[45] Deposition of David Mercer, Day 2, August 26, 1998, at 150.

[46] *Roll Call*, November 25, 1996.

[47] 26 U.S.C. 7216 prohibits anyone "in the business of preparing . . . [tax] returns" from actions to "disclose any information furnished to him for, or in connection with, the preparation of any such return." An accountant who violates the statute is subject to criminal penalties (a fine and/or imprisonment).

[48] For example, letter to Chairman Burton from Mark MacDougall, et al., February 13, 1998.

[49] On January 30, 1998, Chairman Burton subpoenaed accountant Donald Lam for tax preparation material relating to Ted Sioeng, his family, or their business. Mr. Sioeng objected to release of the accountant's materials. On February 13, 1998, Chairman Burton was informed by letter that federal law prevented Mr. Lam from providing the materials. On February 20, 1998, by letter, Chairman Burton issued his threat of contempt of Congress for failure to provide the information.

[50] Committees other than the tax committees are prohibited, by 26 U.S.C. 6103, from trying to obtain tax records except by special order of the House. There was no special authorization from the House for these subpoenas.

[51] Draft resolution. See appendix.

[52] April 3, 1998 letter from Chris Donesa, subcommittee Republican counsel, to Leslie Berger Kieman, counsel to the Teamsters.

[53] February 13, 1997.

[54] March 7, 1997.

[55] The Detroit News, May 6, 1998.

[56] Eventually, an agreement was reached to narrow the scope of what is sought by the Committee.

[57] Government Reform Committee subpoena to the Executive Office of the President, March 4, 1997.

[58] 2 U.S.C. 192.

[59] United States v. Orman, 207 F.2d 148 (3rd Cir. 1953).

[60] Gibson v. Florida Legislative Investigation Committee, 372 U.S. 539, 545 (1963).

[61] December 8, 1997 letter to Secretary Herman, Department of Labor, from Chairman Hoekstra, subcommittee on Oversight and Investigations.

[62] House Judiciary Committee transcript, May 18, 1996.

[63] Indianapolis Star, April 16, 1998.

[64] Majority Leader Armey speaking on the export of commercial satellites by Loral to China, Washington Post, May 6, 1998, page A4.

[65] "Burton Apologizes to GOP" Washington Post, May 7, 1998.

[66] Congressional Quarterly, April 5, 1997.

[67] Committee on Commerce, Internal Memorandum to Chairman Barton, Re: Hearing on Molten Metal Technology's Contracts with the Department of Energy, October 20, 1997.

[68] Ibid.

[69] Ibid.

[70] Ibid.

[71] Ibid.

[72] Chairman Barton's letter of February 11, 1998 responding to Ranking Member Klink's letter of January 12, 1998.

[73] The list of allegations against Democrats is well-rehearsed in the Government Reform Committee. For the list of serious Republican abuses see letters from Ranking Member Waxman to Chairman Burton of March 17, 1997, April 29, 1997, May 8, 1997, May 15, 1997, June 10, 1997, August 29, 1997, and January 13, 1998.

[74] 14 separate subpoenas were sent to the Kansas State Democratic party and prominent Kansas Democrats and a number of Kansas party officials were deposed.

[75] Indianapolis Star, April 16, 1998.

[76] "All the President's Menaces," Esquire, August 1997.

[77] Washington Times, July 3, 1997.

[78] Wall Street Journal, November 5, 1997.

[79] Government Reform Committee subpoena to Bell Atlantic-Virginia, Inc. (LiPing Chen Hudson), September 19, 1997.

[80] Letter from Rep. Moran to Chairman Burton, October 28, 1997. See also Wall Street Journal, November 5, 1997 "House Panel's Campaign-Finance Probe Promises to be More Militant than Senate's Investigation."

[81] Peter Knight quoted in Jonathan Broder's piece "How a Republican Smear Campaign Against Al Gore Undid a Promising Boston-Area Company," Boston Magazine, February 1998.

[82] Los Angeles Times, April 15, 1997.

[83] House Committee on Rules print, "Hearing Before the Committee on Rules, House of Representatives, 105th Congress, 1st session, on House Resolution 298, a resolution amending the rules of the House of Representatives to repeal the rule allowing subpoenaed witnesses to choose not to be photographed at committee hearings" November 4, 1997.

[84] Peter Knight quoted in Jonathan Broder's piece "How a Republican Smear Campaign Against Al Gore Undid a Promising Boston-Area Company," Boston Magazine, February 1998.

[85] "Anatomy of a Smear" Thomas Oliphant, Boston Globe, September 23, 1997.

[86] "How a Republican Smear Campaign Against Al Gore Undid a Promising Boston-Areas Company," Boston Magazine, February 1998.

[87] April 3, 1997, subpoenas to Chevy Chase F.S.B. and National Capital Bank of Washington.

[88] "Investigators Issue Subpoena to Wrong DNC Donor," Los Angeles Times, April 15, 1997.

[89] The last three examples are cited in letter from Ranking Member Waxman to Chairman Burton, September 8, 1997.

[90] Deposition of Dick Morris by Government Reform staff, August 21, 1997, at 152-3.

[91] Deposition of Dick Morris by Government Reform staff, August 21, 1997, at 174.

[92] Los Angeles Times, March 15, 1998.

[93] Ibid.

[94] "Chairman Burton, quoted in The Indianapolis Star, April 16, 1998.

Mr. Speaker, the Legislative Branch appropriations bill, which is otherwise a good bill, contains another $8 million for replenishing the Republican investigation slush fund. The gentleman from Maryland (Mr. HOYER) came to the Committee on Rules yesterday with an amendment which would prohibit the expenditure of any of these funds in the new fiscal year that begins on October 1. His amendment would not have deleted these funds. It would have merely prohibited their disbursement without a vote of the House. Mr. Speaker, this is a sensible amendment and it is one that should be debated.

The Committee on Rules has otherwise reported a fair rule for the consideration of this bill, but the Hoyer amendment is one that matters a great deal to the Democratic Members of this House. We have seen far too many partisan witch-hunts in this body in the past year and a half. We would hope in a new Congress that Democrats and Republicans could decide in a less highly charged atmosphere if it is in the best interests of the House to continue to use a slush fund for committee investigations. The Democrats on the Committee on Rules have asked our Republican colleagues to consider the requests for further funding by committees in the regular legislative process, requiring a vote of the full House. We have been repeatedly denied this opportunity. We are asking that the Republican leadership step back and allow the House to consider funding for investigations on a case-by-case basis that serves the best interests of this institution and the American people.

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

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

Mr. Speaker, I appreciate the gentleman's concerns about the reserve fund. However, this debate would have been more appropriate at the time the fund was created.

In my mind it makes good business sense for the House to be prepared for the unexpected by establishing a contingency fund. It is common practice among businesses, and there is no reason that the House should not adopt sound business practices.

Mr. Speaker, I would point out that this fund is accountable. The House Committee on Oversight controls these dollars, and a vote of the committee is required to expend the money. It is all very public. What is unfortunate is that there are so many questionable activities that call for congressional investigation which require the use of this money. It is also unfortunate that we have witnessed a lack of cooperation in these investigations which has made them much more time consuming and expensive.

The Legislative Branch bill is bipartisan. There is no reason to drag down this bill with politically charged debate.

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

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I thank the gentleman for yielding me this time.

Mr. Speaker, in my previous life as the public works commissioner for the city of Portland, Oregon, it was my pleasure to work with our community to implement programs to promote transit as has been encouraged for years by Federal policy.

□ 1230

These programs enjoyed widespread support from the business community, from private citizens, from government, and they have made a difference in promoting the quality of life in our city.

When I was elected to Congress a couple years ago, I was surprised; no, let me say I was shocked, to find out that what the Federal Government had been encouraging local communities to do, what the Federal Government had been encouraging other people in the Washington metropolitan area to do, what the United States Senate had done for the last 6 years, I was unable to do as a Member of Congress. I could give free parking to everybody who worked for me, worth over $1,500 a year, but I could not give a partial transit subsidy for the people who choose not to drive to work.

I set about trying to find out why this was and to fix it. I have introduced legislation, House Resolution 37 that has now been cosponsored by a majority of the House, indeed 230 people already, that would make it optional for Members to at least provide this for their employees who wish to do it.

I have surveyed every one of the House agencies, there are 15 of them, to see if they support it, if they could afford it, if they want it, and I have been told unanimously that they thought it was good for the institution, that it was good for their employees, it was good for the environment.

I am pleased to note that this bill before us today, the rule of which we are debating, would finally, by an amendment from the Committee on Appropriations, would have put this in place, and I commend the committee and the Members who brought it forward so that we can short-circuit the legislative process and get on with business.

I appeared before the Committee on Rules, trying to protect this provision because I heard a rumor that somebody may object. Evidently that may occur. I think it would be unfortunate if the welfare of our employees gets caught up in some sort of jurisdictional battle.

This has been authorized by Congress for the last half dozen years, and many of the employees on the Hill, as well as 100,000 Federal employees, already benefit from it.

I would hope that we would find a way in our wisdom to not hold our employees hostage to the machinations of the House, and, as a new Member, I plead guilty of maybe not understanding them in their entirety, but when we have the second most congested area in the United States in metropolitan Washington, D.C., when we are crying about traffic congestion and parking on the Hill, when we are talking about throwing billions of dollars to try and repair Washington, D.C., I would hope that the Members of this House could somehow find it in their conscience or their creativity to make sure that we implement this little piece of Federal policy so that the Members of Congress will not be the only ones who deny it to their employees.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. WALSH) the chairman of the subcommittee.

Mr. WALSH. Mr. Speaker, I thank the gentlewoman, my colleague from Ohio (Ms. PRYCE), for yielding time and for the hard work and, I believe, fair rule that was provided to us by the Committee on Rules.

I rise in strong support of this rule and I ask my colleagues to support it. I want to first thank the chairman of the Committee on Rules, the gentleman from New York (Mr. SOLOMON) and ranking member, the gentleman from Massachusetts (Mr. MOAKLEY) for providing this structured rule leading to general debate on the fiscal year 1999 legislative branch appropriations bill. I will withhold particulars of the legislation until we get into the general debate portion of our discussion today, although I may be compelled to respond to some of the criticism that will be leveled in a very partisan manner, I think, on this bill. It really is not criticism that belongs in this bill, but nevertheless I will be prepared to respond.

Let me clearly state, however, that we have produced a solid bipartisan piece of legislation. I note that the gentleman from Texas, a member of the Committee on Rules, also noted that, and we had hoped that we could keep it that way, and I hope that when all the debate is over that is what this will be, a bipartisan bill, because we really did make an effort to reach out across the aisle and include the needs and concerns of all Members.

This bill, I believe, meets the needs of the House and the legislative branch for the upcoming year. It is a fiscally-sound bill presenting only a 1.7 percent increase over last year.

Now, under law, we are required to provide all legislative branch employees with a little over 3 percent increase cost of living allowance. So by providing that increase, and everyone who is eligible will receive it, the bill is still only less than a 2 percent increase over last year.

We continue to downsize the legislative branch. Indeed we will have 438 fewer employees next year than we will this year. Over the past 4 years or 5 years, rather, we have reduced full-time equivalent employees by over 15 percent.

People have said that if we are going to downsize government that the legislative branch should lead by example. I believe that we have. But we have done it in a sensitive way. We have provided the Architect and the Government Printing Office the opportunity to give their employees the option to leave and to provide them with a buyout so that the employees would be helped in the process and the management could manage this transition. I think we have really attempted to do the right thing.

The rule provides for one motion to recommit, but I am hopeful that that will not be necessary. The subcommittee worked very hard to develop a balanced bill, and to the best of our ability this bill takes into consideration the concerns of Members on a variety of problems. Let us move forward now in this process and support the rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Speaker, when I came on the floor and heard some previous statements about lack of cooperation from the Democrats in investigations, I have to respond.

I am a member of the Committee on Government Reform and Oversight, and I have to say that this is a perfect example of where taxpayer money has been wasted, and it has been wasted, Mr. Speaker, because the majority party, the Republican Party, would refuse to conduct investigations in a bipartisan manner.

Let me give my colleagues some examples:

If my colleagues recall, this was to be an election reform and to be looking at many of the areas of concern, particularly coming out of the 1996 elections. Well, Democrats raised a lot of soft money then, and a lot, most, of the allegations deal with soft money. What is never pointed out is Republicans raised more soft money, and so we said let us make it fair because there are allegations about Republicans just as there are allegations about Democrats. Five hundred subpoenas were issued almost unilaterally by the chairman of the committee, which I might add is an unprecedented exercise of that authority, never done before, 500 subpoenas of which almost all, and I believe there may have been 12 that went to Republican targets, but almost all went to Democratic targets.

We then asked, "Well, why don't we at least have bipartisanship in voting for subpoenas, which has always been the practice?" No, could not do that, had to be done by the chairman.

Talk about delay. There were complaints because Democrats would not vote immunity for 4 witnesses, which Democrats finally did vote just yesterday or 2 days ago because we finally got some agreements from Republicans about making it fair.

Talk about taxpayer waste. We voted to support the Republican majority on immunity for previous witnesses and found out that when they were immunized they then, the Republican majority, made such a hash of it that one of the witnesses now will not be able to be prosecuted for possible crimes that came out under that.

Talk about taxpayers losing money and taxpayer waste. That is why a lot of us are concerned about this Congress that wants to be a Congress of investigation and not legislation, while meanwhile, I might add, health care bill of rights, nobody is passing that, nothing done on a tobacco bill, campaign reform, nothing being done.

That is why some of us question whether this is a good use of funds.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding this time to me.

Mr. Speaker, the chairman of the committee rose and said this is a bipartisan bill, and he is correct in that assertion, it is a bipartisan bill. Within the constraints of the funds available, the chairman and ranking member have tried to work a bill that responsibly allows the legislative branch of government to proceed and allows this body to maintain its responsibilities to its employees. I am sure the chairman and each of us that serves on this subcommittee, as well as our ranking member, could have made additions to this bill, had resources been available which we think would have enhanced this bill and given to the legislative branch a better ability to do its job; however, those constraints exist.

Mr. Speaker, I rise, however, expressing disappointment in this rule. Basically the rule is one that tries to facilitate the consideration of this bill. I had, however, offered an amendment which I did not offer in subcommittee, but which I wanted to offer on the floor. That amendment would have provided for the increased expenditures allocated to various committees, for reasons presumably not anticipated at the time, that this House passes a funding resolution out of the Committee on House Oversight, on which I also serve.

Mr. Speaker, this so-called emergency funding, very frankly, was included for the purposes of getting the House oversight's funding resolution below certain targets so that certain people on the floor of the House would vote for it on the contention that it was not more funding than occurred pursuant to their plan; which is simply to say it was a device to shift some $8 million out of the bill and to a fund that has been referred to as a slush fund, but suffice it to say a fund out of which nonanticipated expenditures for committees can be funded.

Let me first of all say that is a not an unreasonable effort; that is to say, to provide funding for unanticipated needs. In fact, we have a very legitimate example of this Congress acting in the fashion that I think is appropriate and that would be provided for by my amendment, had it been allowed, and that was before the Committee on Rules. A hearing was held on the funding of the special committee to oversee China, the so-called Cox-Dicks committee. The Committee on Rules had an extended hearing, adopted a rule, and made a proposal, and we adopted a resolution on the floor by vote of the Congress, by the House of Representatives. There is, Mr. Speaker, in my opinion no reason why that should not be done for every committee.

Now the gentleman from West Virginia (Mr. WISE) got up and was speaking about the Committee on Government Reform and Oversight's hearings. Frankly, they have come to us for a number of unanticipated expenditures. In fact, one of the subcommittees, I think the expenditure was not unanticipated at all; this is the Teamsters' investigation and labor investigation generally. It was, however, a way of getting some extra funding without having it adopted on the floor of the House. I think that was unfortunate.

My amendment, if allowed by this rule, would have simply provided not that there could not be funding but that the House of Representatives would have to vote on that. Now, frankly, colleagues who are now in the majority took over and said that they wanted to have business done in an open fashion, and we were going to live by the rules everybody else had to live by, and that we would take responsibility for those expenditures that we made, and frankly we were going to cut spending in the House of Representatives.

Lo and behold, they created a fund that now even the Committee on House Oversight does not have hearings on.

□ 1245

Because our chairman, the gentleman from California (Mr. THOMAS) says in fact this is a Speaker's decision. We just perform a ministerial function, which is to say we are a pass-through. So I tell my friends on both sides of the aisle, currently that $8 million is decided by one person.

Now, if that is the way you think this House ought to be run, if that is the way you think the taxpayers' money ought to be spent, so be it. But if you believe that the taxpayers' money, that we all talk so much about, ought to be appropriated and expended pursuant to a vote of the representatives of those people who pay those taxes, then I would suggest to you that you would defeat this rule and allow the amendment to go forward, which does not preclude the expenditure at all, but simply says that it must be voted on by all the Members of the House.

Is that such an unreasonable proposal? Is that such a divergence from regular order that the Committee on Rules would decide not to allow that, I think reasonable and common sense rule, to be considered by the House?

I regret that I must oppose this rule.

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

Mr. Speaker, in response to the gentleman, there is nothing secret about these allocations. There is nothing out of order. Reading from the guidelines for allocation from the reserve fund, I will read part three in total of these procedures:

Committee on House Oversight consideration, number 1, open debate will occur on the request; number 2, budget submissions will become public; number 3, committee vote will determine, A, allocation of the funds; B, amount of the allocation; and, C, scope of the projects.

There a vote, it is public, everything is above board and open.

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

Mr. FROST. Mr. Speaker, I yield one minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, if the gentlewoman will engage in a colloquy to answer a question, the gentlewoman heard my representation. The chairman of the Committee on House Oversight, which you say is public, has indicated ours is simply a ministerial function; that the vote essentially is taken, that is true, and, because this committee is a 2 to 1 committee, the majority party always prevails.

Is the gentlewoman aware of the fact that apparently the chairman believes this is a decision of the Speaker, and has articulated that on the record, and that the vote is simply a pro forma?

Ms. PRYCE of Ohio. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentlewoman from Ohio.

Ms. PRYCE of Ohio. No, I am not aware of that. I am not aware that is necessarily the case, because the rules of the committee state otherwise. The rules of the committee state this is a public process, that there is a vote on it.

Mr. HOYER. Mr. Speaker, reclaiming my time, the gentlewoman is absolutely correct. That is what the rules say. But the chairman said it is pro

forma, which is why we do not have the chairman come before the committee and explain these expenditures, unlike every other expenditure they want to make. They do not come before the committee.

Mr. FROST. Mr. Speaker, I yield eight minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, one of the real success stories of the environment in America has been the increased understanding of people across this country of the importance of recycling. From young students, to retirees, to small businesses, to very large multi-national companies—all participate in recycling across this country.

When I go home to my hometown of Austin, Texas, there will be the blue recycling containers in front of each house with bottles and paper and other goods. When I go by the Texas State Capitol complex, I find a program in which some 30,000 State employees are participating in recycling.

Another example of the success we have had is something that was originally started in Austin called Texas Recycles. Last year that program proved so successful that it became America Recycles, and it was celebrated right here in our Nation's Capital and across the country. We honored a number of businesses that recognize it is a good business practice to recycle, not only for the environment, but because it can be a profit center in eliminating waste.

I noticed in the Washington Post from last November two retirees from Silver Spring who were honored in a "Rewarding Week for Good Recyclers" as a part of this America Recycles program. The same story reported that now the national recycling rate is 27 percent of eligible trash.

What a contrast, unfortunately, and the real focus of my remarks today, is this House of Representatives with the rest of the country. Instead of being a national leader on this important environmental issue that every American can understand, simply recycling instead of filling up more landfill and garbage, the recycling rate here in the House borders on zero percent.

The recycling program in the U.S. House of Representatives, instead of being a national leader, is indeed a national disgrace. It is a sharp contrast with the efforts of retirees and students. I think of the many elementary students that get honored each year by Keep Austin Beautiful, a program like many around the country. I can tell you there is not an elementary school classroom in Austin that is participating in the Keep Austin Beautiful program, that could not do a better job than this House Republican leadership with our recycling program.

Let me tell you a little bit about the failings and disgraceful nature of this program. It is very, very difficult to determine whether the source of these problems is shear incompetence or total indifference. I tend to view it as probably more a problem of total indifference and insensitivity to our environment, that has characterized so many of the other attacks on clean air and clean water on the floor of this House.

But what has happened during the course of this House Republican leadership, which is now entering, I guess it is on about the second half of its fourth year, is that for three years of this three-and-a-half year administration there has been no recycling coordinator in the House. They managed to hire a woman to serve as recycling coordinator for almost six months, but she was a little too honest for the job, so she is no longer involved in the program.

In December of 1996, concerned about the lack of a recycling coordinator, I met face-to-face in my office with Superintendent Miley. He assured me it was a high priority to hire a recycling coordinator and make this program work. Well, it only took another 10 months before they hired the woman who stayed here for less time than they posted her job.

Of course, the Superintendent, like the other people here in the House, can only establish the priorities and follow the emphasis of the House Republican leadership, and that emphasis on recycling is right down there in last place, zero percent.

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

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

Mr. WALSH. Mr. Speaker, is the gentleman aware that the Subcommittee on Legislative of the Committee on Appropriations has made this a priority, and that, in fact I believe the gentleman mentioned the figure of about 20 percent as being recycled in his home community, and that is admirable; in my home community it was closer to 40.

Mr. DOGGETT. That was the national average, 27 percent. It is much higher in Austin.

Mr. WALSH. We are recycling about 10,000 tons of material each year, and our percentage in the waste stream, it is in the neighborhood of about 25 to 26 percent.

Mr. DOGGETT. Mr. Speaker, reclaiming my time, I am glad the gentleman pointed that out, because the kind of indifference and disinterest in this subject I am talking about has not always been true in the House. When the Democrats controlled the House, bottle collection since that time and recycling has dropped 83 percent. Can collections have only dropped 73 percent. Statistics on paper recycling have not been completely available, because when the House attempted to recycle four million pounds of paper, almost 90 percent of it was cluttered with garbage and the recyclers refused to take it.

I am aware of the gentleman's support of the amendment of the gentleman from California (Mr. FARR); that there are some people, including the gentleman who is asking the questions, who are of good faith and concerned about this. But to spend 3.5 years and have 3 of that without any recycling coordinator, to come into my office in the past week and be told the recycling program is suspended, is truly outrageous. To have this report which the recycling coordinator prepared, by an honest Pat Dollar, who was hired here very briefly, prepared, hidden, secreted, covered up and not released by the Superintendent's Office despite months of requests there, and to the gentleman from California (Mr. THOMAS), to not release this information is a disgrace.

That secret report, never formally released, points up that there is so much confusion around here in the corridors of these House buildings because many people do not think there is a recycling program, because they see so much garbage cluttering the floor out there. And when someone has to go through the recycling, it is pretty clear that effective recycling is not being done.

The Farr amendment, which I understand the gentleman supports, is a step in the right direction, but it is a very modest step. Just devoting some money to this is not going to solve the problem. There has to be interest. There has to be leadership. There has to be a total and complete change to adopt the attitude of the schoolchildren in Austin, Texas, instead of the attitude of the House Republican leadership, which has been unwilling to have this Congress lead the way on recycling.

Let me just say that I believe there are businesses and schoolchildren and citizens all over this country that realize that recycling papers, cans, bottles, anything that will tear, is a win-win proposition. It is true of numerous Federal agencies right down the Mall that recycle, and actually earn thousands of dollars a year from their recycling program.

It is not true of this House. Despite the fact that out here every day we have more recycled rhetoric about the environment and more recycled old bad legislative proposals, when it comes to the simple matter of doing something about all the trees that get chopped down for the tons of paper that come through these halls, just simply seeing they do not end up in a landfill, that they get recycled, that very simple thing that so many American families are able to do, this family, this House, has not done, is not doing, is not going to do until there is a total change of attitude and some emphasis on and direction from the House Republican leadership to get the job done.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings is a violation of the House rules.

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

Mr. Speaker, just so we can all be clear about this rule and about the statements made by the gentleman from Texas regarding the lack of leadership, the gentleman from Texas (Mr. DOGGETT) did not even come to the Committee on Rules yesterday to testify and ask that his amendment be made in order. His amendment does go to the issue of recycling. But this rule does make in order an amendment to be offered by the gentleman from California (Mr. FARR) which will allow us to vote to put more money into the recycling program. This issue will receive fair debate under this rule.

Mr. Speaker, I yield two minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I really am amazed that this recycling could become a partisan issue. It is bizarre. There is a clear commitment, there was on the part of the Democrats when they controlled the House of Representatives, and there is on the part of the Republicans, to recycle our waste. This should not be a partisan issue. This is something that all Americans agree with and support.

I know just from personal experience when I became Chair of this committee, one of the things that we set about to do was to make sure that everyone understood what the rules were. So we sent a memo around to all the Members' offices. We also made sure that all trash cans were labeled, "mixed paper," "wet waste," "fine paper." What it comes down to is the Members. The Members have to provide the leadership in their own offices to recycle this waste.

□ 1300

I do not understand why this is partisan. This is something we should all be unified in. Besides, there is the fact that the amendment that the gentleman spoke about was accepted. We accepted the amendment offered by the gentleman from California (Mr. FARR). We thought it was a positive development.

The fact is that it is the Members, Republican and Democrat, that have to show the leadership in their own office to use their wastebaskets in a proper way. The Members need to provide the leadership in their offices, whether they are Democrats or Republicans or Independents; we have an Independent in the House. We all need to make sure that we put the trash in the right place.

The cloakrooms are going to follow suit. We need to organize a little bit better. The Architect's office is committed to this. We have called them in on the carpet and said we want to get a concerted effort and focus from the Architect's office on it. So clearly, Mr. Speaker, there is a real commitment here. This is not a partisan issue. We need to recycle our waste. It makes sense. It makes money. It saves us money. I think we should put this to rest right now.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. With regard to the comments from the gentlewoman from Ohio, Mr. Speaker, the Committee on Rules was so enthusiastic about addressing this problem that they have allowed us an entire 5 minutes to discuss the amendment offered by the gentleman from California (Mr. FARR). It is the same kind of priority we have had in 3 of the last 3½ years with no recycling coordinator.

With regard to the comments of the gentleman from New York, that the problem was the Members, I am surprised that any Member recycles. The rules that are given out are confusing. They were sometimes in direct error with regard to recycling practices. Furthermore, the level of commitment is such that a few months ago the custodial workers had had to bring their own plastic liners in order to do recycling.

Member compliance, as was noted in this secretive report, is a problem because many Members are not even convinced there is a recycling program. It is true that all, but I think, 11 Republican Members of this House, who have said they were willing to participate in voluntary recycling, but they are not given the guidelines, nor are their staffs, to ensure that this program works.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Mr. Speaker, it must be an interesting debate for many who are listening to determine what we might be debating on, but I think it is important because this is a very valuable appropriations process; that is, for the legislative branch appropriations.

What that really means to our constituents is the services that we provide in our offices, and in particular, in our district offices. So this is important, that we have caseworkers that deal with Social Security and veterans' benefits, Medicare issues, that we help with immigration issues. In my office we are very busy. Now that the summer has come, there are passport issues.

Frankly, we rise to discuss this because it has value. Among those values, of course, is to ensure that we do the right thing, which includes, as my colleague has just spoken about, recycling and showing the right example.

I am disappointed in this rule for several reasons. One, my good friend, the gentleman from Oregon (Mr. BLUMENAUER) was concerned about not only the environment, but respecting the options that our employees might have in traveling to work; that is, in compliance with keeping the environment safe and clean, giving them the opportunity to leave their cars at home and to take bus passes, as opposed to driving.

Companies throughout this country encourage carpooling and using the buses, but yet, an amendment that might have done that that was agreed to by the Committee on Appropriations now may suffer a point of order because it was not seen fit in the Committee on Rules to give it a waiver, so we could in fact provide this option to our very dutiful employees who come every day, and who themselves may want to use the kind of transportation services that would give them the option.

I would additionally say, since I think the greatest focus of the legislative branch appropriations should in fact be the constituency services that help you in America get the job done, I am disappointed, and this document, I think, that I have before me is about 51 pages that show the politically motivated investigations that we have in this Congress. At this point in time they are still going on.

We have the Burton committee, that has spent already $6 million. None of that is translated into any constituency services. It is still going on, and buried down in this appropriations bill is more money for a committee that leaked information out into the public on one of the witnesses that should not have ever been leaked.

We have a Teamsters investigation of working men and women going on, now $2,530,000. That is buried deeply in this legislation. More money will be expended on that. Who knows what we will get out of it.

My concern, Mr. Speaker, is that I wish we could have been similar to the Internal Revenue Service Restructuring and Reform Act rule, which I support, which gives comfort to Americans by providing an oversight so that taxpayers are are protected. That is the kind of business we should be doing on the floor of the House. That is to ensure that we do the kind of work that translates to our constituents.

I think there are 51 pages of politically motivated investigatory activities. They have already spent $8 million, and now in the appropriations bill we do not know how much more, and neither of the committees have brought about any results.

I would think we would do well to pass this amendment dealing with the

recycling, to pass the amendment dealing with the issue of the bus passes, and spend more of our dollars enhancing the constituency services of our offices.

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

Mr. Speaker, I urge a no vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule which would prohibit use of funds from the reserve fund after October 1, 1998. The amendment would allow, however, the payment of obligations legitimately incurred before the October 1 deadline.

The effect of the amendment would be a return to paying for unexpected costs through an expense resolution approved by a vote of the House, as we have in past Congresses.

Mr. Speaker, I include for the RECORD the text of the amendment.

The text of the amendment is as follows:

At the end of the resolution, add the following new sections:

"SEC. 2. Notwithstanding any other provision of this resolution, it shall be in order to consider the amendment specified in Section 3 of this resolution. The amendment may be offered only by Representative Hoyer of Maryland or his designee, shall not be subject to amendment, and shall be debatable for 30 minutes.

SEC. 3. The amendment described in Section 2 is as follows:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 311. None of the funds made available in this Act may be used for payments from the reserve fund for unanticipated expenses of committees pursuant to clause 5(a) of rule XI of the Rules of the House of Representatives, or to pay the salary of any officer or employee of the House of Representatives who certifies, approves, or processes any disbursement of funds from any such fund pursuant to an allocation approved by the Committee on House Oversight on or after October 1, 1998."

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership *Manual on the Legislative Process in the United States House of Representatives*, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. Speaker, as I have said, I urge that the previous question be defeated, and that we have the opportunity to offer the Hoyer amendment as part of this rule.

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.

Mr. Speaker, I would just remind my colleagues that while this rule is structured, the amendments it makes in order are Democratic amendments.

I would also like to remind my colleagues that funding for the legislative branch has been pared down significantly over 4 years, resulting in a 15 percent downsizing. The underlying legislation is bipartisan, and we should congratulate this subcommittee for their hard work by adopting this rule and moving on to debate the bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on ordering the previous question.

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

Mr. FROST. 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. Pursuant to clause 5 of rule I, further proceedings on this resolution will be postponed until later today.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, the Chair will now put the question on the resolutions on which further proceedings were postponed earlier today.

Votes will be taken in the following order: House Resolution 491, House Resolution 485, ordering the previous question on House Resolution 489, and adoption of House Resolution 489.

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

PROVIDING FOR CONSIDERATION OF A CONCURRENT RESOLUTION PROVIDING FOR ADJOURNMENT OF THE HOUSE AND SENATE FOR INDEPENDENCE DAY DISTRICT WORK PERIOD

The SPEAKER pro tempore. The pending business is the question de novo of agreeing to the resolution, House Resolution 491, on which further proceedings were postponed.

The Clerk read the title of the resolution.

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. FROST. 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 225, nays 188, not voting 20, as follows:

[Roll No. 267]

YEAS—225

Aderholt	Bartlett	Blunt
Archer	Barton	Boehlert
Armey	Bass	Boehner
Bachus	Bateman	Bonilla
Baker	Bereuter	Bono
Ballenger	Bilbray	Bryant
Barr	Bilirakis	Bunning
Barrett (NE)	Bliley	Burr

Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dixon
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hyde
Inglis
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
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
Riley
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
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Yates
Young (AK)
Young (FL)

NAYS—188

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hooley
Hoyer
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Lee
Levin
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (CA)
Minge
Mink
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
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—20

Brady (TX)
Brown (CA)
Chenoweth
Cooksey
Crapo
Dingell
Gonzalez
Hamilton
Hinojosa
Hulshof
Hutchinson
Lampson
Lewis (GA)
Markey
McDade
Millender-McDonald
Moakley
Reyes
Thomas
Turner

□ 1328

Ms. WOOLSEY, Ms. CARSON and Messrs. STARK, CUMMINGS, JEFFERSON, HALL of Texas, CLAY, BARCIA and PASCRELL changed their vote from "yea" to "nay."

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.

□ 1330

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM JUNE 25, 1998, TO JULY 14, 1998, AND FOR RECESS OR ADJOURNMENT OF THE SENATE FROM JUNE 26, JUNE 27, OR JUNE 28, 1998, TO JULY 6, 1998

Mr. GOSS. Pursuant to House Resolution 491, I offer a privileged concurrent resolution (H. Con. Res. 297) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 297

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, June 25, 1998, it stand adjourned until 12:30 p.m. on Tuesday, July 14, 1998, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Friday, June 26, 1998, Saturday, June 27, 1998, or Sunday, June 28, 1998, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, July 6, 1998, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. 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 adoption of the remaining resolutions on which the Chair has postponed further proceedings.

PROVIDING FOR CONSIDERATION OF H.R. 4104, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. The pending business is the question de novo of agreeing to the resolution, House Resolution 485, on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is the resolution.

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

RECORDED VOTE

Mr. DOGGETT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 125, noes 291, not voting 17, as follows:

[Roll No. 268]

AYES—125

Ackerman
Archer
Armey
Baldacci
Barton
Bass
Berman
Bilbray
Blagojevich
Bliley
Boehlert
Bonilla
Bono
Brown (FL)
Brown (OH)
Campbell
Cardin
Carson
Castle
Clay
Clayton
Coburn
Conyers
Crapo
Danner
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLay

Diaz-Balart
Dixon
Doggett
Dooley
Dreier
Dunn
Edwards
Ehrlich
Engel
Eshoo
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Furse
Gejdenson
Gilchrest
Gilman
Goss
Granger
Greenwood
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hefner
Hobson
Hooley
Horn
Houghton
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Kelly
Kennelly
Kilpatrick
Klug
Knollenberg
Kolbe
Lazio
Leach
Levin
Linder
Livingston
Lowey
Luther
Maloney (NY)
McCarthy (MO)
McDermott
McGovern
McInnis
McKinney
Millender-McDonald
Miller (FL)
Minge
Morella
Neal
Nethercutt
Northup
Olver
Oxley
Packard
Parker
Paxon
Pelosi
Porter
Pryce (OH)
Ramstad
Rivers
Roukema
Royce
Sanchez
Schaefer, Dan
Schumer
Shaw
Shays
Slaughter
Solomon
Stabenow
Stokes
Tauscher
Thurman
Tierney
Upton
Velázquez
Vento
Waters
Waxman
Wexler
Wicker
Woolsey
Yates
Young (AK)

NOES—291

Abercrombie
Aderholt
Allen
Andrews
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilirakis
Bishop
Blumenauer
Blunt
Boehner
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Costello
Cox
Coyne
Cramer
Crane
Cubin
Cummings
Cunningham
Davis (FL)
Deal
DeFazio
DeLauro
Deutsch
Dickey
Dicks
Doolittle
Doyle
Duncan
Ehlers
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Forbes
Ford
Fossella
Frank (MA)
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hoekstra
Holden
Hostettler
Hoyer
Hunter
Hyde
Inglis
Istook
Jackson (IL)
Jenkins
John
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lee
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lucas
Maloney (CT)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHale
McHugh
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (CA)
Mink
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Paul
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Torres
Towns
Traficant
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wise
Wolf
Wynn
Young (FL)

NOT VOTING—17

Bonior
Brady (TX)
Cooksey
Dingell
Gonzalez
Graham
Hamilton
Hinojosa
Hulshof
Hutchinson
Lampson
Lewis (GA)
Markey
McDade
Moakley
Reyes
Turner

□ 1344

Messrs. COMBEST, KINGSTON, BERRY, THOMAS, GIBBONS, BOEHNER, WELLER, BLUNT, ENGLISH of Pennsylvania, SESSIONS, DUNCAN, CUNNINGHAM, GALLEGLY, and ROHRABACHER changed their vote from "aye" to "no."

Mr. OLVER, Ms. WATERS, Ms. SANCHEZ, and Messrs. DAVIS of Illinois, ENGEL, McGOVERN, and HEFNER, Mrs. CLAYTON, Mr. WEXLER, Mr. BERMAN, Ms. JACKSON-LEE of Texas, and Messrs. DOGGETT, BROWN of Ohio, and MINGE, Ms. HOOLEY of Oregon, and Messrs. CLAY, LEACH, WAXMAN, and STOKES, Mrs. KENNELLY of Connecticut, and Messrs. VENTO, YATES, CONYERS and DIXON, Ms. CARSON, and Ms. KILPATRICK changed their vote from "no" to "aye."

□ 1345

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4112, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question de novo vote on ordering the previous question on the resolution, House Resolution 489, on which further proceedings were postponed earlier.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 222, nays 194, not voting 17, as follows:

[Roll No. 269]

YEAS—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
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
Riley
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)
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt

Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
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
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—17

Brady (TX)
Dingell
Gonzalez
Hamilton
Hinojosa
Hulshof
Hutchinson
Kaptur
Klug
Lampson
Lewis (GA)
Markey
McDade
Moakley
Reyes
Smith, Linda
Turner

□ 1354

So the previous question was ordered.

The result of the vote was announced as above recorded.

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.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 228, noes 188, not voting 17, as follows:

[Roll No. 270]

AYES—228

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Farr
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—188

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Fattah
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
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)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—17

Brady (TX)
Dingell
Gonzalez
Hamilton
Hilleary
Hinojosa
Hulshof
Hunter
Hutchinson
Klug
Lampson
Lewis (GA)
Markey
McDade
Moakley
Reyes
Turner

□ 1401

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.

GENERAL LEAVE

Mr. WALSH. 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. 4112, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from New York?

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 489 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4112.

□ 1404

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4112) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes, with Mr. HANSEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. WALSH) and the gentleman from New York (Mr. SERRANO) each will control 30 minutes.

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

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

Mr. Chairman, I rise today in strong support of H.R. 4112, the Legislative Branch appropriations bill for fiscal year 1999. This is a good bill for the House, a balanced piece of legislation representing the views of every member of our subcommittee, and, most importantly, provides for the needs of the House to conduct its business here in a responsible and effective manner.

Before I present a general overview, Mr. Chairman, I want to thank the gentleman from New York (Mr. SERRANO), the ranking member of the subcommittee. Never let it be said that upstate and downstate New York cannot work together. I would like to thank him for his tremendous help and hard work in producing this legislation. Working with the gentleman from New York for me is a personal pleasure and one I consider a distinct honor. This bipartisan legislation is the result of our close working relationship, and I thank him for all that help. I would also like to extend a personal thanks to the gentleman from Florida (Mr. YOUNG), the gentleman from California (Mr. CUNNINGHAM), the gentleman from Iowa (Mr. LATHAM) and the gentleman from Tennessee (Mr. WAMP) on the majority side and the gentleman from California (Mr. FAZIO) and the gentleman from Maryland (Mr. HOYER) on the minority for their time and effort in producing this legislation. Also, Mr. LIVINGSTON, the chairman of the committee, and Mr. OBEY, the ranking member of the full committee, participated heartily, and I thank them.

Mr. Chairman, the House and in particular this subcommittee, is losing one of its key Members at the conclusion of the 105th Congress. The gentleman from California (Mr. FAZIO) has been an outstanding member of our subcommittee. He formerly chaired the Subcommittee on the Legislative Branch and has always had the overall interest of the House first and foremost on his mind. I have benefited from his wisdom and his counsel this year and last, and I want to publicly thank him for all the help and guidance that he has provided. The gentleman has been a great defender of this institution and we will miss him very much.

Mr. FAZIO of California. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from California.

Mr. FAZIO of California. First of all I want to thank the gentleman for those very kind comments. I want to say that I was born a Red Sox fan and have been one my entire 55 years. It grates me greatly to have to praise two Yankee fans who have worked so well together, but I say regardless of the issues that come before this committee and however anyone may vote on this bill, the two of them have established their own tradition and done an outstanding job on behalf of the institution. I think all Members of both parties need to recognize their contribution and appreciate the great work that the two of them have done for the House of Representatives.

Mr. WALSH. I thank the gentleman very much for his kind words. I would just suggest to him that I too am a Red Sox fan, although I am very deeply a Yankees fan. I had a great uncle play baseball for the Red Sox back about 60 years ago, actually about 80 years ago, and was with them the last time they won the world series in, I believe it was 1918. He played with Babe Ruth and then the Babe, as we know, went to New York. The rest is, as they say, history.

Again, I thank the gentleman for all his help in this bill and for the work that he has done.

Mr. Chairman, a bill like this is not prepared without yeoman effort on the part of staff. My personal thanks to Ed Lombard for his help and guidance throughout this process. I think that almost every Member of the House recognizes Ed's dedication to the Legislative Branch and to this process each year. He truly is the gem of this bill. Lucy Hand of the gentleman from New York's staff has again contributed greatly to the product brought forward here today and I thank her for all of her help. Tom Martin, on loan to us from the Library of Congress, and Johanna Kenny of my staff also deserve special recognition for their hard work.

Mr. Chairman, let me also restate something I mentioned last year when bringing the Legislative Branch appropriations bill before the floor. We the members are fortunate to have some of the most loyal and dedicated people in the world working here with us on a daily basis. Both those who help maintain our facilities here in the House and those who work with many of the offices connected to the House deserve the thanks of every Member who serves here.

Mr. Chairman, just to provide a few specifics about this bill. First of all, the appropriation level is $1.8 billion for fiscal year 1999. Compared to last year we are just about $30 million above. I would remind those who are not familiar with this bill that these are not funds just for the House of Representatives. This funds the Library of Congress, the Architect of the Capitol, the General Accounting Office, the Congressional Budget Office, the Government Printing Office, the Botanic Garden, the Capitol Hill Police and other agencies. So it is a rather extensive bill.

What we have provided for is about a 1.7 percent increase in the budget over last year. I think it is important to note that since all of our employees will be getting a 3 percent plus, about 3.1 percent increase, cost of living allowance, that to bring this bill in under 2 percent with a 3 percent across-the-board increase for staff was a real challenge and I am very proud of the work product.

The outlays is an increase of about $7 million in net outlays, that is only .45 percent above last year. The savings, if I might, since the 104th Congress when our party became the majority party, is $78 million below the level that this Legislative Branch was funded at in 1994. Including the 1999 bill, the cumulative legislative appropriations savings have been over a half billion dollars.

Mr. Chairman, I think that people would expect us to lead by our example in this government downsizing, rightsizing, and I think that we have done that. I think that this budget, the Legislative Branch budget, has done more to show leadership in reducing the size of government, making it more effective, everyone is working faster and smarter and harder, so I think this is a real tribute to the efforts and it has been tough. It has been very difficult to get those numbers down. Because we are talking about people and we are talking about service to people.

The employment levels. This bill cuts another 438 full-time equivalent positions, down some 2 percent from last year. Overall since 1994, we are down over 15 percent below 1994 levels of employment. No other branch of the Federal Government has made that sort of a commitment to downsizing. What we have done is we have given the Architect of the Capitol and the Government Printing Office the opportunity and the statutory ability to manage that downsizing through a buyout program which gives employees something when they leave office and it also gives the management some

tools to manage that downsizing to make sure that services continue, or improve even.

Lastly, let me just point out that there are two or three other aspects that I think are important. One is that the Joint Committee on Printing is only funded for 3 more months in this bill. The House and the Senate chairs of the Joint Committee on Printing have asked us to do that because they are going to eliminate this joint committee. Again the idea of downsizing government. Again I mentioned the buyout programs.

One interesting feature of this bill will be that we will provide funding for the Congressional Cemetery which really has no connection with this body other than a number of members are buried there along with many other very famous Americans, including the great American musician and legend John Phillips Sousa is buried there. That has been declared a historic preservation site. We provide a million dollars of taxpayers' money to be matched by the Foundation for the National Historic Trust for Historic Preservation, they will help raise a million dollars together with the Cemetery Association, and that will create an endowment for the routine maintenance in perpetuity of that beautiful old cemetery right here in the city of Washington.

I would like to credit Jim Oliver who is the chairman of the board of the Congressional Cemetery who works right here on the floor of the House for the work that he has done, using volunteer help, catch as catch can, to keep that cemetery up in a proper manner. This, Mr. Chairman, I think, is an effort, a one-shot deal. We will do this and then we will get out of it. The Architect will stay involved as a member of the board of trustees to keep our oversight interest in front of that board, but then we are finished with it. I would like to thank again all the people who helped to put this bill together, in particular the gentleman from New York (Mr. SERRANO).

Mr. Chairman, I submit the following details and tabular material for the RECORD:

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1999

RECOMMENDATIONS FOR FISCAL YEAR 1998

$1.8 billion ($1,804,689,700) in New Obligational authority of which $1.113 billion ($1,113,521,700) is for Congressional operations exclusive of Senate items. The balance of the bill, $691 million ($691,168,000) is for the operations of the other legislative branch agencies.

Reduction: $129.6 million ($129,592,900) under the budget reuqest, a 6.7% reduction.

Above 1998 appropriations: $29.8 million ($29,813,900) above the current fiscal year—1.68%.

Above 1998 Outlays: An increase of $7 million in net outlays from new budget authority above the amount provided in FY1998. That's only 4/10ths of 1 percent. Outlays from prior year authority (which we have no control of in this bill—are up $44 million.

COMPONENTS OF INCREASE

Mandatory: There is an increase of $45.6 million ($45,126,500) primarily because of the 3.1% staff COLA projected for 1999.

Price Level: $4 million ($4,089,000) for price increases (travel, utilities, etc.); agencies were held to a 2% increase.

Program changes: A reduction of $19.4 million ($19,401,600) in programs—

House is up a net of $2.3 million in program changes ($2,272,400), including $2.8 million primarily to finance year 2000 fixes and to makeup lost revenue due to migration of the HIR mainframe to a client/server architecture.

A net $360,000 reduction in program costs of joint items.

Office of compliance: A net $279,000 reduction in program costs due to a diminished workload.

CBO: A $325,000 reduction in program costs.

Architect of the Capitol: A $20,556,000 reduction in program costs.

Government Printing Office: A $7,204,000 savings generated by an investment in new technology.

The Library of Congress: A $1,253,000 program increase to finance the installation of the integrated library system (ILS) and to bring the library's computers into compliance with the year 2000.

GAO: A $5,404,000 increase, to makeup for a loss of building rental receipts.

MAJOR ITEMS IN THE BILL

House of Representatives—$734,107,000.

Increase of $5,490,000 for staff COLA's in Members' Offices.

Increase of $4,572,000 for COLA's for committee staff.

Increase of $5,635,000 for the offices of the House.

Clerk's budget reduced $362,000 due to lower costs for closed captioning and stenographic reporting contracts.

Sergeant at Arms reduced in supplies and equipment, reflecting one-time purchases in FY 1998.

CAO's operation reduced by 18 FTE's; overall increase of $6,484,000 reflects increase to cover lost computer time reimbursements and equipment and furniture purchases for first session of 106th Congress.

Inspector general and other offices of the House held to COLA increases.

Allowances and expenses, an increase of $8,712,000, 97% of it due to increased costs for staff benefits.

Joint Economic Committee—funded at request level, an increase of $46,000 for committee staff COLA's.

Joint Committee on Printing—three months' funding at request of Chairman WARNER and Vice Chairman THOMAS; provision for additional amount for the Committee on House Oversight, if legislation increases that committee's jurisdiction over the Government Printing Office.

Joint Committee on Taxation—$6,018,000, the amount requested for current programs and to pay for staff COLA's.

Attending physician—$1,383,000, current programs plus COLA costs.

Capitol police—$76,381,000, including $72,615,000 for salaries (COLA's and "comparability" funded) and $3,766,000 for expenses including travel, communications equipment and a hazardous materials training program ($260,000). All other expense items held to a 2% increase.

Guides and special services office—$2,110,000, providing for staff COLA costs. Request for three additional FTE's not provided.

Office of Compliance—$2,086,000, providing for a lower staff level. Committee report directs budget formulation for FY2000 should reflect lowered level of activity, not that the intensive startup costs for this office are no longer needed.

Congressional Budget Office—$25,671,000, an increase of $874,000 to pay for staff COLA's. The committee report directs CBO to report to House and Senate committees—the earlier of August 30 or before conference on this bill—on variances between CBO estimates and actual outcomes for revenue, deficit and expenditure forecasts.

Architect of the Capitol—$136,399,000, a decrease of $18.3 million (18,325,000) from FY1998. Operating budget increase of $4,808,000 to cover staff COLA's and overall 2% increase in non-personnel costs. Capital budget at $22,133,000 lower than FY1998 due to one time costs for urgent work on the Capitol dome and security for the Capitol square perimeter which were funded in a fiscal year 1998 supplemental.

Congressional cemetery: Grant provided to establish permanent endowment, to be matched by private donations, to cover annual maintenance.

Power plant: Provision included (sec. 308) to provide authority for Architect to use energy savings performance contracts to refit the east plant chiller.

Audio Visual Conservation Center: Provision to limit expenditures for capital costs at this new library building in Culpeper, Virginia and to specify that expenditures shall be at a 3:1 ratio, private-to-public.

Employeee buyout program: Section 309—authority given to the Architect of the Capitol to establish a retirement incentive payment (buyout) program through FY2001. The Architect will use this program to realign operations, to eliminate duplicative operations and for other efficiencies.

Congressional Research Service—$66,688,000, providing for mandatory pay costs for current FTE level of 747. CRS requested funds for 20 additional staff to be repeated each year for five years to bring on apprentice staff for mentoring before the aging workforce retires. At the time of the hearings (February) and continuing to today, the committee believes there are ample vacancies at CRS to carryout this program.

Library of Congress (except CRS)—$291,701,000. This provides funds for the current employment level, modest (2% overall) increases in nonpersonnel costs. Funds are provided to comply with the year 2000 problem and for the integrated library system.

Routine administrative provisions plus new provision (sec. 207) providing authority for the Library to receive and credit funds from entities involved with the Global Legal Information Network (GLIN) program in the law library.

Provides funds for additional 3,766 playback machines for blind and physically handicapped readers, an increase of 18% over the past two years.

Government Printing Office—$103,729,000 and 3,416 FTE's, a decrease of $7,017,000 and 134 FTE's.

Congressional printing and binding—$74,465,000, a decrease of $7,204,000.

Superintendent of Documents—$29,264,000, an increase of $187,000 for staff COLA's.

GPO costs too high: GAO management review (Booz-Allen & Hamilton contract) found costs and staffing levels at the plant, in the printing procurement program and sales program too high. They also found a higher percentage of the workforce eligible to retire than elsewhere in Government.

GPO employee buyout: The bill includes a provision (sec. 310) providing Public Printer

authority to establish a retirement incentive (buyout) and early out programs to reduce personnel costs at GPO.

General Accounting Office—$354,238,000 plus authority to spend $2,000,000 in receipts for audits, an increase of $14,739,000. This includes $5,404,000 to make up for no longer available building rental receipts.

Provides funds, including COLA's, for 3,225 FTE's, a slight increase in the level projected for FY 1998.

Committee report directs GAO to train staff in contract management skills to increase the agency's ability to utilize consulting firms and other experts in lieu of internal staff.

General and administrative provisions: Several housekeeping provisions:

Sec. 101—Remove the Architect from the House page board.

Sec. 102—Increase the authorization for interparliamentary receptions to $80,000.

Sec. 103—Authorization for training and program development programs for House leadership offices.

Sec. 104—Technical amendment to conform statutes to current structure of the Members' representational allowance.

Sec. 105—Provision requested by chairman and ranking minority member of Ethics Committee to postpone identifying, in the CAO's statement of disbursements, witnesses appearing in executive session before the committee.

Sec. 106—Provision authorizing Committee on House Oversight to prescribe conditions appropriate to non-official business use of supplies and equipment.

Sec. 107—A provision authorizing 1 consultant each for Speaker and two leaders and limiting rate of payment to per diem of committee staff.

Sec. 108—Provision authorizing a transit subsidy program for staff of the House.

Sec. 109—Provision carried as general provision in last year's act that provides that unspent MRA funds shall be used for deficit reduction.

Routine administration provisions for the Capitol Police and Library of Congress have been included as well as the new provision mentioned earlier for the Library and the two provisions mentioned earlier for the Architect.

INTERESTING COMPARISONS

The 1.68 percent increase is less than inflation.

Outlays for spending in the bill increase $7 million—an increase of 4/10 of one percent.

FTE's are reduced by 438. Since 1994, the legislative branch employment base will be down over 4,300 FTE's. That's a 15.7 percent reduction.

SUMMARY

BA compared to:

1998 operating level: +$29.8 million (+1.68 percent).

1999 request: −$129.6 million (−6.7 percent).

302b: −$17.3 million reduction under our 302b's (Senate excluded).

Outlays compared to:

1998 operating level: +$51 million (+2.9 percent) increase. $44 million are in prior year outlays over which we have no control.

1999 request: −$96 million (5.1 percent decrease).

302b: −$25 million (−1.4 percent) reduction under pro rata share (Senate excluded).

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1999 (H.R. 4112)

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - CONGRESSIONAL OPERATIONS					
HOUSE OF REPRESENTATIVES					
Payments to Widows and Heirs of Deceased Members of Congress					
Gratuities, deceased Members	270,300	133,600	136,700	-133,600	+3,100
Salaries and Expenses					
House Leadership Offices					
Office of the Speaker	1,590,000	1,705,000	1,686,000	+96,000	-19,000
Office of the Majority Floor Leader	1,626,000	1,669,000	1,652,000	+26,000	-17,000
Office of the Minority Floor Leader	1,652,000	1,696,000	1,675,000	+23,000	-21,000
Office of the Majority Whip	1,024,000	1,053,000	1,043,000	+19,000	-10,000
Office of the Minority Whip	998,000	1,026,000	1,020,000	+22,000	-6,000
Speaker's Office for Legislative Floor Activities	397,000	406,000	397,000	.....	-9,000
Republican Steering Committee	736,000	753,000	738,000	+2,000	-15,000
Republican Conference	1,172,000	1,205,000	1,199,000	+27,000	-6,000
Democratic Steering and Policy Committee	1,277,000	1,310,000	1,295,000	+18,000	-15,000
Democratic Caucus	631,000	648,000	642,000	+11,000	-6,000
Nine minority employees	1,190,000	1,218,000	1,190,000	.....	-28,000
Training and Development Program:					
Majority	.....	.....	290,000	+290,000	+290,000
Minority	.....	.....	290,000	+290,000	+290,000
Subtotal, House Leadership Offices	12,293,000	12,689,000	13,117,000	+824,000	+428,000
Members' Representational Allowances					
Expenses	379,789,000	412,964,000	385,279,000	+5,490,000	-27,685,000
Committee Employees					
Standing Committees, Special and Select (except Appropriations)	86,268,000	90,608,000	89,743,000	+3,475,000	-865,000
Committee on Appropriations (including studies and investigations)	18,276,000	19,731,000	19,373,000	+1,097,000	-358,000
Subtotal, Committee employees	104,544,000	110,339,000	109,116,000	+4,572,000	-1,223,000
Salaries, Officers and Employees					
Office of the Clerk	16,804,000	15,817,000	15,365,000	-1,439,000	-452,000
Office of the Sergeant at Arms	3,564,000	3,611,000	3,501,000	-63,000	-110,000
Office of the Chief Administrative Officer	50,727,000	58,829,000	57,211,000	+6,484,000	-1,618,000
Office of Inspector General	3,808,000	4,379,000	3,953,000	+145,000	-426,000
Office of General Counsel	.....	840,000	840,000	+840,000	.....
Office of the Chaplain	133,000	136,000	133,000	.....	-3,000
Office of the Parliamentarian	1,101,000	1,106,000	1,106,000	+5,000	.....
Office of the Parliamentarian	(852,000)	(904,000)	(904,000)	(+52,000)	.....
Compilation of precedents of the House of Representatives	(249,000)	(202,000)	(202,000)	(-47,000)	.....
Office of the Law Revision Counsel	1,821,000	1,957,000	1,912,000	+91,000	-45,000
Office of the Legislative Counsel	4,827,000	4,980,000	4,980,000	+153,000	.....
Corrections Calendar Office	791,000	810,000	799,000	+8,000	-11,000
Other authorized employees	780,000	191,000	191,000	-589,000	.....
Former Speakers	(594,000)	.....	.....	(-594,000)	.....
Technical Assistants, Office of the Attending Physician	(186,000)	(191,000)	(191,000)	(+5,000)	.....
Subtotal, Salaries, Officers and Employees	84,356,000	92,656,000	89,991,000	+5,635,000	-2,665,000
Allowances and Expenses					
Supplies, materials, administrative costs and Federal tort claims	2,225,000	2,706,000	2,575,000	+350,000	-131,000
Official mail (committees, leadership, administrative and legislative offices)	500,000	500,000	410,000	-90,000	-90,000
Government contributions	124,390,000	132,949,000	132,832,000	+8,442,000	-117,000
Miscellaneous items	641,000	651,000	651,000	+10,000	.....
Subtotal, Allowances and expenses	127,756,000	136,806,000	136,468,000	+8,712,000	-338,000
Total, salaries and expenses	708,738,000	765,454,000	733,971,000	+25,233,000	-31,483,000
Total, House of Representatives	709,008,300	765,587,600	734,107,700	+25,099,400	-31,479,900
JOINT ITEMS					
Joint Economic Committee	2,750,000	2,796,000	2,796,000	+46,000	.....
Joint Committee on Printing	804,000	804,000	352,000	-452,000	-452,000
Joint Committee on Taxation	5,815,500	6,018,000	6,018,000	+202,500	.....
Office of the Attending Physician					
Medical supplies, equipment, expenses, and allowances	1,266,000	1,383,000	1,383,000	+117,000	.....

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1999 (H.R. 4112)

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Capitol Police Board					
Capitol Police					
Salaries:					
Sergeant at Arms of the House of Representatives	34,118,000	36,603,000	35,022,000	+904,000	-1,581,000
Sergeant at Arms and Doorkeeper of the Senate	36,837,000	39,505,000	37,593,000	+756,000	-1,912,000
Subtotal, salaries	70,955,000	76,108,000	72,615,000	+1,660,000	-3,493,000
General expenses	3,099,000	8,361,000	3,766,000	+667,000	-4,595,000
(By transfer)	(4,000,000)			(-4,000,000)	
Subtotal, Capitol Police	74,054,000	84,469,000	76,381,000	+2,327,000	-8,088,000
Capitol Guide Service and Special Services Office	1,991,000	2,195,000	2,110,000	+119,000	-85,000
Statements of Appropriations	30,000	30,000	30,000		
Total, Joint Items	86,710,500	97,695,000	89,070,000	+2,359,500	-8,625,000
OFFICE OF COMPLIANCE					
Salaries and expenses	2,479,000	2,286,000	2,086,000	-393,000	-200,000
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	24,797,000	25,938,000	25,671,000	+874,000	-267,000
ARCHITECT OF THE CAPITOL					
Capitol Buildings and Grounds					
Capitol buildings, salaries and expenses	44,477,000	55,342,000	40,347,000	-4,130,000	-14,995,000
Capitol grounds	25,116,000	26,623,000	5,803,000	-19,313,000	-20,820,000
House office buildings	36,610,000	43,798,000	42,139,000	+5,529,000	-1,659,000
Capitol Power Plant	37,932,000	44,379,000	37,145,000	-787,000	-7,234,000
Offsetting collections	-4,000,000	-4,000,000	-4,000,000		
Net subtotal, Capitol Power Plant	33,932,000	40,379,000	33,145,000	-787,000	-7,234,000
Total, Architect of the Capitol	140,135,000	166,142,000	121,434,000	-18,701,000	-44,708,000
LIBRARY OF CONGRESS					
Congressional Research Service					
Salaries and expenses	64,603,000	68,461,000	66,688,000	+2,085,000	-1,773,000
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding 1/	81,669,000	84,000,000	74,465,000	-7,204,000	-9,535,000
Total, title I, Congressional Operations	1,109,401,800	1,210,109,800	1,113,521,700	+4,119,900	-96,587,900
TITLE II - OTHER AGENCIES					
BOTANIC GARDEN					
Salaries and expenses	3,016,000	3,235,000	3,032,000	+16,000	-203,000
LIBRARY OF CONGRESS					
Salaries and expenses	227,504,000	239,415,000	234,822,000	+7,318,000	-4,593,000
Authority to spend receipts	-7,869,000	-6,500,000	-6,850,000	+1,019,000	-350,000
Net subtotal, Salaries and expenses	219,635,000	232,915,000	227,972,000	+8,337,000	-4,943,000
Copyright Office, salaries and expenses	34,361,000	35,269,000	33,897,000	-464,000	-1,372,000
Authority to spend receipts	-22,426,000	-21,170,000	-21,170,000	+1,256,000	
Net subtotal, Copyright Office	11,935,000	14,099,000	12,727,000	+792,000	-1,372,000
Books for the blind & physically handicapped, salaries & expenses	46,561,000	48,145,000	46,824,000	+263,000	-1,321,000
Furniture and furnishings	4,178,000	5,712,000	4,178,000		-1,534,000
Total, Library of Congress (except CRS)	282,309,000	300,871,000	291,701,000	+9,392,000	-9,170,000
ARCHITECT OF THE CAPITOL					
Congressional cemetery			1,000,000	+1,000,000	+1,000,000
Library Buildings and Grounds					
Structural and mechanical care	11,573,000	16,139,000	11,933,000	+360,000	-4,206,000
GOVERNMENT PRINTING OFFICE					
Office of Superintendent of Documents					
Salaries and expenses	29,077,000	30,200,000	29,264,000	+187,000	-936,000
Government Printing Office Revolving Fund					
GPO revolving fund		6,000,000			-6,000,000
Total, Government Printing Office	29,077,000	36,200,000	29,264,000	+187,000	-6,936,000

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 1999 (H.R. 4112)

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	346,903,000	369,728,000	356,238,000	+9,335,000	-13,490,000
Offsetting collections	-7,404,000	-2,000,000	-2,000,000	+5,404,000	.....
Total, General Accounting Office	339,499,000	367,728,000	354,238,000	+14,739,000	-13,490,000
Total, title II, Other agencies	665,474,000	724,173,000	691,168,000	+25,694,000	-33,005,000
Grand total	1,774,875,800	1,934,282,600	1,804,689,700	+29,813,900	-129,592,900
TITLE I - CONGRESSIONAL OPERATIONS					
House of Representatives	709,008,300	765,587,600	734,107,700	+25,099,400	-31,479,900
Joint items	86,710,500	97,695,000	89,070,000	+2,359,500	-8,625,000
Office of Compliance	2,479,000	2,286,000	2,086,000	-393,000	-200,000
Congressional Budget Office	24,797,000	25,938,000	25,671,000	+874,000	-267,000
Architect of the Capitol	140,135,000	166,142,000	121,434,000	-18,701,000	-44,708,000
Library of Congress: Congressional Research Service	64,603,000	68,461,000	66,688,000	+2,085,000	-1,773,000
Congressional printing and binding, Government Printing Office	81,669,000	84,000,000	74,465,000	-7,204,000	-9,535,000
Total, title I, Congressional operations	1,109,401,800	1,210,109,600	1,113,521,700	+4,119,900	-96,587,900
TITLE II - OTHER AGENCIES					
Botanic Garden	3,016,000	3,235,000	3,032,000	+16,000	-203,000
Library of Congress (except CRS)	282,309,000	300,871,000	291,701,000	+9,392,000	-9,170,000
Architect of the Capitol (Congressional Cemetery and Library buildings and grounds)	11,573,000	16,139,000	12,933,000	+1,360,000	-3,206,000
Government Printing Office (except congressional printing and binding)	29,077,000	36,200,000	29,264,000	+187,000	-6,936,000
General Accounting Office	339,499,000	367,728,000	354,238,000	+14,739,000	-13,490,000
Total, title II, Other agencies	665,474,000	724,173,000	691,168,000	+25,694,000	-33,005,000
Grand total	1,774,875,800	1,934,282,600	1,804,689,700	+29,813,900	-129,592,900

1/ Includes transfer from revolving fund of $11,017,000.

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

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

Mr. Chairman, I rise in support of H.R. 4112. To repeat what I said at the full committee and before the committee, it has been a great personal pleasure for me to work on this bill with the gentleman from New York (Mr. WALSH), our chairman. The gentleman from New York is a friend of mine and I am a longtime fan of his. In fact, the sad part of this week's baseball game, congressional baseball game, was that since he and I retired for one year, no one wore that illustrious uniform of the New York Yankees at this game, something we will take care of when he gets back in shape and plays next year.

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The other: The gentleman from New York (Mr. WALSH) has been very kind to all the Members. He has been very fair, bipartisan. He is a very knowledgeable chairman, Mr. Chairman, and he is just the kind of person that I am glad to work with, and one of the main reasons why I support this bill the way I do was because whatever shortcomings the bill may have, I know that there are issues that he wanted to deal with and perhaps fell short in trying to make the perfect bill that he would have wanted.

The other members of the subcommittee, too, have worked well together: the gentleman from California (Mr. FAZIO), the gentleman from Maryland (Mr. HOYER) on our side, whose combined knowledge of the legislative branch is staggering, along with the gentleman from Florida (Mr. YOUNG), the gentleman from California (Mr. CUNNINGHAM), the gentleman from Tennessee (Mr. WAMP), the gentleman from Iowa (Mr. LATHAM), and the chairman and ranking Democrat of the full committee, the gentleman from Louisiana (Mr. LIVINGSTON) and the gentleman from Wisconsin (Mr. OBEY).

Once again I will do what so many people have done, but I think it merits mentioning every so often, and that is the fact that this institution and all of us are going to miss the gentleman from California (VIC FAZIO) very much. Other Members have talked about his many talents and qualities, his experience, his insight, his wisdom, his fairness. Let me add that no one has been more consistently devoted to this place or had more knowledge of its inner workings than the gentleman from California (Mr. FAZIO). His retirement will leave an enormous gap that we must struggle to fill.

And of course we could not have this bill here before us today if it was not for the very able staff that we all have. Few can match Ed Lombard's experience and knowledge or Greg Dahlberg's skill and expertise. Tom Martin has provided valuable service to the subcommittee and each Member's own staff, and I would like to take this opportunity to commend my own staff member, Lucy Hand, for the work that she always does for the committee.

The gentleman from New York (Mr. WALSH), the other Members and I share a belief and commitment to the House as an institution. This is the People's House where we carry out the governmental roles of enacting the Nation's laws, overseeing and investigating Federal programs, and, yes, checking and balancing the executive and judicial branches. In these historic surroundings and in the presence of the public, people come to us to petition their government and to see how their laws are made. Tourists visit the inspiring Capitol building which is a symbol of our democracy as well as our own workplace.

Mr. Chairman, the congressional complex has been compared to a small city. It has an infrastructure of buildings and roads, water and sewer, phones and cables. It offers amenities such as visitors' tours, health care and public safety. A huge number and variety of people work here or come to visit. We all want to ensure that the House operates efficiently to protect and enhance the Capitol and the other buildings and grounds and to protect the health, safety and security of all.

We must in this bill provide resources sufficient to run an enterprise of this size and complexity.

Mr. Chairman, this is on balance a good bill, given the constraints the committee is working under this year and for the last couple of years. The gentleman from New York (Mr. WALSH) has explained the bill in detail, but I will add a couple of comments:

First of all, the increase of 1.7 is really above last year, is really less than the expected rate of inflation and less than the likely 3.1 percent cost of living adjustment. I think that this merits the respect of the House because it is not easy to come up with this kind of a bill and still only increase it by the amount we have.

This covers the operations of the House Member and committee offices, administrative offices and the legislative support activities of the Congressional Budget Office, Congressional Research Service and the Architect of the Capitol. The bill also includes dollars for the Library of Congress, the General Accounting Office and the Government Printing Office.

And while the bill continues to reduce staffing levels, it provides buyout authority to the Architect and the GPO so they can manage staff reductions and restructuring. Buyouts are less expensive, less disruptive and less harmful to the affected workers than the alternative reductions in work force.

I repeat that this is a good bill, and I will continue to speak for the bill, Mr. Chairman, during this debate. I hope that at the end of it, it will have bipartisan support and that the work that the gentleman from New York (Mr. WALSH) and our committee has done will be appreciated by all Members.

This covers the operations of House Member and Committee offices, administrative offices, and the legislative support activities of the Congressional Budget Office, Congressional Research Service, and the Architect of the Capitol.

The bill also includes $691 million for other agencies such as the Library of Congress, General Accounting Office, and Government Printing Office.

While the bill continues to reduce staffing levels, it provides buyout authority to the Architect and the GPO so they can manage staff reductions and restructuring. Buyouts are less expensive, less disruptive, and less harmful to the affected workers than the alternative, reductions-in-force.

Mr. Chairman, I repeat that this is a good bill. However, there are concerns on our side that must be expressed.

First, however modest the increase in total spending over last year is—and I believe 1.7% is modest—it is still an increase. Other appropriations bills contain drastic cuts and even terminations in programs of great importance to the American people, especially the most vulnerable Americans.

Second, the bill provides funding for only one quarter for the Joint Committee on Printing. This was at the request of the Chairmen of the House Oversight and Senate Rules Committees and assumes that Title 44 reform, including disposition of JCP's functions, will be completed by the end of 1998. However, there are not many legislative days left in this session and no legislation has been introduced, so completing reform seems unlikely.

Third, spending in the 105th Congress out of the Speaker's "reserve fund for unanticipated expenses of committees" was included in the base used to calculate the fiscal year 1999 "Committee Employees" appropriation. We understand that whether there is a slush fund in the 106th Congress will be decided when the new Congress adopts its rules and its Committee Funding Resolution. And that is the way funds should be allocated among Committees—by a vote of the House. They should not be held in reserve to be distributed at the whim of one party's leadership through a Committee strongly weighted toward that party.

I supported Mr. HOYER's attempt to have an amendment made in order that would limit funds available for the disbursements from the reserve fund.

Sadly, the amendment was not made in order under the rule, and the House is denied the opportunity to vote on how Committee funds should be allocated.

I am also sorry that Rules did not waive points of order against Section 108, as it did for every other provision subject to a point of order. Section 108 was a Hoyer amendment adopted in Committee, based on a resolution by Mr. BLUMENAUER.

The amendment would have required the Oversight Committee to institute a program

through which employing offices, including Members, could offer transit subsidies to employees who do not have parking spaces or belong to car pools. It is past time for the House to join the Senate, the Architect's office, the executive branch, and much of the private sector.

More than half the Members of the House, of the Appropriations Committee, even of the House Oversight Committee, are cosponsors of Mr. BLUMENAUER's bill, so I would have thought a clean vote on whether or not to strike the provision would have been fair, but as it is, the provision can be stricken on a point of order.

Other problems facing the bill are not due to the bill itself but to the atmosphere in the House.

There are numerous ongoing, duplicative, highly partisan investigations. The Democratic Leader recently released a report that found that more than $17 million in taxpayers' dollars has been spent to date on more than 50 investigations involving 15 of the 20 standing committees of the House.

This is just too much. Congress is wasting time and money on witch hunts when the business the people expect us to do is undone.

There is also a general disregard for the rights of the minority.

While some of the more egregious offenses I mentioned last year—like denying Ranking Democrats the right to offer amendments to their bills—have subsided, there are constant irritations, such as the uneven division of suspensions between the parties.

And overall, there is a general lack of civility and respect.

Still, Mr. Chairman, Chairman WALSH has done a good job and this is a good bill. I will vote for it and I urge my colleagues to do the same.

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

Mr. WALSH. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM) a member of the subcommittee.

Mr. CUNNINGHAM. Mr. Chairman, I would like to thank the gentleman from New York (Mr. WALSH) and I would like to thank my good friend, the gentleman from New York (Mr. SERRANO). I serve on another committee, on the Committee on National Security, and it is a pleasure because of the bipartisanship. Does not mean that we do not have disagreements from time to time, but the atmosphere, the friendliness, the working, and their willingness not to continue with the, as my colleagues know, bigger government and tax and spend, but to serve by example to reduce the size to useful government; and the fact that good government does not have to be an oxymoron. I would like to thank the gentleman from New York (Mr. SERRANO) and I would like to thank the gentleman from New York (Mr. WALSH) for delivering on those kind of promises and making it a very desirable committee to serve on.

Mr. SERRANO. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, I appreciate very much the bipartisan spirit with which this piece of legislation is brought to the floor, but I regret to inform the House, as I did during the rule debate, that a bipartisan effort to try to get some attention on the tons of paper and bottles and cans that go through this building and to see that they are addressed with the same amount of environmental sensitivity that families across this country use and that many businesses use in having a competent recycling program has been totally missing from this House in the last 3½ years.

Let me recite the facts:

For 3 of the last 3½ years that this House has been under Republican control, there has been no recycling coordinator in this Congress. Indeed there is no recycling coordinator today. As we debate today this bill, there is no recycling plan in place. As we debate this bill there is no recycling of mixed paper in this House; indeed that is zero, zip, nada, being done with reference to recycling of mixed paper.

Why is that particularly important? Because since there is no recycling coordinator and no real recycling effort, most people, even if they have the best of intent with regard to recycling, do not have correct information about how to recycle in a way that will be effective, and that is reflected in other facts.

When the House did recycle, it earned 30 cents per ton on the paper that it recycled. Compare that with the Department of Housing and Urban Development which earned $60 per ton because it did it properly. From October 1996 to September 1997 the House did not earn a penny because its recycling was done in such a poor, incomplete, and contaminated way.

Since the Republicans have been in charge of this House, the amount of bottle recycling has gone down 83 percent. The amount of can recycling has gone down 73 percent. If they just put the cans and the bottles out here on the sidewalk for the homeless to collect, we could have done better than has been done by the House leadership with reference to this recycling program.

Look at the number of trees around this country that are cut down with the flow of paper through this building. We are talking about whole forests that go down to generate the tons of paper that go through this building. As best I can estimate, just the Washington Post alone delivers 15,000 pounds of newsprint here every week. Most of it is going right into the landfill instead of being recycled in the way that so many American families realize is best for the future of this country.

I believe there is some bipartisan interest in this issue, as was voiced earlier, and I appreciate the willingness to accept the amendment of the gentleman from California (Mr. FARR). But it is going to take far more than a few dollars. It is going to require a significant change in attitude by the leadership of this House if we are going to reverse this very serious environmental problem here in the Congress.

This Congress ought to be leading the way, it ought to be following the businesses and the schoolchildren and the millions of families across this country that recycle. Instead the performance of this House represents a national disgrace on this issue, and it needs to be corrected immediately.

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

Mr. Chairman, I really have to rise again and respond to my colleague from Texas (Mr. DOGGETT) regarding the recycling program. There is no question that we are not perfect. But I would submit that we are probably doing better than a lot of other communities around this country, and there really is an effort on the part of this committee and on the part of the Republican leadership to do a better job at recycling.

I cannot understand for the life of me how anyone can make this a partisan issue. We are all united, Republicans, Democrats, and the Independent Member of the Congress are all united in this. What it requires is some leadership on the part of each Member to sit down with their staff and say, as my colleagues know, this is mixed paper, this is fine paper, and this is wet waste, and put labels on the trash cans and implement this.

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

Mr. WALSH. I yield to the gentleman from Texas.

Mr. DOGGETT. I guess the reason that it becomes an issue that relates to whether there is a commitment by the Republican leadership to address this, is our inability to get a recycling coordinator in place and our inability to even get a copy of the report.

Mr. WALSH. Reclaiming my time, Mr. Chairman, the gentleman takes issue with the fact that there is not a coordinator in place, and apparently there is a labor dispute between that individual and the Office of Compliance, and so it has been tied up. But the fact of the matter is the Architect's Office is responsible for this.

I have a letter here that I would enter into the RECORD, but basically it says it is addressed to me from Architect Alan Hantman:

> I am writing with respect to the office waste recycling program in the House. I want to reassure the committee of my personal commitment to the success of this worthy program. I want to thank you and the committee for assuring that sufficient funds and other resources have been made available to carry out the recycling program over the past several years,

et cetera, et cetera.

The letter in its entirety is as follows:

THE ARCHITECT OF THE CAPITOL,
Washington, DC, June 24, 1998.

Hon. JAMES T. WALSH,
Chairman, Subcommittee on Legislative Branch Appropriations, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing with respect to the office waste recycling program in the House office buildings. I want to reassure the Committee of my personal commitment to the success of this worthy program. Further, I want to thank you and the Committee for assuring that sufficient funds and other resources have been made available to carry out the recycling program over the past several years. It is clearly the responsibility of this office to assure that those resources are used expeditiously and continuously to make certain the recycling program is a success.

Please do not hesitate to contact me if you have any questions on this matter.

Sincerely,

ALAN M. HANTMAN, AIA,
Architect of the Capitol.

Now we have accepted the gentleman from California's amendment (Mr. FARR). We are about to accept it. And we will do that, but it is a friendly amendment. Again, it is not a partisan issue. We are working together to try to resolve these things, and the gentleman from Texas, I think, misstated or misquoted the facts when he said that we are not doing anything to recycle waste. In fact, we generated 3,400 tons of office waste last year, and we recycled almost 2,000 of those. Almost 60 percent of the office waste was recycled. Of the overall waste stream, we are recycling at least 25 percent. That is as good, if not better, than most communities in America.

So, as my colleagues know, we are trying to do the best we can. We can do better, but it is going to require that we all work together in this, we should not make it a partisan issue. Let us work together, and I think we can do a better job.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Chairman, I thank the gentleman for yielding this time to me and for his leadership.

Mr. Chairman, I rise in support of this bill and for its provision which would require that Members' unspent office funds go back to the Treasury to be used to reduce the national debt.

The fiscal year 1999 legislative branch appropriations bill continues our assault on the national debt and reduces spending by 77 million over 1995 levels. This majority has achieved in 3 years what has eluded the Congress for 3 decades, a balanced budget, and we must not rest. We must remain committed to maintaining a balanced budget and continue working toward reducing the national debt.

This bill with a provision in it offered by the Representative from Indiana (Mr. ROEMER) and myself will ensure that Members of Congress can demonstrate their personal commitment to a balanced budget. This provision requires Members' unspent office funds be used for debt reduction.

This measure has been proposed for the last 8 years. It was first adopted by the new majority with a large bipartisan vote 3 years ago, and for the first time ever has been included in the chairman's draft, and I thank the chairman for his leadership on this issue.

Requiring unspent office funds for debt reduction allows us to demonstrate our personal commitment to a truly debt-free Nation by running our offices in an efficient and frugal manner. What better example can we set in returning our unspent office funds to the American people? As taxpayers and Members of Congress, we should do our part to reduce the debt.

I thank the gentleman again, and I thank the gentleman from Indiana for his leadership and work on this important provision.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. WALSH. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER).

The CHAIRMAN. The gentleman from Indiana (Mr. ROEMER) is recognized for 3 minutes.

□ 1430

Mr. ROEMER. Mr. Chairman, I thank my friend from New York for yielding me this time.

Mr. Chairman, I rise on an historic day when we will reform the IRS for the first time in 46 years. We will follow up on a capital gains tax cut for the American people, and for the first time, in the underlying bill, we will give Members of Congress a direct opportunity to return money from their office accounts directly to deficit and/or debt reduction. This is something that I want to commend the gentleman from New York (Mr. WALSH) and the gentleman from New York (Mr. SERRANO) on.

In previous years I offered this amendment and Committee on Rules would not allow it to be brought forward. It was called the "Speaker's slush fund" under Democrats and Republicans that this money went to. Finally, and I give accolades to the Republican majority, we offered this as an amendment on the House floor and we successfully attached it to the bill. Three years ago, two years ago, last year, and this year, for the first time, the very first time, it is included on page 10.

So I am very happy to work with my good friend, the gentleman from Michigan (Mr. CAMP). The gentleman from Michigan (Mr. CAMP) and I have sponsored this legislation through the years and, slowly but surely, convinced our colleagues that this is a good thing.

I have returned $915,000, close to $1 million, out of my office funds. I do not think that money should go toward Capitol repair or an elevator floor made out of marble. I think that money should go to debt reduction. I think that money should go back to the U.S. Treasury. I do not think that money should be respent on something here in Washington, D.C.

So, with that, I would ask the distinguished chairman, the gentleman from New York (Mr. WALSH), if he would engage in a very short colloquy.

Mr. Chairman, as we have been discussing through the years, the language on page 10 reads that "Members' representational allowances shall be allowable only for fiscal year 1999. Any amount remaining after all payments are made under such allowances for such fiscal years shall be deposited in the Treasury to be used for deficit reduction."

Now, this is good strong language because I think, regardless, it remains in the Treasury under this language. But if in fact, Mr. Chairman, we have a surplus this year, which it appears we will, and there is not a deficit, we want to make sure this money goes toward debt reduction.

Is it the gentleman's interpretation and intention in conference to clarify this language to include debt reduction?

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

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

Mr. WALSH. The gentleman is correct. It is our understanding, regardless of the situation presented by the economy or by the budget, a deficit or surplus, and we have the happy confluence of this amendment being passed at the same time that we do have a surplus, that that money stays in the Treasury.

Mr. ROEMER. Mr. Chairman, reclaiming my time, I thank the chairman for that clarification and for that dedication to helping continue in a bipartisan way, to save the taxpayer money.

Mr. WALSH. Mr. Chairman, if the gentleman will yield further, I would like to thank the gentleman from Indiana (Mr. ROEMER) and the gentleman from Michigan (Mr. CAMP) for their persistence on this issue. I am happy to include it in the bill.

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

Mr. BLUMENAUER. Mr. Chairman, I thank my colleague for yielding me time.

Mr. Chairman, I have been disappointed as a Member of this body to discover that, unlike most other Federal agencies, unlike what we have done for thousands of employees in private corporations around America, that we are unable to extend a transit benefit to our employees. It has been Federal policy since the early 1990s

that we encourage this balanced approach to transportation. It has been occurring in the Senate since 1992.

I was pleased when I found that the Committee on Appropriations had added the provisions of House Resolution 37 that would have extended this program that were amended into the bill. Evidently there may be some procedural problem or point of order that is raised that would pull this item from the bill.

I would hope that it would be possible for the House leadership to come together to make sure that we ultimately have provisions that have already been supported by over 230 Members of the House that have cosponsored the legislation. I would hope that at a time when we are talking about spending billions of dollars to try and somehow resuscitate the Washington, D.C., area and to fight the congestion in the second-most congested area in the United States, I would hope that we would be able to adopt this simple program that is already available to most of the employees on the Hill, because it is good for the environment, because it is good for reducing congestion, but, most important, because it extends an important benefit to some of our lowest-paid employees who want to do the right thing.

Mr. Chairman, I would hope that my colleagues would join with me, in the event it is not part of this proposal, that we could make sure that this is fixed before we adjourn for the year.

Mr. WALSH. Mr. Chairman, I yield two minutes to the distinguished gentleman from Ohio (Mr. TRAFICANT) for the purpose of colloquy.

Mr. TRAFICANT. Mr. Chairman, since I have come here, I have seen what I believe to be a shortfall in the way we treat our Capitol Police, and I do not think there is any Member that does not support our Capitol Police. Number one, we never see any headlines, and that is the biggest compliment we can pay them, and they do guard and secure our Nation's treasures as well as our human resources.

In that regard, Mr. Chairman, they are not paid at a commensurate level of other law enforcement entities in our Federal Government, number one, and, number two, after the extreme background checks and training and all the money we put into them, they are prime targets to be recruited by other surrounding law enforcement agencies because they are, in fact, some of the world's finest and the Nation's finest.

Mr. Chairman, I have sponsored legislation to bring them up to par with some of these other law enforcement entities, and that would have required a 7 percent increase in their compensation. I want to thank and compliment the gentleman from New York (Mr. WALSH) and the gentleman from New York (Mr. SERRANO) who did give and include a 3 percent raise. But that still falls $5 million short of compensating our police at a level commensurate with other similar types of enforcement entities.

I want to know under what conditions and if the two gentlemen would work with me to try and bring our Capitol Police up to that level which I think would ensure they would be retained here after the tremendous investment of training and background expenditures we make, and that would keep our morale up in that department, as it should be.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume to respond to the gentleman from Ohio (Mr. TRAFICANT).

Mr. Chairman, I thank the gentleman for his comments and concern. Obviously the gentleman speaks for most Members in his affection and support of the Capitol Hill Police. They do a marvelous job here.

We in our deliberations have provided the Capitol Hill Police with funding for a similar increase that other Federal employees will receive. It is our understanding there is a collective bargaining process ongoing. If there is indeed a collective bargaining agreement, the process is then that it would have to be reviewed by the Committee on House Oversight, chaired by the gentleman from California (Mr. THOMAS), and, before that, by the Police Board. Once those two hurdles are cleared, if these three occurrences came within the period from now and when we go to conference, I believe we could deal with that issue when we got to the conference.

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

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

Mr. SERRANO. Mr. Chairman, I just wanted to reassure the gentleman, both the chairman and the ranking member and members of the committee want to do everything possible to make sure that we do take care of the Capitol Police. That is our intent. We obviously recognize that there are contractual obligations and proceedings that have to take place, but the gentleman can rest assured that it is our intent that they get the best and the fairest deal possible.

Mr. TRAFICANT. Mr. Chairman, if the gentleman will yield, here is the only real issue that I see. Everybody here will take care of them, and I think the gentleman from California (Mr. THOMAS) has been a great friend to the police as well, but our Capitol Police are compensated at a level lower than other Federal law enforcement entities that we fund.

Even though we are talking about these particular elements of collective bargaining now, we are bargaining over the same type of pay raise that exists for all. The only point I am making is there is a discrepancy in that they are, in my opinion, undercompensated, and I believe that wrong should be righted.

So I would be willing to meet with any and all groups. I know that the gentleman from California (Mr. THOMAS) has been a fierce supporter of the Capitol Police, but I want some assurances that we understand, that it is on the record here, that I believe they are underpaid, undercompensated for work similar to other Federal law enforcement agencies, and I think that is wrong and should be corrected.

Mr. Chairman, with that, I want to thank the gentleman from New York (Chairman WALSH).

Mr. WALSH. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments. We will be happy to work with the gentleman if that series of events occurs.

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

Mr. WALSH. Mr. Chairman, I again would ask for support for this bill in a bipartisan manner.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 4112 is as follows:

H.R. 4112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Marcia S. Schiff, widow of Steven H. Schiff, late a Representative from the State of New Mexico, $136,700.

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $733,971,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $13,117,000, including: Office of the Speaker, $1,686,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,652,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,675,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,043,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,020,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $397,000; Republican Steering Committee, $738,000; Republican Conference, $1,199,000; Democratic Steering and Policy Committee, $1,295,000; Democratic Caucus, $642,000; nine minority employees, $1,190,000; training and program development—majority, $290,000; and training and program development—minority, $290,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $385,279,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $89,743,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2000.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $19,373,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $89,991,000, including: for salaries and expenses of the Office of the Clerk, including not more than $3,500, of which not more than $2,500 is for the Family Room, for official representation and reception expenses, $15,365,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $750 for official representation and reception expenses, $3,501,000; for salaries and expenses of the Office of the Chief Administrative Officer, $57,211,000, including $24,282,000 for salaries, expenses and temporary personal services of House Information Resources, of which $23,074,000 is provided herein: *Provided*, That of the amount provided for House Information Resources, $7,130,000 shall be for net expenses of telecommunications: *Provided further*, That House Information Resources is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and such reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, $3,953,000; for salaries and expenses of the Office of General Counsel, $840,000; for the Office of the Chaplain, $133,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,106,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $1,912,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,980,000; for salaries and expenses of the Corrections Calendar Office, $799,000; and for other authorized employees, $191,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $136,468,000, including: supplies, materials, administrative costs and Federal tort claims, $2,575,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $132,832,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $651,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) Section 2(a) of House Resolution 611, Ninety-seventh Congress, agreed to November 30, 1982, as enacted into permanent law by section 127 of Public Law 97-377 (2 U.S.C. 88b-3), is amended—

(1) by adding "and" at the end of paragraph (1);

(2) by striking "; and" at the end of paragraph (2) and inserting a period; and

(3) by striking paragraph (3).

(b) The amendment made by subsection (a) shall apply with respect to the One Hundred Sixth Congress and each succeeding Congress.

SEC. 102. Subsection (b) of the first section of House Resolution 1047, Ninety-fifth Congress, agreed to April 4, 1978, as enacted into permanent law by section 111 of the Legislative Branch Appropriations Act, 1979 (2 U.S.C. 130-1(b)), is amended by striking "$55,000" and inserting "$80,000".

SEC. 103. (a) There is hereby established an account in the House of Representatives for purposes of carrying out training and program development activities of the Republican Conference and the Democratic Steering and Policy Committee.

(b) Subject to the allocation described in subsection (c), funds in the account established under subsection (a) shall be paid—

(1) for activities of the Republican Conference in such amounts, at such times, and under such terms and conditions as the Speaker of the House of Representatives may direct; and

(2) for activities of the Democratic Steering and Policy Committee in such amounts, at such times, and under such terms and conditions as the Minority Leader of the House of Representatives may direct.

(c) Of the total amount in the account established under subsection (a)—

(1) 50 percent shall be allocated to the Speaker for payments for activities of the Republican Conference; and

(2) 50 percent shall be allocated to the Minority Leader for payments for activities of the Democratic Steering and Policy Committee.

(d) There are authorized to be appropriated to the account under this section for fiscal year 1999 and each succeeding fiscal year such sums as may be necessary for training and program development activities of the Republican Conference and the Democratic Steering and Policy Committee during the fiscal year.

SEC. 104. (a) Section 311(e)(2) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59(e)(2)) is amended—

(1) by adding "and" at the end of subparagraph (B);

(2) in subparagraph (C), by striking "; and" and inserting a period; and

(3) by striking subparagraph (D).

(b) Section 311(e) of such Act (2 U.S.C. 59e(e)) is amended by striking paragraph (4).

SEC. 105. Notwithstanding any other provision of law or any other rule or regulation, any information on payments made by the Committee on Standards of Official Conduct of the House of Representatives to an individual for attendance as a witness before the Committee in executive session during a Congress shall be reported not later than the second semiannual report filed under section 106 of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 104b) in the following Congress.

SEC. 106. (a) Notwithstanding any other provision of law, the Committee on House Oversight may prescribe by regulation appropriate conditions for the incidental use, for other than official business, of equipment and supplies owned or leased by, or the cost of which is reimbursed by, the House of Representatives.

(b) The authority of the Committee on House Oversight to prescribe regulations pursuant to subsection (a) shall apply with respect to fiscal year 1999 and each succeeding fiscal year.

SEC. 107. (a) The Speaker, Majority Leader, and Minority Leader of the House of Representatives are each authorized to appoint and fix the compensation of 1 consultant, on a temporary or intermittent basis, at a daily rate of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the House.

(b) This section shall apply with respect to fiscal year 1999 and each succeeding fiscal year.

SEC. 108. (a) The House of Representatives shall participate in State and local government transit programs to encourage employees of the House to use public transportation pursuant to section 7905 of title 5, United States Code.

(b) The Committee on House Oversight shall issue regulations pertaining to the participation of the House of Representatives in State and local government transit programs through, and at the discretion of, its Members, committees, officers, and officials.

SEC. 109. Any amount appropriated in this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 1999. Any amount remaining after all payments are made under such allowances for such fiscal year shall be deposited in the Treasury, to be used for deficit reduction.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $2,796,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $202,000, together with an additional amount of $150,000 if there is enacted into law legislation which transfers the legislative and oversight responsibilities of the Joint Committee on Printing to the Committee on House Oversight of the House of Representatives: *Provided*, That such additional amount shall be transferred to the Committee on House Oversight of the House of Representatives and made available beginning January 1, 1999.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $6,018,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $500 per month to one assistant and $400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistants; and (4) $893,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,383,000, to be disbursed by the Chief Administrative Officer of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $72,615,000, of which $35,022,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and $37,593,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $3,766,000, to be disbursed by the Chief Administrative Officer of the House of Representatives: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1999 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISION

SEC. 110. Amounts appropriated for fiscal year 1999 for the Capitol Police Board for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading "SALARIES";

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading "SALARIES"; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $2,110,000, to be disbursed by the Secretary of the Senate: *Provided*, That no part of such amount may be used to employ more than forty individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the One Hundred Fifth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,086,000.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), including not more than $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $25,671,000: *Provided*, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment, including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance and operation of a passenger motor vehicle; and not to exceed $20,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $40,347,000, of which $6,425,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $5,803,000, of which $325,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $42,139,000, of which $11,449,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $37,145,000, of which $100,000 shall remain available until expended: *Provided*, That not more than $4,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1999.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $66,688,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Oversight of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further*, That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44

U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $74,465,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

ADMINISTRATIVE PROVISION

SEC. 111. (a) The Legislative Branch Appropriations Act, 1998 (Public Law 105-55; 111 Stat. 1191) is amended in the item relating to "CONGRESSIONAL PRINTING AND BINDING" under the heading "GOVERNMENT PRINTING OFFICE" by striking "$81,669,000" and all that follows through "*Provided*," and inserting the following: "$70,652,000: *Provided*, That an additional amount of not more than $11,017,000 may be derived by transfer from the Government Printing Office revolving fund under section 309 of title 44, United States Code: *Provided further*,".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 1998.

This title may be cited as the "Congressional Operations Appropriations Act, 1999".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,032,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $234,822,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 1999, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 1999 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000: *Provided further*, That of the total amount appropriated, $9,869,000 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, $3,544,000 is to remain available until expended for the acquisition and partial support for implementation of an integrated library system (ILS).

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $33,897,000, of which not more than $16,000,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 1999 under 17 U.S.C. 708(d): *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under 17 U.S.C. 708(d), in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $5,170,000 shall be derived from collections during fiscal year 1999 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $21,170,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $2,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $46,824,000, of which $13,744,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, maintenance, and repair of furniture, furnishings, office and library equipment, $4,178,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than $194,290, of which $58,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 1999, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $99,765,100.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

SEC. 207. Effective October 1, 1998, the Library of Congress is authorized to receive funds from participants in and sponsors of an international legal information database led by the Law Library of Congress, and to credit any such funds to the Library of Congress appropriations, up to the extent authorized in appropriations Acts, for the development and maintenance of the database.

ARCHITECT OF THE CAPITOL

CONGRESSIONAL CEMETERY

For a grant for the perpetual care and maintenance of the historic Congressional Cemetery, $1,000,000, to remain available until expended.

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $11,933,000, of which $910,000 shall remain available until expended.

ADMINISTRATIVE PROVISIONS

SEC. 208. (a) GRANT FOR CARE AND MAINTENANCE OF CONGRESSIONAL CEMETERY.—In order to assist in the perpetual care and maintenance of the historic Congressional Cemetery, the Architect of the Capitol shall make a grant to the National Trust for Historic Preservation (hereafter in this section referred to as the "National Trust") in accordance with an agreement entered into by the Architect of the Capitol with the National Trust and the Association for the

Preservation of Historic Congressional Cemetery (hereafter in this section referred to as the "Association") which contains the terms and conditions described in subsection (b) and such other provisions as the Architect may deem necessary or desirable for the implementation of this section or for the protection of the interests of the Federal government.

(b) TERMS AND CONDITIONS OF AGREEMENT.—The terms and conditions described in this subsection are as follows:

(1) Upon receipt of the amounts provided under the grant made under subsection (a), the National Trust shall deposit the amounts in a permanently restricted account in its endowment and shall administer, invest, and manage such grant funds in the same manner as other National Trust endowment funds.

(2) The National Trust shall make distributions to the Association from the amounts deposited in the endowment pursuant to paragraph (1), in accordance with its regularly established spending rate, for the care and maintenance of the Cemetery (other than the cost of personnel), except that the National Trust may only make such distributions incrementally and proportionately upon receipt by the National Trust of contributions from the Association which incrementally match the amounts provided under the grant made under subsection (a) and which are to be added to the permanently restricted account described in paragraph (1).

(3) The Association shall use such distributions from the endowment and the match for the care and maintenance of Congressional Cemetery, except that the Association may not use such distributions for nonroutine restoration or capital projects.

(4) The Association, or any successor thereto, shall maintain adequate records and accounts of all financial transactions and operations carried out with such distributions, and such records shall be available at all times for audit and investigation by the Architect of the Capitol and the Comptroller General.

(c) NO TITLE IN UNITED STATES.—Nothing in this section shall be construed to vest title to the Congressional Cemetery in the United States.

SEC. 209. (a) For fiscal year 1999, the amount available for expenditure by the Architect of the Capitol from the fund established under section 4 of the Act entitled "An Act to authorize acquisition of certain real property for the Library of Congress, and for other purposes", approved December 15, 1997 (Public Law 105–144; 111 Stat. 2688), may not exceed $2,500,000.

(b) The portion of the appropriated funds made available to the Architect of the Capitol for fiscal year 1999 which the Architect may expend for improvements to the National Audio Visual Conservation Center in Culpeper, Virginia (not including any funds made available from the fund described in subsection (a)) may not exceed an amount equal to one third of the amount of funds appropriated from the fund described in subsection (a) for the fiscal year, except that the Architect may expend a greater amount for such purposes with the approval of the Committees on Appropriations of the House of Representatives and the Senate.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,264,000: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $150,000: *Provided further*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 1997 and 1998 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than twelve passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 3,416 workyears: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: *Provided further*, That expenses for attendance at meetings shall not exceed $75,000.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries; $354,238,000: *Provided*, That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than $2,000,000 of such funds shall be available for use in fiscal year 1999: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either Forum or to the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Oversight and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 1999 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104–1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $1,500.

SEC. 308. Notwithstanding any other provision of law, hereafter the Architect of the Capitol is authorized to enter into energy savings performance contracts for energy savings projects in the Capitol Complex under the following conditions:

(1) the Architect of the Capitol shall obtain the approval of the Appropriations Committees of the House and Senate prior to entering into such contracts;

(2) contracts shall conform to the requirements of 42 U.S.C. 8287(a);

(3) the Architect of the Capitol shall compete such contracts to the extent practicable among energy service contractors meeting the standards for qualification developed by the Secretary of Energy under 42 U.S.C. 8287(b);

(4) services offered by the Department of Energy in connection with energy savings performance contracts shall be made available to the Architect of the Capitol upon request to carry out the authority granted under this section; and,

(5) if payment would be required for furnishing similar services to an executive agency, payment therefor shall be made by the Architect by reimbursement; such payment may be credited to the applicable appropriations of the Secretary of Energy.

SEC. 309. (a) SEVERANCE PAY FOR ALL EMPLOYEES OF THE ARCHITECT OF THE CAPITOL.—Section 5595(a) of title 5, United States Code, as amended by section 310 of the Legislative Branch Appropriations Act, 1998, is amended—

(1) in paragraph (1)(F), by striking ", but only with respect to the United States Senate Restaurants"; and

(2) in paragraph (2), in clause (viii) in the matter following subparagraph (B), by striking "of the United States Senate Restaurants".

(b) EARLY RETIREMENT FOR ALL EMPLOYEES OF THE ARCHITECT OF THE CAPITOL.—Section 310(b)(1) of the Legislative Branch Appropriations Act, 1998 (40 U.S.C. 174j–1(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "of the United States Senate Restaurants"; and

(2) in subparagraph (A), by striking "1999;" and inserting "1999 (or, in the case of an individual who is not an employee of the United States Senate Restaurants, on or after the date of the enactment of the Legislative Branch Appropriations Act, 1999 and before October 1, 2001);".

(c) VOLUNTARY SEPARATION INCENTIVE PAYMENTS FOR ALL EMPLOYEES OF THE ARCHITECT OF THE CAPITOL.—Section 310(c) of the Legislative Branch Appropriations Act, 1998 (40 U.S.C. 174j–1(c)) is amended—

(1) in paragraph (1), by striking "of the United States Senate Restaurants"; and

(2) in paragraph (2)—

(A) by striking "not more than 50",

(B) by striking "1999" and inserting "1999 (or, in the case of an individual who is not an employee of the United States Senate Restaurants, on or after the date of the enactment of the Legislative Branch Appropriations Act, 1999 and before October 1, 2001)", and

(C) by adding at the end the following new sentence: "The number of employees of the United States Senate Restaurants to whom voluntary separation incentive payments may be offered under the program established under the previous sentence may not exceed 50.".

(d) RETRAINING, JOB PLACEMENT, AND COUNSELING SERVICES FOR ALL EMPLOYEES OF THE ARCHITECT OF THE CAPITOL.—Section 310(e) of the Legislative Branch Appropriations Act, 1998 (40 U.S.C. 174j–1(e)) is amended—

(1) in paragraph (1)(A), by striking "of the United States Senate Restaurants"; and

(2) in paragraph (3)(A), by striking "the United States Senate Restaurants of".

SEC. 310. (a) SEVERANCE PAY.—Section 5595 of title 5, United States Code, as amended by section 310 of the Legislative Branch Appropriations Act, 1998, is amended—

(1) in subsection (a)(2)—

(A) in clause (viii), by striking "or" after the semicolon;

(B) by redesignating clause (ix) as clause (x) and inserting after clause (viii) the following new clause:

"(ix) an employee of the Government Printing Office, who is employed on a temporary when actually employed basis; or"; and

(2) in subsection (b) by adding at the end the following: "The Public Printer may prescribe regulations to effect the application and operation of this section to the agency specified in subsection (a)(1)(G) of this section.".

(b) EARLY RETIREMENT.—(1) This subsection applies to an employee of the Government Printing Office who—

(A) voluntarily separates from service on or after the date of enactment of this Act and before October 1, 2001; and

(B) on such date of separation—

(i) has completed 25 years of service as defined under section 8331(12) or 8401(26) of title 5, United States Code; or

(ii) has completed 20 years of such service and is at least 50 years of age.

(2) Notwithstanding any provision of chapter 83 or 84 of title 5, United States Code, an employee described under paragraph (1) is entitled to an annuity which shall be computed consistent with the provisions of law applicable to annuities under section 8336(d) or 8414(b) of title 5, United States Code.

(c) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—(1) In this subsection, the term "employee" means an employee of the Government Printing Office, serving without limitation, who has been currently employed for a continuous period of at least 12 months, except that such term shall not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A); or

(C) an employee who is employed on a temporary when actually employed basis.

(2) Notwithstanding any other provision of law, in order to avoid or minimize the need for involuntary separations due to a reduction in force, reorganization, transfer of function, or other similar action affecting the agency, the Public Printer shall establish a program under which voluntary separation incentive payments may be offered to encourage eligible employees to separate from service voluntarily (whether by retirement or resignation) during the period beginning on the date of the enactment of this Act through September 30, 2001.

(3) Such voluntary separation incentive payments shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code. Any such payment shall not be a basis of payment, and shall not be included in the computation, of any other type of Government benefit.

(4)(A) Subject to subparagraph (B), an employee who has received a voluntary separation incentive payment under this section and accepts employment with the Government of the United States within 5 years after the date of the separation on which the payment is based shall be required to repay the entire amount of the incentive payment to the agency that paid the incentive payment.

(B)(i) If the employment is with an executive agency (as defined by section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(ii) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(iii) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(C) For purposes of subparagraph (A) (but not subparagraph (B)), the term "employment" includes employment under a personal services contract with the United States.

(5) The Public Printer may prescribe regulations to carry out this subsection.

(d) RETRAINING, JOB PLACEMENT, AND COUNSELING SERVICES.—(1) In this subsection, the term "employee"—

(A) means an employee of the Government Printing Office; and

(B) shall not include—

(i) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title

5, United States Code, or another retirement system for employees of the Government; or

(ii) an employee who is employed on a temporary when actually employed basis.

(2) The Public Printer may establish a program to provide retraining, job placement, and counseling services to employees and former employees.

(3) A former employee may not participate in a program established under this subsection, if—

(A) the former employee was separated from service with the Government Printing Office for more than 1 year; or

(B) the separation was by removal for cause on charges of misconduct or delinquency.

(4) Retraining costs for the program established under this subsection may not exceed $5,000 for each employee or former employee.

(e) ADMINISTRATIVE PROVISIONS.—(1) The Public Printer—

(A) may use employees of the Government Printing Office to establish and administer programs and carry out the provisions of this section; and

(B) may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, to carry out such provisions—

(i) not subject to the 1 year of service limitation under such section 3109(b); and

(ii) at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(2) Funds to carry out subsections (a) and (c) may be expended only from funds available for the basic pay of the employee who is receiving the applicable payment.

(3) Funds to carry out subsection (d) may be expended from any funds made available to the Public Printer.

This Act may be cited as the "Legislative Branch Appropriations Act, 1999".

The CHAIRMAN. No amendment is in order unless printed in House Report 105–601. Each amendment may be offered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to an amendment.

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

Are there any points of order?

POINT OF ORDER

Mr. THOMAS. Mr. Chairman, I raise a point of order against section 108 on page 10, lines 1 through 10 of H.R. 4112, on the ground that this provision violates clause 2 of House rule XXI because it is in fact legislation included in a general appropriations bill.

The CHAIRMAN. Are there any other Members who wish to be heard on the point of order?

Section 108 clearly constitutes legislation on an appropriation bill in violation of clause 2 of rule XXI by requiring the Committee on House Oversight to issue regulations .

The Chair sustains the point of order. The section is stricken.

It is now in order to consider Amendment No. 1 printed in House Report 105–601.

AMENDMENT NO. 1 OFFERED BY MR. FARR OF CALIFORNIA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FARR of California:

In the item relating to "HOUSE OFFICE BUILDINGS" under the heading "ARCHITECT OF THE CAPITOL—CAPITOL BUILDINGS AND GROUNDS", strike the period at the end and insert the following: ": *Provided*, That of the total amount provided under this heading, not less than $100,000 shall be used exclusively for waste recycling programs.".

The CHAIRMAN. Pursuant to House Resolution 489, the gentleman from California (Mr. FARR) and a Member opposed will each control 5 minutes.

Mr. WALSH. Mr. Chairman, I support the gentleman's amendment, and, if no Member seeks time in opposition, I ask unanimous consent that I be allocated the time the rule allows reserved for a Member in opposition.

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

There was no objection.

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

Mr. Chairman, I thank the gentleman from New York (Mr. WALSH), the chairman of the Subcommittee on Legislative, and the gentleman from New York (Mr. SERRANO), the ranking member.

I think in the dialogue we have heard here today what we recognize is we do have a serious trash problem here in the United States Congress, and trash is trash. It is not Republican trash or Democratic trash or Independent trash, it is something that we have just got to get our hands on and clean up.

□ 1445

This amendment I think allows the House to do that. It simply dictates that of the money in this bill that goes to pay for the operation and maintenance of the House buildings, $100,000 of that shall be bracketed, shall be made available to underwrite the recycling program and only the recycling program.

The amendment, by earmarking specific funds for this program, sets recycling as a priority for the House. I offer this amendment because recycling is a program that has been neglected, and consequently has had very limited success.

Most of the Members of the House do recycle. They support this. But the level and type of recycling varies from office to office, leaving a doubt in the end results of those efforts because the program itself is in such a disarray. The amendment will guarantee that the House has all the resources that we need to jumpstart this program into high gear.

I am not offering this amendment to fulfill some sort of ecowarrior's dream to save trees, I am offering this amendment because it is a way to earn money for the House and for the government by avoiding landfill costs and by earning revenue on high-grade recyclable material. It is a way to reduce our dependency on the landfills and take trash out of the community. It is a way to make the House a good corporate citizen of the D.C. community, and yes, it is a way to conserve resources.

I urge Members to support my amendment and give the House a chance to get recycling right.

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

Mr. FARR of California. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, until the gentleman offered his amendment, despite the months the gentleman has spent in a bipartisan effort to try to get this disastrous program reshaped, there was not any money allocated specifically for this purpose in this appropriations bill by the Republican majority; is that correct?

Mr. FARR of California. Not specifically. The problem is that the program is broken. It needs a commitment. The gentleman from New York (Mr. WALSH) certainly has given his commitment to it. I believe that he is sincere, but we need to get it off the ground.

Mr. DOGGETT. Mr. Chairman, I commend the gentleman's leadership. I think it would be really helpful in focusing on what is a disgrace for the Congress, and perhaps with the adoption of the gentleman's amendment we can begin to correct this blunder.

Mr. FARR of California. I thank the gentleman. The gentleman from New York (Mr. WALSH) and I were talking at lunch today, talking about recycling in our own homes. We said it is our daughters that remind us, they are sort of the recycling cop in our houses, telling us that you have to recycle this and that. What this House needs, I think what every office needs, is a 13-year-old daughter or son to say, put this in the right place.

Frankly, that is leadership, and it is going to require the Architect of the Capitol to really get tough with our offices and remind us that this is a responsibility of each office.

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

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

Mr. Chairman, I certainly have no problem. In fact, I support the gentleman's amendment.

There are two things that we agree on, bipartisanly. One is that we are committed to recycling. The second is that we do whatever our daughters tell us when it comes to recycling, and probably some other things at home.

This is a friendly amendment. This is a good amendment. I know that the gentleman from California (Mr. FARR) has been a supporter of this effort. We have, too. We have conducted hearings and several meetings with the Architect. The gentleman from New York (Mr. SERRANO) is committed to this. This issue has been raised in great detail. The Architect has the message. It is now up to him, with the cooperation of all House offices, to make this program work more efficiently. We have done this in concert with the gentleman and his staff. I commend him for his interest.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SERRANO), the distinguished ranking member of the subcommittee.

Mr. SERRANO. I thank the gentleman from New York, Mr. Chairman. In spite of the fact that I was not invited to lunch to discuss this amendment, I do think it is a great amendment. I think it speaks to a very important issue, certainly one that the gentleman from California has been working on very diligently. I support it wholeheartedly, and hope that we can accept it today.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume, in order to say that we accept the amendment.

Mr. BLUMENAUER. Mr. Chairman, I believe the U.S. House of Representatives has a great opportunity to save the American taxpayer money. From the General Services Administration's FY96 Waste Management Report we have learned the U.S. House of Representatives recycled over three million pounds of paper and earned $761. The same reports shows:

1996	Recycled (lb.)	Earned
USDA	1,020,000	$29,730
DOE	754,000	15,992
HUD	746,000	22,413
NRC	458,000	10,728
U.S. House of Representatives	3,460,000	761

The House earned less money because the paper collected from offices which voluntarily participate in recycling becomes contaminated after it is collected by the custodial staff. Many Congressional employees who work late at night can attest that the custodial staff who collect the waste are not properly equipped with receptors to keep the waste sorted.

I understand that the House has been trying to implement a voluntary recycling program since the late 1970's and suggest that perhaps there needs to be more support and oversight from the committee to implement the program effectively. With proper oversight and direction the U.S. House of Representatives will not only save money by making money when it recycles, but it will save money by avoiding the dumping fees on waste that is sent to the landfills.

Unfortunately, the preliminary indications for FY97 are even worse. The preliminary numbers being compiled by GSA suggest that the House earned only $7.51 for recycling 4,400,000 pounds of paper.

Congressman SAM FARR's amendment makes the necessary steps to help solve the recycling problems in the House. I support his efforts and hope my colleagues will do the same.

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

Mr. Chairman, I urge the adoption of the amendment, and after hearing the analogy of the gentleman from New York (Mr. SERRANO) of this being a city on the Hill, I accept the support of the mayor and the vice-mayor, here.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. FARR).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House report 105–601.

AMENDMENT NO. 2 OFFERED BY MR. GUTIERREZ

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 105–601 offered by Mr. GUTIERREZ:

In Title III—General Provisions—after the last section insert the following new section:

SEC. 310. The Architect of the Capitol—

(1) shall develop and implement a cost-effective energy conservation strategy for all facilities currently administered by Congress to achieve a net reduction of 20 percent in energy consumption on the congressional campus compared to fiscal year 1991 consumption levels on a Btu-per-gross-square-foot basis not later than 7 years after the adoption of this resolution;

(2) shall submit to Congress no later than 10 months after the adoption of this resolution a comprehensive energy conservation and management plan which includes life cycle costs methods to determine the cost-effectiveness of proposed energy efficiency projects;

(3) shall submit to the Committee on Appropriations in the Senate and the House of Representatives a request for the amount of appropriations necessary to carry out this resolution;

(4) shall present to Congress annually a report on congressional energy management and conservation programs which details energy expenditures for each facility, energy management and conservation projects, and future priorities to ensure compliance with the requirements of this resolution;

(5) shall perform energy surveys of all congressional buildings and update such surveys as needed;

(6) shall use such surveys to determine the cost and payback period of energy and water conservation measures likely to achieve the required energy consumption levels;

(7) shall install energy and water conservation measures that will achieve the requirements through previously determined life cycle cost methods and procedures;

(8) may contract with nongovernmental entities and employ private sector capital to finance energy conservation projects and achieve energy consumption target;

(9) may develop innovative contracting methods that will attract private sector funding for the installation of energy-efficient and renewable energy technology to meet the requirements of this resolution;

(10) may participate in the Department of Energy's Financing Renewable Energy and Efficiency (FREE Savings) contracts program for Federal Government facilities; and

(11) shall produce information packages and "how-to" guides for each Member and employing authority of the Congress that detail simple, cost-effective methods to save energy and taxpayer dollars.

The CHAIRMAN. Pursuant to House Resolution 489, the gentleman from Illinois (Mr. GUTIERREZ) and a Member opposed will control 5 minutes each.

For what purpose does the gentleman from New York rise?

Mr. WALSH. Mr. Chairman, I support the gentleman's amendment, and if no Member seeks time in opposition, I ask unanimous consent that I be allocated the time under the rule otherwise reserved to a Member in opposition.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ).

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

Mr. Chairman, I first want to commend the gentleman from New York (Mr. WALSH) and the gentleman from New York (Mr. JOSÉ E. SERRANO), the ranking minority member, for their fine work on the legislation currently being considered by the House. As we all know, making Congress work is no easy task. Their efforts, however, have made it easier for all of us to work more effectively for our constituents.

I would also like to thank the gentleman from New York (Chairman SOLOMON) and the gentleman from Massachusetts (Mr. MOAKLEY) for their support in the Committee on Rules for my amendment. I am encouraged to see Members of both parties committed to making Congress a model of efficiency and innovation.

When the Republicans took control of this institution in 1995, a number of promises were made regarding the manner in which government would work and serve the American people. We Democrats had some agreements with some of them. Nevertheless, we were able to work together in many important ways to reform congressional practices. Together, Members of both parties supported and passed the Congressional Accountability Act, to bring Congress under the laws mandated for the American people and Federal agencies.

Today I ask for Members' support so we can build on that bipartisan accord. My amendment would simply oblige Congress to adhere to energy conservation standards that Congress has required for all Federal departments. By requiring the development and implementation of a comprehensive energy conservation plan for the buildings under our jurisdiction, we would be demonstrating to our people how government can function more efficiently and save taxpayers a million dollars, which would be illustrating the benefits of new and cleaner technologies, innovative contracting agreements, and cooperation between private and not-for-profit sectors.

The Federal agencies have made significant progress in these areas. Since President Bush signed the Energy Policy Act of 1992, Federal agencies have made significant progress in these areas. Federal agencies have saved taxpayers, and I want to underscore this, more than $2.5 billion since 1985. This equates to a decrease in energy costs of 44 percent in constant 1995 dollars from $14.5 billion in 1985 to $8 billion in the year 1995. That means that between 1994 and 1995, $286 million was saved. Why should Congress not follow these steps?

While Federal agencies have significantly reduced energy expenditures, Congress has seen its energy bill rise in each of the last 7 years. Congress now spends more than $32 million annually on energy bills. We can and should reverse this trend, and we should do it without short-term costs to the taxpayers.

My amendment would permit the Architect of the Capitol to enlist private and not-for-profit resources to develop, plan, and achieve reduction targets. Currently the Department of Energy has been working with Federal agencies and private sector partners on innovative contracting methods that do not cost the taxpayers a cent.

Under the Financing Renewal Energy and Efficiency or FREE savings contract, energy service companies pay for and install energy saving technologies and equipment in Federal buildings at no cost to the taxpayers. In reward, the private partners receive, for a designated number of years, about 50 percent of the savings when the building's energy bills go down. I feel strongly that the use of these contracting methods could help Congress reduce its energy expenditures by more than 20 percent by the year 2005.

Mr. Chairman, in 1995 we agreed Congress should comply with the laws of the Nation. I am sure we can also agree that Congress should be a model of how government can function better. A greater commitment by Congress to cutting its own wasteful spending and to conserving natural resources is required to achieve this goal.

Support this amendment, support a Congress that lives by the laws it passes. Support an energy-efficient congressional campus.

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

Mr. WALSH. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. SERRANO), the ranking minority member.

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

Mr. Chairman, the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ) as presented, in my opinion, is a good amendment. It certainly speaks about a very important issue, and one we should be dealing with in this House. He has very properly presented his arguments, and we certainly have no problems with it on this side. I would hope that the gentleman's side would accept the amendment today.

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

Mr. Chairman, I have no problem with the amendment. The minority supports it, the majority supports it. The language would require the Architect of the Capitol to develop a cost-effective strategy to achieve 20 percent efficiency in energy consumption. It is a worthy goal. It is an excellent idea. It will save us money, and we support the amendment.

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

I would just like to say to the chairman and the ranking member, I thank them both for their consideration of my amendment. Together we will make the House a more efficient place. I thank them so much.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PETRI) having assumed the chair, Mr. HANSEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4112) making appropriations for the legislative branch for the fiscal year ending September 30, 1999, and for other purposes, pursuant to House Resolution 489, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the bill, H.R. 4112, to the Committee on Appropriations with instructions to report the same back to the House forthwith with an amendment to reduce $8,311,590 from the appropriation for "Committee Employees, Standing Committees, Special, and Select."

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes to speak on behalf of his motion to recommit.

Mr. OBEY. Mr. Speaker, many of us remember a few years back when significant reductions were made in committee staffing, which saved a significant amount of money in the House budget.

In a very controversial decision, the House majority leadership took about $8 million of those savings that were not sent back to the Treasury, but instead, put into a special fund to be controlled by the House leadership.

The House leadership has been able to spend this slush fund in any manner they wanted, without further approval of the House. This windfall spree was thought to be, more or less, a one-time windfall brought about by the committee staff reductions that have now stabilized. But I guess the House leadership has gotten hooked on this free spending, because we find tucked away in this bill extra funds ostensibly for committee staff which in fact are not meant for the committee staff at all, but rather, meant to replenish the Speaker's slush fund.

The subcommittee chairman informed the Committee on Rules yesterday that the $89 million included in this bill for the committee staff is based on taking the artificially high levels of 2 years ago, which included that estimated $7.9 million for the slush fund, and simply inflated it by 5.21 percent. That works out to over $8.3 million in this bill that is ostensibly budgeted for committee staff that the majority has no real intention of using for committee staff.

□ 1500

The real intention is to be pulling a back-door maneuver to replenish that slush fund.

Mr. Speaker, if the majority leadership wants to have more play money,

then this House ought to be able to vote on it. They should not try to hide it through this kind of a back-door shenanigan.

The truth is committees are not expected to spend $89 million to operate. They can do it with about $8 million less without missing a beat. I would point out that that is comparable to the level of the 104th Congress second session, which was only $79 million. So the level we are proposing is still $2 million higher than the level at the end of the 104th Congress, with no appreciable changes in staff levels.

What would this mean for the total bill? According to CBO, the total spending increase recommended by the majority is more than 3½ percent. This reduction of $8.3 million would still leave us with a total increase over last year of 2.3 percent.

Mr. Speaker, I do not apologize for what this body spends in order to provide necessary services to our constituents. But in a day when we are seeing low-income heating assistance programs eliminated, when we are seeing summer jobs eliminated, when we are seeing cuts in health care, education, food safety, National Parks and water quality programs, it seems to me that we ought not to be providing more money than we in fact expect the committees to spend.

Mr. Speaker, we can save $8 million and not provide the funds that will otherwise be diverted to the leadership's slush fund.

Mr. Speaker, I urge a "yes" vote on the motion to recommit.

The SPEAKER pro tempore (Mr. PETRI). Is the gentleman from New York (Mr. WALSH) opposed to the motion to recommit?

Mr. WALSH. Mr. Speaker, I am.

The SPEAKER pro tempore. The gentleman from New York (Mr. WALSH) is recognized for 5 minutes in opposition to the motion.

Mr. WALSH. Mr. Speaker, this amendment will gut the ability of our committees to do their work, pure and simple. This takes $8.3 million from the total appropriation of $89.7 million in the bill for committee funds. That is a 10 percent reduction in all of our committees and their funding.

Mr. Speaker, it is going to require that we reduce staff, that we reduce our workload, and more importantly, that we reduce our oversight. This is tying one hand of the legislative branch's arm behind its back for no good reason.

This bill was constructed in a bipartisan manner. We have worked together on this. This is an attempt to politicize an otherwise nonpartisan bill. There is nowhere near this amount of money in the bill for unanticipated expenses of the committees.

This idea, this "slush fund" word, is very quotable. It is a quotable quote. It is a good 2-second sound bite. But what we are talking about here is funding unanticipated expenses of the Congress. Any construction project, any business worth their salt provides for contingencies. That is what this does.

The number, this number of $8.3 million, has no basis in reality. I do not know where the number came from. But the fact of the matter is it is an attempt to politicize an otherwise well-crafted, nonpartisan bill.

So, Mr. Speaker, I urge my colleagues to vote "no" on this motion.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. OBEY. 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.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 192, nays 222, not voting 19, as follows:

[Roll No. 271]

YEAS—192

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
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)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NAYS—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
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
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
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
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton

Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Brady (TX)
Dingell
Gonzalez
Gordon
Hamilton
Hinojosa
Hulshof
Hutchinson
Klug
Lampson
Lewis (GA)
Markey
McDade
Moakley
Pallone
Reyes
Scarborough
Turner
Weldon (PA)

□ 1523

Messrs. MCHUGH, ARMEY, MICA, PAXON, and EWING changed their vote from "yea" to "nay."

Messrs. JOHN, PRICE of North Carolina, MATSUI, SPRATT, and MALONEY of Connecticut changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PALLONE. Mr. Speaker, during rollcall vote No. 271 on the motion to recommit H.R. 4112, I was unavoidably detained. Had I been present, I would have voted "yes."

The SPEAKER pro tempore (Mr. PEASE). The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 179, not voting 19, as follows:

[Roll No. 272]

YEAS—235

Aderholt
Archer
Armey
Bachus
Baesler
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodling
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Herger
Hobson
Hoekstra
Horn
Houghton
Hoyer
Hunter
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kilpatrick
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Mink
Mollohan
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Ros-Lehtinen
Roukema
Ryun
Sabo
Salmon
Saxton
Scarborough
Schaefer, Dan
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Solomon
Souder
Spence
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Torres
Traficant
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wolf
Woolsey
Young (AK)
Young (FL)

NAYS—179

Abercrombie
Ackerman
Allen
Andrews
Baker
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goodlatte
Green
Harman
Hastings (FL)
Hefley
Hefner
Hill
Hilleary
Hilliard
Hinchey
Holden
Hooley
Hostettler
Jackson (IL)
Jackson-Lee (TX)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Moran (KS)
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Poshard
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sherman
Slaughter
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Velázquez
Vento
Waters
Watt (NC)
Weller
Wexler
Weygand
Wise
Wynn
Yates

NOT VOTING—19

Brady (TX)
Dingell
Gonzalez
Gordon
Hamilton
Hinojosa
Hulshof
Hutchinson
Klug
Lampson
Lewis (GA)
Markey
McDade
McIntosh
Moakley
Reyes
Turner
Waxman
Weldon (PA)

□ 1533

Ms. ROYBAL-ALLARD and Messrs. ROHRABACHER, RANGEL and McINTYRE changed their vote from "yea" to "nay."

Ms. WOOLSEY changed her 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE.

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

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 25, 1998.

Hon. NEWT GINGRICH,
The Speaker,
House of Representatives, Washington DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of a certificate of unofficial vote totals received from The Honorable Stephanie Gonzales, Secretary of State, State of New Mexico, which indicates that, according to the unofficial vote totals received by the nominees whose names appeared on the 1998 Special Election Ballot of June 23, the Honorable Heather Wilson was elected Representative in Congress for the First Congressional District, State of New Mexico.

With warm regards,

ROBIN H. CARLE,
Clerk.

SWEARING IN OF THE HONORABLE HEATHER WILSON, OF NEW MEXICO, AS A MEMBER OF THE HOUSE

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the gentlewoman from New Mexico, Ms. HEATHER WILSON, be permitted to take the oath of office today. Her certificate of election has not yet arrived, but there is no contest; and no question has been raised with regard to her election.

The SPEAKER. Is there objection to the gentleman from Texas?

There was no objection.

The SPEAKER. The Representative-elect and the Members of the New Mexico delegation may come forward.

Ms. WILSON appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will

bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations.

INTRODUCTION OF THE HONORABLE HEATHER WILSON

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

Mr. SKEEN. Mr. Speaker, as the dean of the New Mexico delegation in the House, it is my distinct pleasure and honor to welcome and congratulate the newest Member of the House of Representatives, the Honorable HEATHER WILSON of Albuquerque, New Mexico.

Congresswoman WILSON won this week's special election in New Mexico's First Congressional District, which was vacated in March by the untimely death of our colleague, Steve Schiff. We will always miss Steve Schiff, but today we welcome a new Member who will continue in his tradition of public service on behalf of the people of the State of New Mexico.

Congresswoman WILSON won a most impressive victory in gaining election to the House. Many of us watched this race with significant interest and were involved in her successful election to Congress. I thank each and every one of my colleagues for their efforts on her behalf.

I look forward to working with the gentlewoman from New Mexico (Ms. WILSON) in Congress on behalf of many principles each of us hold dear to our hearts, such as education, a strong national defense, a simpler and fairer tax system, among a host of other issues important to our State and Nation.

I welcome the gentlewoman from New Mexico (Ms. WILSON) to Congress, and I wish her the best of success in representing the people from New Mexico's First Congressional District. It is up to her now. Thank goodness for her being here with us.

TAKING OFFICE WITH INTEGRITY, COURAGE AND ENERGY

Ms. WILSON. Mr. Speaker, I want to thank all of you so much for your help, your support, your words of wisdom, and your words of kindness throughout the special election. Without your support, I would not be here today, and without the support of the people of the First District.

It is now time to roll up my sleeves, to take up the work which Steve Schiff left off too soon, and to represent the people of the First District with honor, with integrity, and with every ounce of courage and energy that I can summon. I look forward to that challenge, and I look forward to serving with each of you.

I wanted to thank my family, who is here with me, for their love and their support. I wanted to thank all of you again. I look forward to serving with you.

PERSONAL EXPLANATION

Mrs. EMERSON. Mr. Speaker, yesterday on rollcall No. 264, Agriculture appropriations, I was unavoidably detained. Had I been present, I would have voted yes.

CONFERENCE REPORT ON H.R. 2676, INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 490, I call up the conference report on the bill (H.R. 2676) to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 490, the conference report is considered read.

(For conference report and statement, see proceedings of the House of Wednesday, June 24, 1998, at page H5100.)

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the conference report on H.R. 2676.

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

There was no objection.

□ 1545

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

Mr. Speaker, today is a great day for the American taxpayer. As families gather together next week to celebrate the Fourth of July, a day that recognizes the independence of all Americans, they can be proud to know that this Congress has secured for them greater independence from the excesses of the IRS than have ever been granted since 1952.

The plan we vote on today gives David the taxpayer an arsenal of powerful slingshots to use against Goliath the IRS. Reform of the IRS has been long overdue and I am delighted that Congress is passing legislation that puts the legitimate rights of the taxpayer first. Our plan shifts the burden of proof off the taxpayer and onto the IRS. No longer will taxpayers have to prove in court their innocence but, rather, the IRS will have to prove liability. It gives taxpayers 74 new rights and protections, including protections for innocent spouses, usually women, and it creates an independent oversight board to get the IRS under control.

Plus, we reduce the complexity that 16 million Americans endured when they filled out their difficult Schedule D IRS capital gains tax forms. By changing the holding period from 18 months to 12 months, we bring greater simplicity to the lives of taxpayers.

Mr. Speaker, as important as this bill is to more than 100 million Americans who dutifully fill out their tax forms every year, this bill is also about our values and our priorities. It is about right and it is about wrong. It is about putting the taxpayer first and the IRS second. It has been the other way around for entirely too long.

What we do today is very much in the spirit of July 4. Today we enhance the power of the individual and we reduce the power of an abusive arm of the government that intrudes into the individual lives of each of us. By dissolving the bonds which allowed the IRS to seize homes and freeze bank accounts, we serve taxpayers whose life, liberty and pursuit of happiness had been infringed. We remind a free Nation that earnings belong to those who make them, not to a government with the power to take them.

This bill strikes the right balance between granting taxpayers the freedom to pay their taxes without abuse while providing the tools necessary to fund the government. I am very proud of this Congress for today's action. We are indeed leading the Nation in the right direction.

I am proud to belong to a Republican Congress that has balanced the budget, cut taxes, fixed welfare and now we have protected taxpayers from IRS abuses. I am also proud to be a part of a Republican Congress that has proved that it can work on a bipartisan basis across the aisle to bring this wonderful bill to the American people. If there was ever a done-something Congress, this is it.

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

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume. Let me thank the gentleman from Texas (Mr. ARCHER), my chairman, for allowing me to be a part of his Republican Congress, and to laud him for bringing about this Republican surplus, and also the Republicans for bringing about this great economic boom which we enjoy. God knows what we would have done without you, but I hope next year we will find out.

I do have to agree on this bill that the chairman of the committee as well

as the Senate have shown an extreme bipartisan effort to bring about changes that were needed in the Internal Revenue Service. I really enjoyed working with the chairman and the Senate, because we got away from the rhetoric of pulling out the code by the roots, beating up on the dedicated public servants, and started working with the commission which the gentleman from Pennsylvania (Mr. COYNE) of the Committee on Ways and Means and the gentleman from Ohio (Mr. PORTMAN) had worked on, working with the administration and the other body to see what we could do to bring about change, and through hard work and mutual respect, we were able to do it. Not only do we bring in professionals to provide oversight, have additional management flexibility, but we expanded electronic tax filing and worked with the administration to make certain that the oversight board had representation not only from the private sector but from the employees.

Taxpayers' rights were protected. Innocent spouse relief was given. And even though there are some provisions in the bill that have absolutely nothing to do with reform, these were the perks and privileges of the majority and we thought that the President should support the entire bill, as do most of the people that really believe that the taxpayer has been and should be entitled to more protection.

We will have a motion to recommit perhaps that could perfect the bill and make it all that it could be, but I would publicly like to thank the chairman of the full Committee on Ways and Means as well as the leadership in the other body for coming up with a bill that would improve the protections for taxpayers and at the same time be a piece of legislation that can be supported by the administration and should make Members of this House and this body proud.

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

Mr. ARCHER. Mr. Speaker, I yield 5½ minutes to the gentleman from Ohio (Mr. PORTMAN), a gentleman to whom all of us owe an enormous debt of gratitude, because he was the cochairman of the restructuring commission that spent 1 year evaluating the IRS and bringing to us a recommendation which is basically intact as a result of our efforts.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding me this time, for those kind words and for all his leadership on this legislation.

It was exactly one year ago today that the National Commission on Restructuring the Internal Revenue Service announced its recommendations after a year-long audit of the IRS. That commission has been referred to by the gentleman from New York and by the chairman. It was cochaired by Senator BOB KERREY of Nebraska and myself. What we did was to recommend the first comprehensive changes to the IRS since 1952. When we released our report, again a year ago today, to fundamentally reform the IRS, change the way it does business and protect taxpayers, I cannot say that everybody in Washington was hoping that it would end up here on the floor. In fact there were many who probably hoped it would gather dust on a shelf, including some in the Clinton administration. At that time there was opposition from the Treasury Department over the degree to which we were reforming the IRS.

The next step in that process was legislation. The gentleman from Maryland (Mr. CARDIN) and I introduced House legislation, and Senators KERREY and GRASSLEY introduced legislation in the Senate that was based on those recommendations. And then it was the chairman who prioritized it, put the Committee on Ways and Means at the front of this effort, and moved the legislation so expeditiously. Again this was before the legislation was as widely acclaimed as it will be today, I think, as we have listened to Members speak on the floor.

Mr. Speaker, Americans are grateful for the leadership the gentleman from Texas showed and that the committee showed on a bipartisan basis. This is the agency that directly impacts the lives of more Americans than any other agency of government. Of course we owe it to the taxpayers to pass this bill today, and I am very confident that we will.

But let me say something else. I think that once we have finished our voting today and we are done congratulating ourselves over this very good legislation this afternoon, we then have to turn our focus to the real work. We owe it to the taxpayers to ensure that the provisions in this legislation are actually implemented, and we owe it to them because we have to ensure that we do have a fundamental cultural change at the IRS.

Members have heard about some of the bill's key provisions from the gentleman from Texas and the gentleman from New York. Let me just say it is a very comprehensive approach. It contains a wide range of reforms. When you take those reforms as a whole, it will transform the IRS from an antiquated sort of an enforcement mentality to a modern, more taxpayer service-oriented organization. It will refocus the mission of the IRS to provide respectful and efficient service to the taxpayer.

It does so in a number of different ways. One is by creating this new oversight board that the gentleman from New York mentioned. This is unprecedented in government. We will have nine members of the board, mostly from the private sector, who will bring needed expertise and customer service, information technology, and how to transform a large service organization. They will be there to ensure that the IRS will be more accountable to the taxpayer and be more accountable over a long period of time.

It does so by leveling the playing field between the taxpayers and the IRS. It has over 50 new taxpayer rights. These include shifting the burden of proof from the taxpayer to the IRS in court cases, providing long overdue relief for innocent spouses, most of whom are women who are unfairly targeted today by the IRS; it creates new due process rights for taxpayers, and even creates the right to be compensated for overzealous IRS actions.

Very importantly, the legislation also reforms the IRS management structure to increase accountability and performance. It gives the IRS Commissioner new personnel flexibilities to drive change through the agency, such as the ability to bring in experts from the private sector at a high level in the IRS, the ability to reward IRS employees for taxpayer service, and fire employees who provide inferior service. It also increases the accountability of IRS employees and managers in the collection area to stop the tactics of intimidation.

Finally, and significantly, let me just emphasize that the bill will increase congressional accountability for the IRS. That is a major victory for those of us in this body, in the House, who believe that it is not enough just to point the finger at the other end of Pennsylvania Avenue, that in fact much of the blame resides right here in the Capitol. As a result of our work, there are three significant congressional accountability provisions.

First, we streamline congressional oversight, requiring the seven committees to come together and coordinate their activities, including one mandated meeting a year to review the IRS budget, review the IRS strategic plan, and send a clear and consistent message from Capitol Hill to the IRS.

Second, we get the IRS at the table as the committees are working on tax legislation to ensure that on a more consistent basis we get expertise from the field to be sure that tax law changes are going to actually work to help the taxpayer and can work within the IRS system, what new forms or schedules will be required, how is that going to affect the IRS, how is that going to affect individuals.

Finally, and perhaps most significantly, it requires Congress to conduct a new taxpayer complexity analysis of every new piece of tax legislation that reaches the House or Senate floor. It will work kind of like the budget scoring process. We will now be forced to "score" tax legislation to see what its complexity is for the taxpayer and for the IRS. And in the House we put teeth in that with a point of order to make

sure that it actually happens. This will force us to consider the implications of what might otherwise be great sounding tax legislation.

Again, for the first time ever now we will have incentives in place that actually encourage us to simplify rather than all the incentives that are out there right now for more complexity. Anybody who looked at this year's Schedule D for capital gains knows what we are talking about.

There are a lot of other provisions in this bill. We do not have time to mention them all. Suffice it to say the overall package will ensure that the IRS will now work for the taxpayer rather than the other way around.

Let me close with one final point, if I might. On a bipartisan basis within a short period of time, this Congress for the first time in 46 years fundamentally restructured the second biggest agency in government to make it far more responsive to taxpayers. That is in large measure because of the leadership of this Congress. NEWT GINGRICH took personal interest in this, talked to the Commission, supported it, expedited it. It is also, of course, the result of the hard work and dedication of the Restructuring Commission, its staff; the Committees on Ways and Means and Finance. Barbara Pate of my own staff put many hours into this project. I think the process worked, though, because we took partisanship out and brought expertise in. It just might be a model for other challenging issues we face. I again commend the chairman for his work.

Mr. Speaker, I would like to take a moment to thank the staff of the National Commission on Restructuring the Internal Revenue Service for important work on this legislation. We would not have the strong reform legislation before us today without the hard work and patience of these individuals. They staffed dozens of public hearings, 3 town-hall meetings around the country and hundreds of hours of closed-door sessions with Restructuring Commission members. They also interviewed hundreds of present and former IRS officials, representatives of key stakeholder groups, and average taxpayers. The product of their work is the Commission's final report, "A Vision for a New IRS," which served as the foundation of the legislation we have before us today. Congress, and the taxpaying public, thank them for their fine efforts.

The Commission staff members were: Jeffery Trinca, Chief of Staff; Anita Horn, Deputy Chief of Staff; Douglas Shulman, Senior Policy Advisor and Chief of Staff from June to September of 1997; Charles Lacijan, Senior Policy Advisor; Dean Zerbe, Senior Policy Advisor; Armando Gomez, Chief Counsel; George Guttman, Counsel; Lisa McHenry, Director of Communications and Research; James Dennis, Counsel; John Jungers, Research Assistant; Andrew Siracuse, Research Assistant; Damien McAndrews, Research Assistant; Margie Knowles, Office Manager; and Janise Haman, Secretary.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN) who worked very hard in making this reform possible.

Mr. CARDIN. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me this time. I rise in support of the conference report on H.R. 2676.

Mr. Speaker, more than a year ago the gentleman from Ohio (Mr. PORTMAN) came over to meet with me about the work that he was doing as chairman of the National Commission on Restructuring the Internal Revenue Service. It led to the introduction of H.R. 2292. The gentleman from Ohio impressed upon me his commitment to restructure the IRS and have legislation on this floor in a bipartisan manner.

Mr. Speaker, I want to congratulate and compliment the gentleman from Ohio for his professionalism and the way that he acted in such a bipartisan manner. As a result, I agree with the gentleman from Texas (Mr. ARCHER) as to why we have such an outstanding bill before us. The gentleman from Ohio deserves the thanks of all of us. To the gentleman from Texas and the Committee on Ways and Means, I want to congratulate them for the work that our committee did. It was outstanding in considering this legislation and moving it forward. To the gentleman from New York (Mr. RANGEL), the ranking member, for his advice and leadership during this process, I also want to extend congratulations.

□ 1600

Senior officials of the Clinton administration were extremely helpful to us, including Secretary Rubin who has already provided strong leadership in reforming the Internal Revenue Service.

And finally, Mr. Speaker, I think we should all thank the hardworking Federal employees at the IRS who have been critical to this reform effort. Yes, we have heard stories of abusive behavior by a handful of rogue IRS agents, but we all understand that the vast majority of the rank and file IRS workers do a very difficult job and they deserve our thanks.

This conference report includes some very strong new provisions on taxpayers' rights and taxpayer protection provisions, and I am pleased that we have improved the innocent spouse provisions, unfair imposition on tax liability. We shift the burden of proof in certain court-litigated cases back to the IRS, where it should be, and we provide relief for penalties and interest for many taxpayers who deserve that help.

But the success of IRS reform will not be the passage of this bill, but the implementation of the bill. We have set the stage where we can really improve the structure of our tax-collecting agency. Commissioner Rossotti has already started to make some of these changes but he needed this bill which establishes the oversight board that will work with Commissioner Rossotti to carry out these badly needed reforms.

As the gentleman from Ohio (Mr. PORTMAN) pointed out, it is not only the oversight board, but it is also providing for Congress to take a more responsible oversight attitude on looking at the IRS and to pass bills that make sense from tax simplification so the IRS can do its job.

Mr. Speaker, today we pass the IRS reform bill. I am very pleased that we have been able to do it. But that should not be the end of our interests in the Tax Code. We all have responsibility to make the Tax Code more simple, more efficient and more fair. I hope that the leadership of this House will move forward with tax reform as it relates to the Tax Code itself. I look forward to the enactment of this bill and working with the other Members on reforming our Tax Code.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH) a respected member of the Committee on Ways and Means.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I thank the gentleman from Texas (Mr. ARCHER) for yielding this time to me.

Today the House completes an ambitious project it only undertook last year, the first comprehensive overhaul of the Internal Revenue Service since Harry Truman served in the White House.

I rise in strong support of the conference report on the IRS Restructuring and Reform Act. It will protect taxpayers by increasing oversight of the agency, hold employees of the IRS accountable for their actions and create a new arsenal of taxpayer protections. These reforms go a long way toward restoring the basic rights of all Americans who deal with the IRS.

My colleague, the gentleman from Ohio (Mr. PORTMAN) who more than any other Member of this Chamber is responsible for this package has detailed some of its provisions. The major ones: The burden of proof is shifted; an independent board is created to oversee IRS policies; an innocent spouse provision is added; and new incentives are created to encourage the filing electronically of tax returns which will save millions of dollars for the taxpayers.

I also want to note there is an important unrelated truth-in-labeling provision included in this conference report, an important trade provision that will substitute the term "normal trade relations" in place of the currently used and much misunderstood "most-favored-nation" status with regard to trade. This will go far to improve the accuracy and tenor of our debates on trade issues.

Mr. Speaker, this is long-awaited, bipartisan legislation that should be

swiftly acted on by both the House and Senate and hopefully receive the President's signature. I rise in strong support of this legislation.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I thank the conference members because I think they have done a relatively good job. As my colleagues know, quite frankly I wish this would have passed earlier in the year where people would have had an opportunity to have these changes available to them today, and I am going to support the conference report because it does include IRS reform and IRS responsibility and because I like the taxpayer protection provisions.

Earlier this year I attended a hearing with Senator BOB GRAHAM at which Florida taxpayers talked about their experiences with the IRS. I heard from women who had no idea of their spouse's tax irregularities but who were being penalized by the IRS. I also heard about penalties imposed for small underpayments that continued even after offers were made to the IRS. Such administrative inflexibility contributes to the distrust of IRS and our tax system. Fortunately the conference report makes changes that will help these taxpayers.

Mr. Speaker, the innocent spouse relief is long overdue. The suspension of interest and penalty is a small step in the right direction.

In addition, this legislation will make the IRS more efficient by improving oversight and imposing responsibility on employees for improper actions. The IRS must treat the American people with respect, and this bill will ensure that IRS employees understand that fact.

But as occurs too often here, politics got the benefit of policy for 6 months. Good legislation was delayed. Now we have a bill very similar to what the House approved in November with a few twists. We have a new provision which includes tax relief to employers who provide meals to more than half of their employees on employers' premises. I wish I had known about that provision before the conference completed its work. I have no problem with helping workers who have to eat where they work. Perhaps this provision will also benefit some hospitality workers in Florida.

But let me tell my colleagues about a letter that I received from the wife of a trucker in my district. He was on the road nearly 300 days last year. The law allows him to deduct only 50 percent of the cost of his on-road meals. His wife wants truckers to deduct 100 percent of their on-road meals. That makes sense to me, and I think the committee should consider the needs of these struggling taxpayers, too.

But despite the politics that delayed the policy, I think the legislation helps American taxpayers, and I urge the House to approve it.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), a respected member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Texas (Mr. ARCHER) for yielding this time to me, and, Mr. Speaker, I come to the well in strong support of this conference report and the work performed by both Chambers on this bill.

Mr. Speaker, there are many provisions that have been outlined, but in addition to the provisions, we can put faces and names on those families directly affected, sadly, by what must be termed as IRS abuse.

I think of a man from Arizona, Bob Breauxcamp, and the story of his granddad who inadvertently sent a tax payment of $7,000 to the IRS when he only owed $700, how he was aged and infirmed, and upon his death then the IRS sought estate taxes from his daughter, Bob's mom, and she discovered the overpayment; how the IRS said, no, that money will not go back to his estate and how that overpayment, through an oversight in law and, yes, I dare say, abuse by the IRS was never returned to the Breauxcamp family.

Mr. Speaker, today with passage of this conference report, we provide for a wide array of reforms. But to the aged and the infirm, to those who have been taken advantage of in this process, we become their advocates. That is another key provision we should support.

As mentioned earlier, the innocent spouse provision is vitally important and most fundamental to our notion of fairness in this country, the basic premise of American jurisprudence which says that the accused is entitled to the presumption of innocence. What was deprived in Tax Court is restored henceforth with passage of this legislation. The burden of proof will rest on the government instead of the taxpayer.

I urge passage of the conference report.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL) a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, I rise in support of this conference agreement on the Internal Revenue Restructuring and Reform Act of 1998.

There is no question that this legislation will provide better oversight, greater continuity of leadership and improved access to expert advice from the private sector, and additional management flexibility. There has long been agreement of the need for fundamental reform of the IRS, and I commend the work done by the National Commission on Restructuring. I supported the majority of recommendations made by the National Commission, and I am pleased that further improvements have been made to this initial legislation introduced by the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN). Mr. PORTMAN and Mr. CARDIN did work diligently to modify the original bill to reflect the concerns of many of us on the Committee on Ways and Means.

Mr. Speaker, I believe that the Constitution requires that the IRS commissioner be appointed, hired and, if necessary, fired by the President. The legislation before us today keeps the President ultimately responsible for the actions of the IRS and the decisions of its commissioner, while the Department of the Treasury would still have a role in the oversight and management of IRS.

A key component of the bill is a section referred to as Taxpayer Rights III. These provisions will provide new protections and assistance to millions of taxpayers.

During passage of the bill I was specifically concerned about two additional provisions. First I was concerned about the authority given to the newly-created IRS Oversight Board. This board has the authority to review and approve strategic plans at the IRS and review and approve the commissioner's plans for major reorganization.

The bill was not clear on what happens to our tax administration system under these new authorities if a consensus is not reached among board members or the IRS commissioner and Treasury Secretary in disagreement with views of private sector individuals. I am pleased that the conference has addressed this issue.

Second, I am concerned about the provision in the shift of the burden of proof which should not be treated lightly. The conference agreement shifts the burden of proof to the Secretary of the Treasury in any court proceeding with respect to a factual issue if the taxpayer enters credible evidence with respect to the factual issue relevant to ascertaining the taxpayer's liability for income, estate, and gift taxes.

Under current law, a taxpayer is generally required to maintain records substantiating the calculation of his or her income tax liability. In civil matters, the burden is placed on the taxpayer because the taxpayer controls the facts and the record.

Now this shift in the burden of proof could have unintended consequences, and we should acknowledge that today. It could result in the IRS conducting more intrusive examinations and the IRS issuing more subpoenas and summonses to third parties in search of evidence, and I am concerned that this provision would induce taxpayers not to keep records. But I am pleased that

the conference agreement requires a taxpayer to keep records in order to be eligible for this provision.

Our tax system is voluntary, and we have an overall compliance rate of 85 percent. The individual compliance rate is 97 percent, and we should never lose sight of those respective achievements.

Mr. ARCHER. Mr. Speaker, I yield 5 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON) the chairman of the Subcommittee on Oversight of the Committee on Ways and Means, who has also done a tremendous amount of work in building this package.

Mrs. JOHNSON of Connecticut. Mr. Speaker, first I want to congratulate the gentleman from Texas (Mr. ARCHER) the chairman of the Committee on Ways and Means for not only his long investment and commitment to this bill, but the depth of knowledge that he has of it, and of the issues addressed in it and of his leadership as a conferee negotiating a bill that will be good for the taxpayers and a credit to this Congress.

□ 1615

Today is a great day for taxpayers. With enactment of the IRS Restructuring Reform Act, we are going to fundamentally change the culture of the IRS, and not a moment too soon.

Earlier this year, I asked my constituents to evaluate the performance of the IRS in a survey of taxpayers in the 6th Congressional District. Fifty-four percent of the respondents gave the agency a D or an F. That is unacceptable. It is appalling. It is unfair to taxpayers, to the honest, hard-working people of America who support their government. But it is equally unfair to the conscientious men and women who work for the IRS, that the unchecked, irresponsible actions of a few have undermined public confidence in their work.

We need stronger management, stronger congressional oversight and stronger taxpayer rights. The measure before us today provides all three. The IRS oversight board created by this bill will bring private sector knowledge into the management of the IRS, so the IRS can begin the 21st century as a state-of-the-art, customer-oriented service organization. Infusing private sector know-how into the technology development and the management of the IRS will create a model for revitalizing our government agencies.

But reform of the IRS requires reform of the congressional oversight process. At the moment, no fewer than six committees, not to mention their subcommittees, on both sides of the Capitol, tug the IRS in different and often conflicting directions. This bill takes an important first step toward streamlining Congressional oversight. It provides for annual joint hearings by Republicans and Democrats from the House and Senate tax-writing, appropriations and government oversight committees. The hearings will focus on the IRS strategic plan, budget and performance. If we expect the IRS to change its ways, we in Congress must do no less.

The measure builds on the protections provided in the Taxpayer Bill of Rights II developed by the Committee on Ways and Means Subcommittee on Oversight and enacted by the last Congress.

I am especially pleased that the taxpayer rights provisions will strengthen the protections for innocent spouses. Of all the horror stories that have surfaced in recent years, none have been more heartbreaking than those involving innocent spouses, taxpayers who in many cases have been left to rear their children as single parents, only to find their former spouses have saddled them with crushing tax debt.

Many of these horror stories have been going on for years without the IRS helping the spouses who are seeking relief from mounting tax liabilities, interest and penalties. I have seen dozens of letters from innocent spouses who find themselves in this kind of jam.

In March of 1995, the Committee on Ways and Means Subcommittee on Oversight held a hearing to explore the development of the Taxpayer Bill of Rights II. In particular, we were interested in finding out whether the current joint and several liability rules were equitable and whether innocent spouse rules were adequate. The long and the short of it is, we required the Treasury Department and the General Accounting Office to study those rules, report back to us concretely, and using that information, this conference has taken the final step to provide significant broad-based, fair, honest, innocent spouse provisions to relieve the circumstances of these disadvantaged, unfortunate, hard-working taxpayers.

But innocent spouse relief is not the only one of the more than 50 taxpayer rights we will enact in this legislation. The bill will shift the burden of proof to the IRS in court proceedings, as you have heard; prohibit the IRS from seizing a taxpayer's home without a court order, no less protection should be offered; expand the authority of the taxpayer advocate to assist taxpayers, and that is, after all, their job; strengthen due process rights for taxpayers in collection activities; suspend interest and certain penalties when the IRS does not provide appropriate notice to a taxpayer within 18 months after a return is filed; and extend the client-attorney privilege to accountants and other tax practitioners.

Mr. Speaker, Mark Twain once said that everyone complains about the weather, but no one does anything about it. Perhaps the same could be said of the IRS. The complaints are legion. Today we are doing something about it.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), our minority leader, who made certain that partisanship did not enter into the debate in restructuring the IRS, and one who insists on equity in the Tax Code.

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

Mr. Speaker, I rise in support of this conference report. I believe that what has been done to reform the IRS is important. It is supported by the President, supported by Members on both sides of the aisle, and I intend to vote for it.

However, there was a provision that was slipped into the conference which, frankly, is irrelevant to the substance of this bill. What was slipped into the conference was to change the holding period on certain capital gains from 18 months to 12 months. It seems that some in the majority in this House cannot resist any opportunity to try to put another tax break in tax legislation to help the wealthiest of the wealthy.

Here is a chart which shows who gets the benefit of changing the time that you have to hold certain capital gains to receive the capital gains benefit from 18 to 12 months.

Bob Dole, a former Senator, had a bill a number of years ago that would change capital gains to make them all time-sensitive. That probably makes sense. When the bill was passed to change the capital gains rate last year, we began to move in that direction by having an 18-month waiting period.

Now, the first chance that is obtained, we are going back to a 12-month holding period. The Speaker of the House announced yesterday he wants to take the capital gains rate from 20 to 15 percent. I suppose the ultimate goal is what the gentleman from Texas (Mr. ARMEY), the majority leader, has said over and over again, and that is to have a capital gains rate of absolutely zero. Absolutely zero.

Now, while this is going on and while we are tucking in provisions that help the wealthiest of the wealthy, let us look at what is happening in the Committee on Appropriations of our House of Representatives. A proposal to cut out low-income energy assistance, a cut of $1 billion that helps over four million low-income households pay their winter heating bill; a proposal to eliminate the summer jobs program that helps 530,000 disadvantaged young people; cut school-to-work by $100 million; cut $250 million from the President's request for training and job opportunities for poor young people; cut Title I by $437 million, that would eliminate reading and math help for 520,000 disadvantaged children; cut $140

million for mentoring and tutoring. The list is too long. I do not have time to go through all the cuts.

We are right back to where we started from three years ago: tax cuts for the wealthy, paid for by cuts on the poor and the middle class. That is the program of the Republican Party. They are right back at it. We are right back where we started from. There is plenty of time for tax cuts for the wealthy; there is no time for the middle class, there is no time for the poor.

I urge Members to vote for the motion to be offered by the gentleman from Washington (Mr. MCDERMOTT) to recommit that will take out this ill-considered, wrongful tax cut for the wealthiest of the wealthy. We can do that this afternoon.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. COLLINS), another respected member of the Committee on Ways and Means.

Mr. COLLINS. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, as one small representative, I rise in support of this conference report. This legislation will provide many new protections to ensure that IRS abuse ends.

Mr. Speaker, no citizen should fear their government nor any agency of their government. Unfortunately, today, many citizens fear the IRS.

Mr. Speaker, I rise today on behalf of the residents of the Third District of Georgia who are tired of being threatened and harassed by IRS agents. Throughout the hearing process on this legislation we heard example after example of how certain IRS employees believe they have the authority to threaten, harass and intimidate individuals involved in tax disputes. Mr. Speaker, this is wrong and it must be stopped.

Not every IRS employee is unscrupulous. There are indeed many who work with constituents to fairly resolve tax disputes. However, even in Georgia there are agents who routinely abuse and intimidate citizens.

Mr. Speaker, any member of this chamber could use all of the debate time just citing cases where citizens have been harassed by agents.

In my District, there was a retired couple making monthly payments on a tax debt that had arisen because the government had failed to withhold the proper amount of taxes from the husband's government retirement check. After working out a pay plan with the IRS, the gentlemen actually overpayed each month in order to pay the debt quickly.

Unfortunately, he died before doing so and the IRS wasted no time coming after his wife. To compound problems, the IRS had failed to properly credit the payments he had made against his tax debt. So, his wife was faced with an inflated tax bill, compounded by interest and penalties the IRS incorrectly added to the total.

The IRS demanded full payment of three thousand dollars which she could not afford. This poor woman was hounded by an individual agent who literally told her she was spending too much money on groceries and other basic necessities and should instead send those monies to the IRS. Eventually, she was forced to move out of her home and leave the state to live with a relative. There she re-filed her taxes and found an IRS office willing to fairly resolve her case. She settled the case by paying four hundred and fifteen dollars, rather than the three thousand she was told she owed by the Georgia agent.

While her case was eventually resolved, the unnecessarily long process, and the abusive approach by the IRS completely changed her life forever.

Mr. Speaker, this legislation will provide many new protections to ensure that these abuses end. No citizen should fear their government—or any agency of their government such as the IRS.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I rise today in support of this bill to reform the Internal Revenue Service. I want to thank my friend, the gentleman from New York (Mr. RANGEL) for yielding this time, and also the gentleman from Texas (Chairman ARCHER).

Mr. Speaker, it is a great day for America and a great day for North Carolina taxpayers and working families. We are eliminating the cruel and unusual punishment that has been inflicted upon too many law-abiding citizens and businesses. Americans will finally have the comprehensive reform of the IRS that they deserve.

Working families and small businesses in North Carolina and across this country face enough challenges in their lives without the added burden, as we have heard, of some of the IRS agents; not all, but some. If a criminal has a right to the presumption of innocence in our courts, the American taxpayer should at least have that same right when they are dealing with the IRS and their government.

I am glad this Congress has given the highest priority to reforming the IRS. That is why in April I coauthored a bipartisan letter with Democratic freshmen members of this class of Congress in urging Congress to pass IRS reform this year.

Today this Congress takes a strong bipartisan step forward for working families by enacting the first comprehensive reform of the IRS since 1952. I am pleased to support this bill to reform the IRS, which will make our government fairer and more efficient for the hard working, God-fearing citizens of North Carolina and America.

Mr. Speaker, I do hope we will vote for the motion to recommit, to take out the portions of this bill that should not be in it, so it truly will be fair to Americans.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. FOSSELLA).

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

Mr. Speaker, from time to time we come across what I guess you could call a no-brainer. It took about 46 years for our good friend, the gentleman from Ohio (Mr. PORTMAN) to identify what we are here today to accomplish, and that is to implement a no-brainer.

I think the people of this country owe a great deal of gratitude to the chairman of the Committee on Ways and Means, in addition to the gentleman from Ohio (Mr. PORTMAN). This is a great day for the people of Brooklyn and Staten Island, indeed, across America, the taxpayers who fear the IRS so much. It is about time that we put in place mechanisms whereby the IRS is responsible and they respect the average taxpayer.

Why is it that almost half of the Americans fear more going to the IRS or receiving an audit from the IRS than going to get a root canal from a dentist, respect for dentists of this country notwithstanding? That is the reality. It is amazing that it took so many years for the conventional common sense and wisdom of this country to find its way here to Washington.

But, thankfully, I guess today we see the result of people working together, with the lead of the majority here, working together to do what is right for the people of this country, to do what is right for the people of Staten Island and Brooklyn. No longer will they have to fear the local IRS agent. The benefit of doubt, the presumption of innocence, shifts to where it belongs. The country that was founded on liberty and justice somehow, when it came to the IRS, got lost.

What wonderful news. Today you can rejoice, the IRS is finally reformed. But, never forget, that is the arm that does the bidding of the body. That body is the Tax Code that is just simply out of control. Now that we have reformed the IRS, let us continue the real and serious work of reforming our Tax Code to create true and economic growth and wealth in this country once and for all.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. TRAFICANT), a true crusader for taxpayers' rights.

Mr. ARCHER. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Ohio (Mr. TRAFICANT) is recognized for 3½ minutes.

Mr. TRAFICANT. Mr. Speaker, I thank the gentlemen for yielding me this time.

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

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

Mr. ARCHER. Mr. Speaker, Members of this Congress should know that the gentleman from Ohio (Mr. TRAFICANT)

led the fight for shifting the burden of proof, and it was because of the gentleman that I put it in the bill in the Committee on Ways and Means. It was not in the Restructuring Commission's recommendations. The gentleman further led the fight to assure that homeowners would not be thrown out of their home without a court order.

□ 1630

I put that in the bill as a result of his importuning, because he was right. He deserves a lot of credit for those two provisions in this bill.

Mr. TRAFICANT. Mr. Speaker, I want to thank the chairman, for it is a great day for all of America and a happy day for me, and in one way a sad day, that in over 12 years I could not get this done through my own party. I could not even get a hearing.

I want to thank the chairman, the gentleman from Texas (Chairman ARCHER), and I think he told it like it is. I think without the gentleman from Texas (Chairman ARCHER), we would not be changing the burden of proof in the tax case today, and I don't think we would have these added protections for homeowners. I want to thank the gentleman.

I want to thank the gentleman from New York (Mr. CHARLIE RANGEL). If he were chairman we would have had a hearing, and I would have had a better shot. I would just like to say this, the IRS for years has prided themselves on the fact, and they have literally been quoted as saying, that fear is important, and without fear we will not have compliance.

I think my friend, the gentleman from Georgia (Mr. MAC COLLINS) told it the way it was and the way it is. Fear is a term associated more with totalitarian forms of government, Mr. Speaker, not democracies. Alex Council committed suicide, and Attorney Bruce Barron committed suicide, out of despair and fear.

Today I think we provide an opportunity where Americans do not have to fear their government, and as the gentleman from Georgia (Mr. COLLINS) so eloquently stated, no American should fear our government. It is our government. I want to thank the gentleman from Texas (Chairman ARCHER) for putting those two provisions in the bill.

Let me say one last thing. The taxpayers still must comply and still must have records, but the day where they can have that old Bogart program, to put them under the gun because they have the burden of proof, is over. No taxpayer can prove a negative. No taxpayer should have to prove a negative.

I am proud to support this bill. I want to thank the gentleman from Texas (Chairman ARCHER) for all his help.

Mr. ARCHER. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. DREIER), a respected member of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my very good friend for yielding time to me.

If he had not yielded me the full time, I would have called on my equally dear friend, the gentleman from New York (Mr. RANGEL), and I am sure he would have gladly given me a minute.

Mr. Speaker, I rise in strong support of this conference report, and to congratulate all those who have been involved in this issue, and to say that I am particularly pleased about a number of items that really transcend the issue of IRS reform.

For starters, I believe that one of the most unfortunate aspects of the 1997 tax bill was this ridiculous, preposterous, bureaucratic 18-month holding period. The Schedule D provisions provided my constituents and all Americans who dealt with the issue of capital gains a great burden.

So for us to make the change which the conference did in this bill is, I think, a very important and beneficial one. I congratulate the committee for having taken that action.

Mr. Speaker, I would like to take just a moment, if I might, to engage the chairman in a colloquy on one issue that has, I understand from the report that he has given me, not been discussed so far on this. That happens to be what I believe to be one of the most brilliant truth-in-advertising changes that has been made, that being the shift from this so-called most-favored-nation trading status, and it specifically relates to the People's Republic of China, as the debate around this place goes.

We all know that there are only five countries on the face of the Earth that do not enjoy what is now called most-favored-nation trading status with the United States. We are changing the arrangement with the People's Republic of China as we proceed with this debate to correctly call it what it is, normal trade relations.

When we were debating the rule on this conference report earlier today, one issue came to the forefront which one of our colleagues said was snuck in at the last minute, and that no one knew about it.

Mr. Speaker, I would just like the chairman to, if possible, explain as to whether or not this was snuck in and how it worked out.

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

Mr. DREIER. I yield to the gentleman from Texas.

Mr. ARCHER. Mr. Speaker, I think it is important, number one, that we have terminology that fits the facts, as the gentleman has said. What has been called MFN or most-favored-nation actually merely means normal trading relations.

Toward the end of the conference both the gentleman from New York (Mr. RANGEL) and I and Senator ROTH and Senator MOYNIHAN, on a bipartisan basis, agreed that it would be appropriate to do this, and to do it in this bill so it could get done and get in place. It changes no substance in the law.

Mr. DREIER. I would ask the gentleman, Mr. Speaker, is it not true that this has been discussed widely for a number of years? Many people around here have been saying we must change this name so people can understand exactly what it is.

Mr. ARCHER. Exactly.

Mr. DREIER. I thank the chairman for his explanation.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

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

Mr. Speaker, I rise, I would tell the gentleman from Texas (Mr. ARCHER), with the intention to support this bill when the roll is called. I was one of those who did not support this bill as it went to the Senate. I was very concerned about what the final product would be. I want to congratulate both the chairman and the ranking member for improving this bill as it came back. I think that is a good thing.

I want to rise, however, to say that this bill is a continuation of IRS reform, and to congratulate Secretary Rubin, Deputy Secretary of the Treasury Summers, and Carl Rossotti who, like all of us, have seen the need to bring both management reform and procedural reform and taxpayer sensitivity to the IRS.

Secretary Rubin is the first Secretary of Treasury with whom I have served since 1981 who has paid attention to the management issues at IRS. He formed, in 1997, a management board. He also made the determination to bring on a professional manager, Charles Rossotti, the founder and chairman of American Management Systems, and brought on as commissioner for a term. That change was a critically important change.

It is well and good that we amend the law so that we put forth a system that will reform the IRS management and the IRS dealing with taxpayers. But what is critically important is that we have on board personnel committed to that objective.

Secretary Rubin and this administration have done that. I think this legislation, in concert with the reforms that are ongoing and have been affected by the Clinton administration and Secretary Rubin, will make a very substantial, positive impact on the taxpayers of America. For that reason, I intend to support this legislation.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SHAW), a respected member of the Committee on Ways and Means.

Mr. SHAW. I thank the chairman for yielding time to me, Mr. Speaker. I

would like to thank the gentleman from Texas (Chairman ARCHER), the gentleman from Ohio (Mr. PORTMAN), and the gentleman from New York (Mr. RANGEL), all that had anything to do with forming this much-needed legislation in the Committee on Ways and Means in the House of Representatives, in which I am proud to serve, which was very aggressive in bringing about this legislation.

This legislation really was born here in the House and moved forward. The Senate had some very good hearings and then we, of course, went to conference. Now we have come up with a really fair, much fairer, process in dealing with the Internal Revenue Service.

I think so many people did not realize that prior to this legislation, any conference they had with their certified public accountant was not at all privileged, and that their accountant could be subpoenaed to testify against them in a court of law. Now we have just about given the same privilege that an attorney has, an attorney-client privilege, to an accountant-client privilege. I think that is tremendously important. The doublet is something we cherish here in America.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from New York for yielding time to me.

Mr. Speaker, I rise today in strong support of H.R. 2676, the conference agreement to reform the Internal Revenue Service and better protect the rights of taxpayers. I am proud to have been able to cosponsor the original legislation.

Americans recognize that paying taxes is a civic duty, but our tax laws and tax collectors must be fair so Americans will feel good about paying their taxes and not bullied. Besides voting, this is the only time most Americans deal directly with the Federal Government. We should make the experience as painless as possible.

This legislation goes a long way towards changing the organizational culture of the IRS to make it more customer-friendly. It compels the IRS, through a system of penalties and incentives and new checks and balances, to do a better job in going about its mission of collecting taxes. Better management and better technology will improve the IRS's ability to serve its customer, the American taxpayer.

The hearings held by the Senate Finance Committee illuminated the spectrum of abuses by IRS tax collectors, and made this legislation imperative. The abuses highlighted last year are simply unacceptable. No reason exists for any American citizen to be trapped in a 19th century Kafkaesque novel when paying their taxes. No taxpayer should be subject to haphazard rules or the whims of government agents.

The most important and significant accomplishment in this legislation is shifting the burden of proof from the taxpayer on to the IRS. The burden of proof is shifted from the taxpayer to the IRS in disputes in civil tax court proceedings. Under current law, the taxpayer, not the government, is required to prove innocence in Federal tax cases. This new law would require the government to prove guilt.

The bill creates an independent 9-member board to oversee the IRS and develop strategy for the agency. Further, the IRS commissioners will be able to recruit private sector management experience through an adjustment in the pay scale. The burden of proof will be shifted to protect innocent spouses who have no knowledge that their former spouse had underpaid taxes.

Additionally, it expands the taxpayer bill of rights, which will include the right to sue the IRS for damages of up to $100,000, make more cases eligible for resolution in a tax version of small claims court, and provide clinics for low-income taxpayers.

Mr. Speaker, there are many good people at the IRS, but this bill makes them accountable to those for whom they work, the taxpayers.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. ENSIGN), again, a respected member of the Committee on Ways and Means.

Mr. ENSIGN. Mr. Speaker, first of all, I want to thank the distinguished chairman of our committee who has brought forth this wonderful bill, and of course on the House side, in a bipartisan fashion, especially, the gentleman from Maryland (Mr. CARDIN) and the gentleman from Ohio (Mr. PORTMAN), who brought this bill to our committee. At first it was a little contentious, but I think, working together, we have brought a super bill to the House of Representatives floor.

I do want to make one point, however. This bill only goes so far. Until we completely change the Tax Code, as the ranking Democrat last year, Sam Gibbons, said, that until we completely change the Tax Code, the IRS can never be completely fixed. But at least this bill goes a long way in doing that.

I want to thank the chairman and I want to thank the ranking member for a provision that was put in the bill that especially affects my State. I especially want to thank the Speaker of the House and TRENT LOTT, for making sure that this provision was in the House.

The IRS last year targeted the workers of my State. I represent the State that has the highest number per capita of audits in the country. Something that would have made them, our workers, even more subject to audits was something called the meals tax provision that the IRS targeted the workers in the State of Nevada for.

They wanted to start taxing the meals of people who could not leave their place of employment, and because of the work of the people that I have talked about, and many of the workers from our State who did a big letter-writing campaign, the workers' meals tax is now going to be dead. We are not going to allow, because of this bill, the workers in our State and States across the country to have their meals taxed. I think it is a great day for the workers in my State, as well as those other States that this bill affects.

The other point that I would like to make, across the country, and we hear this in town hall meetings, that is that the IRS is the only place where you are guilty until proven innocent. This is now not the case under this bill. You are now innocent until proven guilty.

So this is truly a day I think for both parties to celebrate, both parties to take credit, and I am here to just thank the chairman and the rest of the people who have worked on this bill.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New York for yielding time to me, and I thank the gentleman for his work, and certainly the chairman, my colleague, the gentleman from Texas (Mr. BILL ARCHER).

Mr. Speaker, I believe that we are on the right track. We need an Internal Revenue Service that reflects American values and respects American taxpayers. It was not too long ago that I held a hearing on the Internal Revenue Service in my district. The gentleman from New York (Mr. RANGEL) and the attendees were dramatically articulating some of the enormous concerns that this legislation addressed.

An oversight entity is of crucial importance. Houston, although I will not call it the poster child of Internal Revenue Service abuses, it certainly highlighted, when employees wanted to do the right thing, the kind of intimidation that occurred.

□ 1645

The witnesses who came before my hearing highlighted some of the extreme activities of the Internal Revenue Service. This is not to denounce all of the employees, many of whom work diligently every day to assist those taxpayers and who themselves want to do the right thing.

But when we have a physician who is practicing his trade or his profession in his office, and we have the Internal Revenue Service exploding into that office as he is taking care of a patient, immediately asking him to remove himself, lock his doors and get out, when the physician is attempting to explain what he has already done; when we have others of my physicians who have sat down and said that they are

prepared to work out their problem, and someone says, "I do not care what you are prepared to work out, we are closing you down"; clearly, I would say that it is now overdue for us to be able to make sure that this is truly a country of the free and the brave.

We are brave to do this and to recognize that the citizens' voices must be heard. I hope my colleagues will join me in making sure that the IRS respects American values and respects our taxpayers.

Mr. Speaker, I rise to the floor of the House today in support of reforming the Internal Revenue Service to make it more efficient, accountable, modern and taxpayer friendly. Let me echo the words of our President who said, "We need an IRS that reflects American values and respects American taxpayers."

The stories of coercion, corruption and scare tactics of IRS agents that I have heard from my constituents were more than enough for me to endorse IRS reform.

Therefore, I can endorse the opening up of the government for civil liability for taxpayer abuse. This conference report will extend the liability of the government for IRS abuse caused by those who may negligently disregard our tax laws. This is a safeguard that I know taxpayers are demanding and one that I strongly support.

The establishment of an independent oversight board by the President is another provision that I support. There is no doubt that such oversight of the administrative functions of the IRS is necessary after the disclosure of the atrocities that I heard from the citizens in Houston. There were, in fact, cases of possible suicide over the tactics that were used and it is time to end such abuses. The oversight board will have the responsibility to review and advise the Secretary of the Treasury about customer service measures that will make sense. Hopefully, the Board will insure that better service to our constituents. The conference report contains numerous management initiatives, ranging from electronic filing to strengthening the Office of Taxpayer Advocate, that backers say will eventually mean better service for all taxpayers—faster refunds, easier filing, quicker response to questions and problems.

Such oversight is necessary if we are to make the IRS more efficient.

Shifting the burden of proof to the IRS is another practical measure that makes good sense. In every other proceeding where the government is moving against a citizen in a court of law, the government bears the burden of proving the facts. It is high time that the IRS come in line with this time-honored tradition of the government bearing the burden of proof in questions of fact.

This burden of proof will be enforced after the taxpayer has fully cooperated with the IRS with respect to the factual issue. A taxpayer would be required to provide access to the information, witnesses and documents within the control of the taxpayer. This makes the proceeding more in line with every other court proceeding and makes it fair.

This conference report would also correct meaningful measures that will insure taxpayer fairness in IRS audits and collection activities. The common law privilege of attorney-client privilege for those tax advisors authorized to practice before the IRS will not be afforded as it should be. It would also end the use and abuse of summons by the IRS in looking for documents. Under this bill the IRS would be required to make reasonable inquiries and could not issue a summons until it has used other reasonable methods to ascertain where the information it is seeking may be.

The conference report also provides for making more information available to the taxpayers. It requires the IRS to print and make available to taxpayers explanations that make sense and clarify a variety of complicated matters. Married taxpayers will be alerted to liabilities that they would be jointly liable for even though only one spouse earned the income.

A spouse who may be innocent for the mistakes of another spouse in preparing a tax return will also now be afforded relief from tax liability, interest and penalties. Now a spouse who has nothing to do with the preparation of the return is fully liable for the mistakes. This is wrong and would be corrected by this bill.

I am also pleased Mr. Speaker, that the conference report requires the IRS at least to notify the taxpayer within 18 months of a possible liability, so it could be paid and the interest and penalty clock stopped. If the agency does not provide this notification, penalties and interest on the unpaid tax are suspended. Currently, the agency is so slow that taxpayers may have big penalty and interest bills before they ever learn that they have underpaid their taxes.

I will also support the conference report accompanying the bill because due process provisions are included. In this bill, the agency will only be allowed to seize business property only as a last resort, and a personal residence cannot be seized without court approval.

Again, Mr. Speaker, it is high time that we have the IRS reform that the American people have been calling for. I support this bill and urge my colleagues to vote for it.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means.

Mr. WELLER. Mr. Speaker, let me first begin my brief comments just saluting the gentleman from Texas (Mr. ARCHER), chairman of the Committee on Ways and Means, for his leadership and his tenaciousness in bringing this issue to a head and succeeding. And also I wish to thank the gentleman from New York (Mr. RANGEL), the ranking member, for his bipartisan cooperation.

This legislation is a big victory for the taxpayer. Clearly, reforming the IRS, holding the IRS accountable to those who work hard, live by the rules and pay the bills, is a big victory.

One other big victory that is a key part of this bill was one of those issues that was a quiet issue and became more and more important. I found over the last 3½ years that I have represented the South Side of Chicago and the South Suburbs that I have had a half a dozen constituents contact me every year, usually divorced single moms struggling to raise the kids, and there were cases where a deadbeat dad was a deadbeat taxpayer and the IRS could not find him.

Mr. Speaker, whose door did the IRS show up at to collect the taxes? That of the poor, struggling working, single, divorced mom with the kids whose husband was not paying the child support.

This is a big victory for taxpayers.

Mr. RANGEL. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Ohio (Mr. KASICH), chairman of the Committee on the Budget.

Mr. KASICH. Mr. Speaker, I just want to take 30 seconds to compliment the gentleman from New York (Mr. RANGEL) and the gentleman from Texas (Mr. ARCHER), chairman of the Committee on Ways and Means.

But Mr. Speaker, I want to pay a special tribute to the gentleman from Ohio (Mr. PORTMAN), my great friend, who the chairman appointed to the task force to get this ball rolling. He has done a great job and has been relentless.

The gentleman is my great friend and I am thrilled this is happening today, and I know this is something that his whole family and country is proud of.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I have got to admit that portions of this bill leave me somewhat perplexed, while I agree with most of it.

Mr. Speaker, this is the same body that in the past 2 weeks has passed six different pieces of legislation expressing our grave concern as to what the Chinese intentions are towards our Nation. We have a special committee that is looking into whether or not they bribed American officials in order to get hold of American missile technology. The same body that says we will no longer transfer missile technology.

But in the most blatant hurt and wrong that is being done to the American people, a $50 billion trade imbalance with the People's Republic of China, where they get $50 billion more of our money each year, where they charge our companies 30 to 40 percent to have access to their markets but we only charge them 2 percent, if we charge them anything, to have access to our markets, that used to be called Most Favored Nation status.

Now, because the American people have caught on to that and a majority of Members of Congress can no longer vote for Most Favored Nation status, because the American people have caught on to this scam, the new scam is we are going to change the name of it. It is now going to be called "normal trading relations."

Mr. Speaker, I would really hope someone would come to this floor and tell me what is "normal" about a $50

billion trade imbalance? What is normal about giving that same money to people we know are using it for weapons modernization? Because if that is normal, we do not deserve to be here.

If my colleagues are trying to hide that from the American people, it is not going to take them very long to figure out what is going on.

Mr. RANGEL. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Washington (Mr. MCDERMOTT), a member of the Committee on Ways and Means.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Washington (Mr. MCDERMOTT) is recognized for 3½ minutes.

Mr. MCDERMOTT. Mr. Speaker, I support the bulk of what is in the Internal Revenue Service restructuring proposal that is before us, but I cannot support this legislation in its present form because of the Republican majority's insistence on including a major tax break for the well-to-do in a bill that is supposed to restructure the IRS. The Republican decision to reduce the capital gains holding period from 18 months to 12 months for the well-to-do in this legislation is a gross illustration of the Republican party's priorities.

Given the likelihood that the House and Senate will not agree on anything else tax-related this year, and the fact that there is still no budget resolution in sight, it is probable that this is the last tax legislation that will pass the Congress and be signed into law. Even if the two Houses are to agree on tax legislation before November, there is no way they can pay for their extremist schemes without threatening Social Security by dipping into the budget surplus, a legislative action the President has said that he will veto. If we add that veto threat to the fact we have no budget, we are not going to see more tax legislation.

So what are the Republicans' tax priorities? Elimination of the marriage tax penalty? That was in the Contract on America, but we are going to leave that by the side of the road again. An increase in child tax credit? No. An extension of the research and development tax credit? No. All the Republicans want to do when they have the chance is to guarantee a tax cut for America's wealthiest investors.

Mr. Speaker, I disagree with this new-found philosophy that what is good for Goldman, Sachs is good for the country. While the Republicans are cutting taxes for the top 1 percent of this country, people averaging more than $600,000 a year, they are gutting important opportunities for America's youth in the Committee on Appropriations.

So here we have the Republican agenda out in the open again for everyone to see. While they bow to the desires of America's elite, they are eliminating funding for summer youth and school-to-work employment programs. While they are boosting the personal profits for America's CEOs, they are eliminating the low-income Home Energy Assistance Program which makes sure that America's poor do not freeze to death in the winter.

Mr. Speaker, I do not know where the rest of my colleagues will be next winter or next summer, but I hope they will be some place where they are enjoying themselves, because if they take away heating assistance for the poor and people die in the winter, if they take away summer jobs for students and work opportunities and we have disturbances and crime, they will be responsible, because all they wanted to do when they had a chance to make a difference was simply to give a tax break to the barons of Wall Street.

This is bad tax legislation. It is the only piece. And we have had all of this talk about the fact that we are going to remove the marriage tax penalty. There will be no opportunity to do that because they cannot put together a budget resolution. If they cannot do that, we cannot have a reconciliation bill. They will have no way to get at any of the surplus. They will have to raise the taxes on tobacco or somewhere else to get the money to take away the tax penalty on marriage.

Mr. Speaker, I think this shows where the priorities for the Republicans are.

I support much of what is in the Internal Revenue Service (IRS) restructuring proposal now before Congress. The majority of issues which I raised in Committee and on the House Floor regarding the workability of this bill were fixed, thanks to the hard work of the conferees who improved upon both House and Senate versions. However, I cannot support this legislation in its present form because of the Republican majority's insistence on including a major tax break for the well-to-do in a bill that is supposed to restructure the IRS.

The Republican Conferees last-minute addition to the IRS reform legislation that will reduce the capital gains holding period from 18 to 12 months will not reduce the complexity or the size of taxpayer headaches caused by last year's tax legislation. It will not even reduce the size of the taxpayers' capital gains Schedule D tax form by even 1 line. The change simply reduces taxes in a way that disproportionately benefits high-income taxpayers.

TAX INEQUITY

The Republicans' decision to sneak this tax cut for the well-to-do into legislation to reform the IRS is gross illustration of the Republican party's priorities. Given the likelihood that the House and Senate will not agree on anything else tax-related this year and the fact that there still is no Budget Resolution in sight, it's probable that this is the last tax legislation that will pass Congress and be signed into law by the President.

Even if the two Houses are to agree on tax legislation before November, there is no way they can pay for their extremist schemes without either threatening Social Security by dipping into the budget surplus legislative action that the President has vowed to veto. Add the veto reality into the tax equation and it makes it even more probable that this is the last tax bill to be signed into law this year.

And what do the Republicans demand as their top tax priority?

Elimination of the marriage tax penalty? No.

An increase in the child tax credit? No.

An extension of the Research and Development credit? No.

All the Republicans want to do when they have the chance is to guarantee a tax cut for America's wealthiest investors.

Well, Mr. Speaker, I disagree with this new-found philosophy that what's good for the partners of Goldmann-Sachs is good for the country. While the Republicans are cutting taxes for the top 1% of America's investors—folks averaging $600,000 a year or more—they are gutting important opportunities for America's youths in the Appropriations Committee.

Just this week, the Republicans reported Appropriations legislation, that one member described as nothing less than "taking from the hides of the weakest and most vulnerable in our society."

So, here's the Republican agenda, out in the open for everyone to see. While they are bowing to the desires of America's wealthy elite, they are eliminating funding for summer youth and school-to-work employment programs.

While they are boosting the personal profits for America's CEOs, they are eliminating the low-income home energy assistance program which makes sure that America's poor do not freeze to death in the winter.

Now, I don't know where the rest of you will be next winter or next summer, but I hope, for your sake, that you are safely hobnobbing at your benefactor's off-shore vacation estates. Because if you take away heating assistance for the poor, and people die; and if you take away summer jobs for students, and there are civil disturbance and crime—you will be responsible because all you wanted to do when you had a chance to make a difference was simply to give a tax break to the barons of Wall Street.

TAX SIMPLICITY

The 1997 Taxpayer Relief Act created a confusing array of capital gains tax rates and added 35 new lines to taxpayers Schedule D tax form. There are potentially five different rates that can apply to the capital gains of an individual: 10 percent, 15 percent, 20 percent, 25 percent, and 28 percent. The 1997 Act also created two additional tax rate categories, one that will take effect for the 2001 taxable year and another that will take effect for the 2006 taxable year. The schedule required to implement that new policy will add significant additional complexity, and make the 1997 schedule look simple. In addition, increasingly large numbers of taxpayers will have to fill out the complex schedule twice, once for the regular tax and once for the minimum tax.

Even with the Republican Conferees' change, the current capital gains tax schedules and underlying rules for taxation of capital gains remain unnecessarily complex, and will continue to impose on taxpayers (with more than four sales) the burden of spending, on average, 5 hours and 20 minutes preparing

the schedules (two hours more than in 1994). For a party that says it wants to terminate the tax code, you'd think they could start by reducing taxpayer forms by a least 1 line.

The worst aspect of current law is that its complexity falls hardest on low- and moderate income taxpayers who invest through mutual funds and real estate investment trust. Led by Representative BILL COYNE, Ways and Means Democrats have a proposal (H.R. 3623) that would dramatically simplify the capital gains rules.

COYNE's legislation, modified to be revenue neutral, would substitute a simple 38 percent exclusion for the confusing array of capital gain tax rates mandated by last year's Act. Such an exclusion has been scored by the House Joint Committee on Taxation as essentially revenue neutral—unlike the Republican plan to drain the Federal Treasury by an additional $2 billion.

Like the Republican proposal, H.R. 3623 repeals the 18 month holding period requirement. It also goes a step further and would permit depreciation recapture gains on real estate so taxpayers can receive the full benefit of the capital gains tax reduction.

Most importantly, H.R. 3623 simplifies the computation of capital gains taxes for all individual taxpayers by replacing the entire complex 35-line schedule with a single line that would require taxpayers to include 62 percent of their net long-term capital gains on the appropriate line of the tax return.

COYNE's bill also would provide modest capital gains tax reductions for more than 97 percent of individual taxpayers. It potentially could impose modest tax increases on the approximately one and a half million wealthiest individuals in the country. This is not a bad price for its extraordinary simplicity, but may be the reason for some would-be tax code terminators opposition.

The following chart illustrates the impact of the proposed simplification legislation:

Rate bracket (number of taxpayers in bracket)	Rate under current law			Rate under H.R. 2623
	Assets held more than 18 months and net collectibles or recapture gain	Real estate depreciation recapture gain	Assets held at least 12 months but less than 18 months	All capital assets held more than 12 months.
15 percent (61.6 million)	10	15	15	9.3
28 percent (24.0 milion)	20	25	28	17.3
31 percent (2.3 million)	20	25	28	19.2
36 percent (1.0 million)	20	25	28	22.3
39.6 percent (0.5 million)	20	25	28	24.5

The IRS restructuring bill to which the Republican provision is attached would mandate that, for tax legislation considered by the Committee on Ways and Means after January 1, 1998, a "Tax Complexity Analysis" must be provided by the Joint Committee on Taxation. Had the law required a complexity analysis of last year's capital gains provisions, the Taxpayer Relief Act would have failed.

Before we close the book on IRS restructuring, let's do everyone a favor by taking a step toward tax code simplification. Inclusion of COYNE's legislation would do just that.

I am committed to working to improve accountability within the IRS and to simplify the tax code to ensure that both taxpayers and tax administrators alike can fulfill their responsibilities with greater efficiency and ease.

Unfortunately, this legislation contradicts my strong belief that our tax code should be equitable and our tax priorities should be progressive. I am unable to support this legislation because of the Republican majority's abuse of these important principles.

Distribution of the Tax Benefits From Shortening the Holding Period for 20% Capital Gains From 18 Months to 12 Months

	Percent
Less than $10,000	0.0
$10–20,000	0.1
$20–30,000	0.3
$30–40,000	0.5
$40–50,000	1.0
$50–75,000	3.8
$75–100,000	4.1
$100–200,000	14.3
$200,000 or more	76.1
All	100.0

Note: figures are at 1999 levels.
Source: Citizens for Tax Justice, June 24, 1998.

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TAYLOR of Mississippi. Mr. Speaker, one of the provisions of this bill is the changing of the term "Most Favored Nation status" with regard to China and changing it to "normal trade relations." That legislation never passed this House. To the best of my knowledge, it never passed the United States Senate.

My parliamentary inquiry is, can something that has been passed and voted on in neither body be included in this conference report?

The SPEAKER pro tempore. Even if the gentleman were raising a timely point of order, all points of order against this matter were waived by House Resolution 490.

Mr. TAYLOR of Mississippi. Mr. Speaker, would the Speaker like to explain to this Member how the highest legislative body this world has ever known can waive its own rules?

The SPEAKER pro tempore. The gentleman's question is not a parliamentary inquiry.

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. MCCRERY).

Mr. MCCRERY. Mr. Speaker, I rise in support of the IRS reform bill and in support of the capital gains simplification measure in the bill.

Mr. RILEY. Mr. Speaker, the devastating storms that swept through Alabama and Georgia on April 8, 1998, left hundreds, if not thousands, of people's lives in shambles.

In a time of tragedy when people are trying to pick up the pieces of their lives and rebuild, the last thing they should be faced with is filing their federal income tax returns.

The IRS did give these taxpayers an extension, but, by law, it must charge them interest on any unpaid taxes from the original due date (April 15, 1998) until the tax is paid.

Mr. Speaker, charging disaster victims interest on their unpaid taxes after the IRS granted them an extension is irresponsible. That is why I introduced the Disaster Victims Tax Fairness Act. This bill would waive interest assessments against these families.

I would like to commend the Chairman of the Ways and Means Committee for including this important provision in the IRS Restructuring conference report.

It is the right thing to do, Mr. Speaker.

These families need all the help they can get and passage of this bill shows that we in Congress understand that.

Mr. CRANE. Mr. Speaker, I rise in strong support of H.R. 2676, the Internal Revenue Service Restructuring and Reform Act Conference Report.

Numerous hearings during this Congress have opened up the IRS to public scrutiny. These hearings provided further proof that the IRS is out of control—something too many Americans already knew.

Several witnesses testified only under the condition of anonymity for fear of retribution by rogue IRS agents. Among other abuses, we found that IRS employee performance was measured by the amount of money squeezed out of American taxpayers. This is hardly what we expect of the government of the world's leading democracy.

The Republican-led Congress had enough of the countless stories from our constituents who have been mistreated in their dealings with the IRS and we felt it was high time to rein-in the agency.

H.R. 2676 most importantly shifts the burden of proof to the IRS in disputes with taxpayers over an alleged tax liability. After this bill is enacted into law, no longer will Americans be guilty until they prove themselves innocent before the IRS.

To maintain close scrutiny of the IRS' work, the bill establishes an oversight board comprised mostly of private-sector citizens. The board will also have input into the President's selection of the IRS commissioner.

Other benefits taxpayers will enjoy from the enactment of this legislation include: relief for innocent spouses; elimination of penalties and interest on outstanding taxes in certain circumstances; and the ability to collect damages caused by rogue IRS employees.

In addition, I would like to commend the Chairman of our Ways and Means Committee,

BILL ARCHER, for two provisions he added in conference. First, I appreciate the addition of the language of my bill, H.R. 2316, to the conference report. This will correct a misnomer in U.S. trade law. The term "most-favored-nation" has been quite misleading because it has implied that we were extending benefits greater than the normal benefits we extend to our trading partners. The language in the conference report will change the terminology from "most-favored-nation" to "normal trade relations" or "NTR." Rather than misleading the American people, we should call this trade treatment what it really is—merely "normal." My Ways and Means Trade Subcommittee recently marked up H.R. 2316, and the issue has been debated in Congress for years.

Second, the sorely-needed correction to the Administration provision from last year's Taxpayer Relief Act concerning the holding period for capital gains. I agree with the Chairman that the correct holding period ought to be 12, not 18, months for taxpayers to enjoy the lower capital gains tax rates.

Mr. Speaker, I urge my colleagues to support this conference report and hope that the President will sign it into law.

Mr. BLUMENAUER. Mr. Speaker I voted for the initial IRS reform bill, and there are many elements of the bill before us today that I continue to support. I am concerned, however, with several new elements which were introduced into the bill by the majority.

I am concerned that if we are going to reduce the burden on taxpayers, lower-income working families should be included. After all, the taxes these families pay have a much bigger impact on the quality of their lives. This would have been easy to achieve with an increase in the EITC, or even better, with an across the board reduction in social security taxes which would benefit every working American.

Unfortunately, those with higher incomes have been singled out for tax reductions in H.R. 2676. Since it is our struggling working families who have the roughest time making ends meet, I hope the next time we vote on tax relief we won't leave them out.

Mr. WOLF. Mr. Speaker, I rise today to express deep concern about one provision in an otherwise good bill—a provision changing Most-Favored-Nation trading status to Normal Trade Relations. This provision was not part of H.R. 2676 when it was passed overwhelmingly by the House with my support last November. It was not part of the bill passed overwhelmingly by the Senate last month. It was snuck into the conference report at the last minute. How disappointing.

What's the big deal about changing the name of Most-Favored-Nation trade status? MFN has come to symbolize something much more than just nondiscriminatory tariffs. MFN was the rallying cry for many groups and other human rights champions who fought for freedom on behalf of those trapped behind the Iron Curtain during the dark days of communism. MFN has come to symbolize a struggle for freedom of emigration, freedom of religion and human rights.

MFN was the term the Romanian people knew when the United States finally took away nondiscriminatory trade status from Nicolae Ceasusescu—a dictator who was terrorizing his own people, bulldozing churches, turning Bibles into toilet paper, torturing political dissidents, and using those who desired to emigrate as bargaining chips with the West. When we took away MFN, the Romanian people heard about it on Radio Free Europe.

MFN symbolized more than normal trading relations when the United States suspended Poland's MFN status after it invoked martial law in 1983. To the Polish people, suspending MFN was a clear statement that the American people stood with Lech Walesa, the Solidarity movement and all those struggling to throw off the chains of communism.

MFN means more than tariffs to the people of Tibet and China, who desire, but do not have, freedom and basic human rights. To them, awarding MFN to the Chinese dictators without conditions—as the United States has done since President Clinton de-linked trade from human rights in 1994—carries the message that the United States government cares more about trade than it does about human rights.

MFN is more than just a name and that's why many want to change it. Those who support this name change know that the American people are increasingly concerned about extending Most-Favored-Nation status to a country like China which persecutes people of the Christian, Buddhist and Muslim faiths.

They know the American people are increasingly concerned about giving Most-Favored-Nation status to a country that locks up Catholic bishops and priests—some for a decade at a time—for conducting Mass or pledging allegiance to Pope John Paul II.

A country that imprisons Protestant pastors and laypeople for holding Bible studies, house church meetings or distributing Bibles.

A country that allows forced abortion and sterilizations of women as a way to enforce a brutal population policy.

A country which has plundered Tibet, imprisoned and tortured hundreds of Tibetan Buddhist monks and nuns, demolished 4,000–5,000 monasteries, and is destroying the culture of the Tibetan people.

Some who favor this name change believe it will be easier to convince the American people that our trading relationship with China is normal. But what's normal about a trading relationship which has allowed China to amass a $50 billion trade surplus with the United States but still restricts most American goods from entering its market.

There's nothing normal about trade relations with China and the American people will not be fooled.

MFN is a symbol of a time when the United States was willing to put principle before profit in our relations with foreign governments. Changing the name today ends that era.

I plan to vote for H.R. 2676 because it increases taxpayer rights when dealing with the IRS and requires the IRS to be more accountable to the Congress and the American taxpayer.

However, I am deeply saddened and concerned that an otherwise good bill has been tainted by this bad provision.

Mr. OWENS. Mr. Speaker, I rise to challenge the conventional wisdom on taxes and to, thereby, give my tacit support for the conference report to H.R. 2676, the "IRS Reform and Restructuring Act." When H.R. 2676 was initially considered in the House last November, I voted for it enthusiastically because it appeared to be a long-overdue form of taxpayer advocacy to protect our citizens. However, the bill that we consider today has remarkably moved from transforming the administration and oversight of the Internal Revenue Service (IRS) for the benefit of the average American taxpayer; today's version of H.R. 2676 includes provisions (not passed by either the House or Senate) which represent an arrogant, back-door effort to reduce taxes for the wealthiest Americans. H.R. 2676 not only reforms and restructures the IRS, but it reforms and restructures tax policy on capital gains, estates, and Roth Individual Retirement Accounts (IRAs). Instead of determining new ways to circumvent taxes on the "unearned" income of the rich, it is time that America's revenue and tax policy stop penalizing the "earned" income of our working families.

It is an undisputable fact that working people are paying the cost of government—practically all of it. Our tax system is set up to pilfer the recipients of "earned" income—wages, salaries, and retirement pay—and protect the recipients of "unearned" income—interest, dividends, rents, and capital gains. Taxes on "earned" income produce 85% of all personal income taxes, with only 15% brought in by taxes on "unearned" income. Moreover, taxes on "earned" income—income and Social Security taxes—bring in over 70% of all Federal tax revenue, compared to only 9% for "unearned" income. For every dollar of tax revenue produced by "earned" income, "unearned" income brings in only 13 cents.

H.R. 2676 would exacerbate this scenario by adding another unfair layer of protection for "unearned" income. H.R. 2676 would shorten the length of time (from 18 months to 12 months) that an asset has to be held in order to yield a lower capital gains tax rate (from 28% to 20%). It should be noted that unlike "unearned" income, every single penny of "earned" income goes on the tax return and is fully taxed. (The only exception is the income "earned" by low-income people who either make only a few thousand dollars a year or who are eligible to receive the Earned Income Tax Credit.) Yet, H.R. 2676 contributes to the list of humongous loopholes, exceptions, and special provisions for "unearned" income, especially capital gains. This new protection for capital gains will cost the U.S. Treasury $300 million per year (beginning in the year 2000). Over a 10-year period, this provision in H.R. 2676 will cost more than $2 billion—all to the benefit of the top 5% of the income scale—individuals who make six figures a year.

H.R. 2676 contains other provisions that would further underscore the regressive makeup of our tax policy. The legislation does not correct an error in the 1997 Balanced Budget Act that decreased taxes on estates with values as large as $17 million. This tax break would benefit the heirs of a few hundred people each year—the richest 0.01% of Americans. In addition, H.R. 2676 would allow wealthy senior citizens to cut their future taxes by expanding their eligibility for a newer, more financially generous IRA—the "Roth IRA"—after 2004. This provision would cost the U.S. Treasury approximately $1 billion per year after 2004.

It is unfortunate that Republicans have misused this opportunity to pass a good IRS reform bill and, instead, have authorized new tax breaks for the rich. Already the tax code is rife with flagrant examples of corporate welfare; and H.R. 2676 does nothing to alleviate existing burdens on working families. Corporations used to shoulder 39% of the tax burden while families shouldered 27%. Today corporations only contribute 11% while families contribute 44%. The bank accounts of American families should not be drained to compensate for the untouchable coffers of corporate America. Instead, corporations must be forced to pay their fair share, as well as wealthy individuals.

I challenge my colleagues to step up to the plate, propose fair reform of the IRS, and achieve taxpayer justice by directing the IRS to enforce current laws. Specifically, the bill represents Congress closing its eyes to a continual corporate abuse scheme: corporations are purchasing large quantities of their own stock, which is categorically prohibited by Sections 531–537 of the Internal Revenue Code. Despite the law, hundreds of big-name corporations have been avoiding paying out dividends—and thus avoiding paying taxes on those dividends—by accumulating more than $275 billion in stock buy-backs. It must be reiterated that it is unlawful for corporate business managers to let profits pile up in the corporation, rather than to distribute them as taxable dividends. If current law were enforced today, an estimated $70 billion in penalties would be collected by the Federal government. And as evidenced by my personal investigation of this matter, the IRS is fully aware of these violations, but appears to be too timid to tackle the big corporations who are committing the offenses.

The original version of H.R. 2676 was commendable. The Taxpayer Bill of Rights III, the new 9-member oversight board, the Low-Income Taxpayer Clinics, the national Office of Taxpayer Advocate with its local advocacy offices, and the goal of an 80% electronic filing rate by the year 2007—these represent a movement in the right direction towards the reform and restructure of the nation's tax collecting agency. What about ensuring that working families take home more dollars so that they will not have to struggle to pay their own bills? The addition of special tax breaks for the rich during the conference committee meetings is an affront to economic justice for all of America's taxpayers. We can do a better job, and this bill could do more to correct the imbalance in our tax structure.

Mr. GEPHARDT. Mr. Speaker, I would like to express my deep concern about the inclusion in this legislation of an unrelated provision that, while seemingly innocuous and noticed by few, will neutralize a principle that has been at the heart of our nation's trade policy for decades.

Section 5003 of H.R. 2676 will change the term "most-favored-nation-treatment" to "normal trade relations" in all relevant U.S. statutes. This change in terminology undermines the foundations of a trade policy that has been used to advance U.S. interests for many years. This policy has in part consisted of ensuring that the most favorable terms of trade are accorded to nations with which the United States share similar concepts and practices regarding international commerce. In the past, nations we have deemed to be unworthy of this status include communist regimes and regimes that engaged in particularly oppressive acts against their citizens, such as Poland's martial-law government in 1982.

It is unfortunate that over the past several years, our government has refrained from using MFN status as a tool to advance U.S. interests broadly or, at a minimum, obtain important commitments from our trading partners. I am particularly disappointed that we have not effectively conditioned or cut off MFN status for China in the aftermath of the 1989 Tiananmen Square massacre. Our government's recent pattern of behavior in this regard, however, is no reason to now strip this tool of the nomenclature that conveys the purpose for which it was originally intended. And given the context in which this change of terminology has been proposed this year—that is, in connection with once again renewing MFN status for China—I am convinced that it is an attempt to semantically extinguish the values that should be at the core of our policy toward China and all other nations.

Earlier this week, I conveyed these concerns to the Chairman of the Ways and Means Subcommittee on Trade, as that subcommittee prepared to consider this proposal as a stand-alone legislative measure. I believe that a legislative change of this significance should be debated separately from the IRS legislation to which it has been attached. But again, I fear that the manner in which this serious issue has been presented to the House is a maneuver to neutralize its importance to our trade policy and the values that should underlie it. I submit for the RECORD a copy of my letter to the Chairman of the Ways and Means Subcommittee on Trade.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, OFFICE OF THE DEMOCRATIC LEADER,
WASHINGTON, DC, JUNE 23, 1998.

Hon. PHILLIP M. CRANE,
Chairman, Subcommittee on Trade, Longworth House Office Building, Washington, DC

DEAR MR. CHAIRMAN: It is my understanding that today the Trade Subcommittee will be marking up a bill to change the terminology of "most favored nation" (MFN) to "normal trade relations" (NTR). I remain concerned that changing this widely accepted trade designation would be misleading and ill advised. Why would we want to overturn years of U.S. commercial law, primarily to send a gesture that we desire "normal trade relations" with China?

The fact is that China is not a normal trading nation. It is not even a market economy; it is a communist centralized economy. While we grant China MFN on a yearly basis, we receive little in reciprocal trade benefits from China. The ever ballooning trade deficit with China, up more than 175% since 1992, proves that Chinese markets remain closed to U.S. goods and services. This year, the U.S. is projected to have a $60 billion trade deficit with China.

Unacceptable Chinese behavior on a whole host of important issues like human rights, proliferation, religious freedom, Tibet, organ sales, forced abortion, trade and labor rights should preclude any preferential trade designation from the U.S. We need to use our leverage in the trade relationship and in other areas to press for changes in these unacceptable Chinese practices. However, if this measure passes, we would be unilaterally placating China.

Make no mistake. It is a preferential trading status that countries like China receive when the President makes a special request for a waiver from Jackson Vanik. When the U.S. grants MFN, nonmarket nations gain benefits from the U.S. that are often unilateral in nature. For example, China was granted $1 billion in annual tariff concessions when the WTO Uruguay Round went into effect, because it receives the MFN designation.

Let us continue to debate MFN on the merits. Rather than attempting to confuse the U.S. public and our allies with this new and inaccurate NTR designation, it would be better to acknowledge that problems remain across the array of political, economic and security issues in our bilateral relationship with China.

Real engagement means communicating honestly with China about the problems and the positive aspects of our bilateral relationship. To say that the U.S. has "normal trade relations" with China is disingenuous and suggests that China's current behavior is acceptable to the U.S. I continue to believe that China can and must do better to earn the "most favored nation" designation from the U.S. Let's not change the terms of the debate just to get China off the hook.

Thank you for this opportunity to express my views.

Sincerely,

RICHARD A. GEPHARDT.

Mr. POSHARD. Mr. Speaker, I rise today in support of this landmark legislation, which provides for long-overdue reform and restructuring of the Internal Revenue Service. I am pleased that my colleagues have been able to address this important issue in a largely bipartisan manner, and I believe that the finished product will go far in giving American taxpayers the rights and protections they deserve.

First, this bill includes many provisions that will insure the IRS and its employees are held accountable for their actions. It creates a nine-member board to oversee IRS administration, management, execution and application of internal revenue laws and provides for discipline of IRS employees for misconduct or violations of IRS rules or taxpayer rights.

Secondly, this measure codifies and strengthens the rights of taxpayers in many significant ways. The IRS, rather than the taxpayer, will now bear the burden of proof in most tax disputes. Moreover, taxpayers will be allowed to sue the government for civil damages caused by the negligent disregard of tax laws by IRS employees. I am also pleased to note that it will be more difficult for an individual to be held responsible for mistakes made on a tax return by his or her spouse.

At long last, the American taxpayer can look forward to being treated with respect and common sense by an agency which will finally be subject to meaningful standards of responsibility and accountability. I urge my colleagues to support passage of the conference report before us, so that our constituents might finally be able to reap the benefits of desperately-needed reform.

Mr. COYNE. Mr. Speaker, I rise in support of the Internal Revenue Service Restructuring and Reform Act of 1998, which will expand significantly our system of taxpayer protections as well as equip the Internal Revenue Service

(IRS) for the challenges of the 21st century. It has been over 40 years since the Congress considered major reforms to the IRS, with the last being the 1952 reorganization. This legislation provides for a sweeping overhaul of the nation's tax agency and in doing so, creates the necessary foundation for the IRS to transform itself into the efficient and service-oriented agency demanded by the taxpayers. In adopting this bill, we should also not lose sight of the many hardworking and dedicated IRS employees, whose ability to serve taxpayers better will now be enhanced.

The Congress and the administration have worked for nearly 2 years in developing this legislation. This achievement arises from the year of intensive work by the National Commission on Restructuring the Internal Revenue Service, of which I was privileged to be a member. Among its many activities, the Commission held 12 public hearings, three field hearings and visited six IRS Service centers. We also interviewed more than 500 hundred individuals, including both current and former IRS employees and managers, congressional committee members and staff, executive branch officials, academics and public sector advisors. Above all, we sought to determine what were the most common problems that average taxpayers experienced with the IRS.

In turn, it was the responsibility of the Congress and the Clinton administration to translate into legislation the many constructive ideas generated by the Commission. In this respect, I want to thank the administration, and in particular Treasury Secretary Rubin, Commissioner Rossotti, and their respective staffs, for their major contribution to the development of this legislation. Since the first IRS restructuring bill was introduced last summer, the Treasury Department and the IRS have worked closely with the House and Senate tax-writers to insure that the bill will be effective from a tax administration and tax policy standpoint. In doing so, they refined and improved upon many of the proposals. Equally as important, we could not have completed this legislation without the House and Senate tax-writing committees, and my fellow conferees, working together in a consistently bipartisan fashion.

The conference report achieves the major objectives that were established by the Commission, by streamlining IRS governance and management, improving taxpayer protections and rights, expanding electronic tax filing and enhancing congressional oversight of the IRS.

Concerning IRS governance and management, the legislation creates a new IRS Oversight Board composed of six private-life members, the Treasury Secretary, the IRS Commissioner and an individual representing IRS employees. The IRS Commissioner is given new authority for managing the IRS, including personnel flexibilities to reorganize the agency and to hire experts at expanded pay-grades. The bill also increases the direct accountability of IRS employees to the Commissioner. To improve departmental oversight of the IRS, the bill creates a new Treasury Inspector General for Tax Administration.

Consistent with prior Taxpayer Bill of Rights measures, the conference report greatly expands taxpayer rights and protections. The bill provides innocent spouse relief to taxpayers based on a more generous, current-law system of equitable relief, and to divorced, legally-separated and married taxpayers living apart for more than 1 year, based on a system of proportionate liability. This relief applies to all cases that are still open before the IRS. The legislation also shifts the burden of proof in tax court proceedings to the IRS as long as the taxpayer introduces credible evidence, complies with record keeping rules and cooperates with reasonable IRS information requests.

The legislation also modifies several interest and penalty rules, including the suspension of interest, and some penalties, when the IRS does not notify the taxpayer within 18 months of a return filing due date. This time requirement is reduced to 12 months in the year 2004. The bill also grants increased due process protections in IRS collection actions, including notification and appeals in liens, levies and seizures, and also requires court approval prior to the seizure of a principal residence. Among its other protections, the conference report expands the authority of the IRS Taxpayer Advocate, liberalizes the awarding of attorney fees in tax cases, authorizes low-income taxpayer clinics and expands rules for providing installment agreements and offers-in-compromises.

Vital to a 21st century IRS, the conference report expands electronic tax return filing systems by eliminating certain related paper submissions, authorizing signature alternatives and providing electronic filing goals and incentives. These measures, along with a modernized IRS computer system, should result in better service for all taxpayers, including faster refunds, easier filing and a more responsive system for answering taxpayer inquiries.

Lastly, to increase congressional oversight of the IRS, the bill provides for five annual joint House-Senate hearings on the agency, and requires a complexity analysis to be included in each tax bill reported out of the tax-writing committees.

While the conference agreement is fully paid for over 10 years, I am concerned about several revenue provisions which are used to fund this legislation. Most notably, the revisions to the Roth IRA will lose substantial revenue starting in the year 2008, just when the baby boom generation will place additional burdens on Social Security and Medicare. I also object to the replacement of the current 18-month long-term capital gain holding period with a 12-month holding period. This provision will cost $2 billion over 10 years, provide no real simplification, and may increase incentives for stock speculation that the current holding period was intended to prevent. On numerous occasions, I objected to some Republicans' insistence that the IRS employee representative not be granted conflict-of-interest waivers that are necessary to ensure the full participation of this board member. However, as agreed to by the conferees, I am now confident that the President will have the authority to provide appropriate waivers when submitting the nomination to the Senate.

Mr. Speaker, the IRS Restructuring and Reform Act of 1998 adopts proposals that respond to the most common problems that taxpayers face with the IRS. However, I remain concerned that some of the provisions may be very difficult for the IRS to administer. While this bill offers many constructive measures, we will need to monitor closely how these provisions are implemented by the IRS and assist this agency by simplifying the tax code wherever possible.

All of this considered, I believe that this is a good bill, and I urge my colleagues to support its passage.

Mr. SHUSTER. Mr. Speaker, I rise in support of H.R. 2676, the conference report on the Internal Revenue Service Revenue and Restructuring Act. I commend Chairman ARCHER, ranking Member RANGEL, Senator ROTH and Senator MOYNIHAN in crafting this important legislation.

In particular, I would like to address title IX of that act which includes the text of H.R. 3978, the TEA 21 Restoration Act, with only slight modification. The TEA 21 Restoration Act restores inadvertent errors and provisions that had been agreed to by the Conferees but mistakenly not included in the conference report on the recently-enacted Transportation Equity Act for the 21st Century—TEA 21.

H.R. 3978 is consensus legislation—it had been worked out in cooperation with the majority and minority in both this body and with the Senate. H.R. 3978 passed the House by unanimous consent on June 3, 1998. It was hoped that the legislation would quickly pass the Senate and be signed by the President at the same time that he signed the TEA 21 law on June 9, 1998. Unfortunately, H.R. 3978 was unable to pass the Senate because of a provision unrelated to the transportation provisions of TEA 21, but instead one that addressed corrections to programs under the jurisdiction of the Committee on Veterans' Affairs.

I am pleased that the Congress is addressing the important items contained in the TEA 21 Restoration Act. I want to thank Chairman ARCHER, Speaker GINGRICH, Majority Leader ARMEY, and Senators LOTT and ROTH for agreeing to include H.R. 3978 in this legislation. I am particularly grateful because while the transportation portions of H.R. 3978 did not have any effect on the Federal deficit, one provision relating to veterans' affairs did have a modest impact and it still was included.

I am including a summary of the provisions contained in Title IX.

HOUSE/SENATE JOINT SUMMARY OF TECHNICAL CORRECTIONS TO TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY

This legislation: (1) restores provisions agreed to by the conferees; (2) makes technical corrections to provisions included in H.R. 2400; and (3) eliminates duplicative program authorizations.

This legislation does not change the formula allocations contained in the Conference Report to the Transportation Equity Act for the 21st Century.

The following is a section by section description of provisions included in the TEA-21 Restoration Act:

SECTION 9001 SHORT TITLE

SECTION 9002 AUTHORIZATION AND PROGRAM SUBTITLE

Adjusts funding levels for high priority projects to conform with list in the conference report and to correct other errors.

Adjusts funding levels for Highway Use Tax Evasion projects to allow for implementation of the Excise Fuel Tracking System.

Corrects the obligation limitation levels for mathematical consistency and conforms obligation limitation treatment to current practice for research programs.

Makes other conforming and technical changes such as renumbering sections and correcting cross reference.

SECTION 9003 RESTORATIONS TO GENERAL PROVISIONS SUBTITLE

Restores the National Historic Covered Bridge Preservation program.

Restores the Substitute Project for the Barney Circle Freeway, Washington, DC.

Restores Fiscal, Administrative and Other Amendments included in both House and Senate bills.

Removes section 1211(j) regarding winter home heating oil delivery.

Makes technical corrections to section 1211, Amendments to Prior Surface Transportation laws and section 1212, Miscellaneous Provisions.

Clarifies program funding categories for Puerto Rico and continues current law penalties for Puerto Rico for non-compliance with the federal minimum drinking age requirements.

Clarifies that contract authority is authorized for provisions contained in section 1215, Designated Transportation Enhancement Activities.

Modifies Sec. 1217(j) to allow for effective implementation of this subsection.

Modifies Magnetic Levitation Deployment Program to clarify eligibility of low-speed magnetic levitation technologies.

Corrects reference to Special Olympics.

SECTION 9004 RESTORATIONS TO PROGRAM STREAMLINING AND FLEXIBILITY SUBTITLE

Restores Discretionary Grant Selection Criteria provisions.

Conforms Environmental Streamlining provisions to include mass transit projects.

SECTION 9005 RESTORATIONS TO SAFETY SUBTITLE

Restores the Open Container Law safety program.

Conforms the Minimum Penalties for Repeat Offenders for Driving while Intoxicated program.

SECTION 9006 ELIMINATION OF DUPLICATE PROVISIONS

Eliminated duplicate provisions for San Mateo County, California, the Value Pricing Pilot Program, and National Defense Highways Outside the United States

Restores the Minnesota Transportation History Network provision.

SECTION 9007 HIGHWAY FINANCE

Updates the Transportation Infrastructure Finance and Innovation Act program to begin in 1999 rather than in 1998.

Conforms the credit levels in the Transportation Infrastructure Finance and Innovation program to agreed upon distribution levels of budget authority.

SECTION 9008 HIGH PRIORITY PROJECTS TECHNICAL CORRECTIONS

Makes technical corrections, description changes and previously agreed upon additions to high priority projects.

SECTION 9009 FEDERAL TRANSIT ADMINISTRATION PROGRAMS

Makes corrections to transit planning provisions to conform to provisions in title 23.

Clarifies eligibility of clean diesel under clean fuels program.

Makes technical corrections to section 5309 and clarifies the Secretary's full funding grant agreement authority.

Funds University Transportation Centers authorized under title 5.

Restores requirement that transit grantees accept non-disputed audits of other government agencies when awarding contracts.

Makes corrections to the authorizations for planning, University Transportation Centers, the National Transit Institute and the additional amounts for new starts.

Makes technical corrections, description changes, and previously agreed upon additions to new starts projects.

Makes technical corrections to the access to jobs and reverse commute programs.

Corrects funding level for the Rural Transportation Accessibility Incentive Program and makes other technical corrections.

Makes technical corrections to study on transit in national parks.

Makes corrections to obligation limitation levels.

SECTION 9010 MOTOR CARRIER SAFETY TECHNICAL CORRECTION

Conforms section references for the Motor Carrier Safety program.

SECTION 9011 RESTORATIONS TO RESEARCH TITLE

Adjusts authorization levels for university transportation centers to conform with modifications made in the Transit title in section 9.

Restores eligibility of Intelligent Transportation System activities for innovative financing.

Corrects drafting errors to 5116 (e) and (f).

Makes technical and conforming changes to university research provisions.

Corrects references to the Director of the Bureau of Transportation Statistics.

Corrects drafting errors to Fundamental Properties of Asphalts and Modified Asphalts research program.

SECTION 9012 AUTOMOBILE SAFETY AND INFORMATION

Corrects reference to the National Highway Traffic Safety Administration.

Makes conforming changes to provisions in Subtitle D of Title VII.

SECTION 9013 TECHNICAL CORRECTIONS REGARDING SUBTITLE A OF TITLE VII

Makes corrections to offsetting adjustments for discretionary spending limits.

Makes other technical and conforming changes to Title VIII.

SECTION 9014 CORRECTIONS TO VETERANS SUBTITLE

The TEA-21 Restoration Act corrects drafting errors to Sec. 8201.

The provision included in the Conference Report on TEA-21 to use the Veterans smoking-related disability benefits for transportation was drafted incorrectly and had the unintended consequence of identifying smoking as an act of "willful misconduct" by veterans. The provision in the TEA-21 Restoration Act corrects any reference to smoking as an act of "willful misconduct" by veterans.

This provision also clarifies that veterans who have filed claims for smoking-related benefits are grandfathered.

The provision also makes clear that those active-duty service personnel who contract a smoking-related illness while in service continue to qualify for disability compensation.

Another correction in this bill relates to ensuring that survivors and their dependents will receive a 20% increase in education assistance benefits.

SECTION 9015 TECHNICAL CORRECTIONS REGARDING TITLE IX

Makes technical corrections to the Revenue title.

SECTION 9016 EFFECTIVE DATE

Provides for the effective date of this act to conform with the effective date of TEA-21.

Mr. CAMP. Mr. Speaker, I rise in strong support of H.R. 2676, the Internal Revenue Service Restructuring and Reform Act of 1997. Today we have a Republican-led fundamental, comprehensive reform of the IRS. This will help protect taxpayers by increasing oversight, holding IRS employees accountable and insuring taxpayers are treated with fairness.

First, the burden of proof shifts to the IRS in court proceedings—now, finally, you're innocent until proven guilty. Second, innocent spouses will not be held responsible for taxes due—the income-earning spouse will pay. Third, interest and penalty relief is provided in certain cases, where the IRS fails to give the proper notice to taxpayers. Fourth, we prohibit the IRS from seizing a taxpayer's home without a court order. And finally, we permit the taxpayer to collect up to $100,000 in civil damages resulting from IRS negligence.

These are only a few of the changes in the first IRS reform since 1952. And this bill is only the first step—but it's a big one, and it's a necessary one. Mr. Speaker, H.R. 2676 represents a critical step in returning government to the people we represent. I urge support for this important legislation.

Mr. PACKARD. Mr. Speaker, I rise today in support of H.R. 2676, the Internal Revenue Service Restructuring and Reform Act. The IRS is in desperate need of repair. This out of control agency has not been reformed since 1952 and H.R. 2676 is the first step in the overhauling process.

Our tax system is in need of comprehensive reform. H.R. 2676 is another step in the process to save taxpayers from the burden of the IRS giant. The IRS Restructuring and Reform Act will protect taxpayers by increasing oversight, holding employees accountable for their actions, and creating a level playing field for taxpayer rights.

Mr. Speaker, I am sure we could all share IRS horror stories that our constituents have been through. It is time we act on those stories and reform the system. This bill will shift the burden of proof from the taxpayer to the IRS. Too many families pay money they do not owe, and too many times the weakest taxpayers are unfairly targeted by the IRS.

Mr. Speaker, for too long, the IRS has been accountable to no one. It is time we make them accountable to those they serve—the American taxpayer. I urge my colleagues to support H.R. 2676.

Mrs. FOWLER. Mr. Speaker, for many citizens, the IRS stands for precisely what is wrong with our federal bureaucracy. Over the last few months, we've heard horror stories from our constituents about experiences they have had with the IRS. This is an agency that has had the ability to completely tear down a person's life, change their entire financial outlook and wreak irrevocable damage, sometimes with no further provocation than a computer glitch or a record-keeping problem.

I know that there are many hardworking, conscientious, and caring individuals who work for the Internal Revenue Service, but the current system is simply not working the way it should. Where else but in the massive bureaucracy of the IRS is a person guilty, until proven innocent.

This legislation will make long-overdue and necessary changes to the IRS, shifting the

burden of proof to the agency in tax liability disputes, providing crucial relief to innocent spouses who have become unsuspecting victims of the IRS, and establishing an independent oversight board.

This bipartisan bill will also take several important steps to lower the tax burden on individuals who are trying to plan for retirement, save for their children's college tuition, or buy a home by reducing the capital gains tax rate.

Federal Reserve Board Chairman Alan Greenspan once said himself that, (quote) "the capital gains tax is the poorest way to raise revenue." He went on to say that it is "counterproductive to long-term economic growth which affects all American society." Indeed, since Republicans paved the way for the capital gains reduction in the Taxpayer Relief Act of last year, our economy has boomed and now the Congress is fortunate to be debating how to use billions of dollars expected in surplus revenues.

Mr. Speaker, I support the capital gains reduction and the overall legislation and urge my colleagues to do the same. It is a common sense way to restore power to our citizens and bring about changes that will make the IRS more efficient, accountable, effective, and taxpayer-friendly.

Mr. SMITH of New Jersey. Mr. Speaker, I intend to vote in favor of the conference report, because we need a more taxpayer-friendly IRS. But I cannot cast my vote without stating my strong objection to the provision that changes the name of "Most Favored Nation" status (MFN) in an attempt to sugar-coat the practice of giving trade concessions to thugs and murderers.

It is hard to know what is worse about this provision: its deplorable substance, or the sneaky and underhanded way in which it has been adopted. This provision was inserted in the dark of night, just a few hours before the Rules Committee met on this bill. It was known to be controversial on both sides of the aisle, but opponents were given no warning—not a day, not an hour, not a minute's warning—that it might be inserted into a bill we all strongly support. And it has nothing at all to do with IRS reform. It is irrelevant, non-germane, out-of-scope, and contrary to the rules of the House.

On the merits, the "normal trade relations" provision substitutes an ideological slogan for a technically accurate term that is hundreds of years old and is universally accepted in international law and practice. When we sign an MFN agreement with a foreign nation, we do not and will not agree to give that nation something called "normal trade relations." That term is meaningless in international law. What we do in these agreements, and will continue to do even after this provision is adopted, is agree to give that nation the same treatment as we give the nation that is "most favored" under our laws and treaties. So the name change is an international embarrassment—done for the sole purpose of making it politically more palatable to give MFN to China, or in the future maybe to other totalitarian dictatorships such as Viet Nam or North Korea.

Mr. Speaker, maybe we can change the politics of this issue by changing its name, but we can't change the facts. A government that murders and tortures people for their political and religious beliefs, that forces women to undergo abortion and sterilization, that executes prisoners in order to sell their body parts, that steals jobs from American workers by producing goods in forced labor camps, is not a "normal" government—and thank God for that. Unfortunately, what this provision says is that doing business with such a government should be "business as usual."

Mr. Speaker, if we had a fair and open debate on this provision, I would move that instead of changing the name of MFN to "normal trade relations," we call it something more accurate, like "dollars for dictators."

Again, Mr. Speaker, I will vote for the conference report because I strongly support IRS reform. The legislation shifts the burden of proof from the taxpayer to the government. It creates an independent civilian review board to oversee the IRS. It requires IRS to be less arbitrary and to provide more due process before it seizes taxpayers' property. And it reduces the capital gains tax. These are all important victories for the American taxpayer. It's just too bad that we are also handing a victory to Beijing and Hanoi and to their partners and cheerleaders here in the United States.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. MC DERMOTT

Mr. McDERMOTT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. McDERMOTT. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McDERMOTT moves to recommit the conference report on the bill H.R. 2676 to the committee of conference with instructions to the managers on the part of the House to disagree to section 5001 (relating to lower capital gains rates to apply to property held more than 1 year) in the conference substitute recommended by the committee of conference.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. McDERMOTT. 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 SPEAKER pro tempore. The Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the conference report.

The vote was taken by electronic device, and there were—yeas 116 nays 292, not voting 26, as follows:

[Roll No. 273]

YEAS—116

Abercrombie
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Dooley
Edwards
Engel
Etheridge
Evans
Fattah
Fazio
Filner
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Klink
Kucinich
LaFalce
Lantos
Lee
Levin
Lipinski
Luther
Manton
Matsui
McDermott
McGovern
McHale
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Payne
Pelosi
Peterson (MN)
Poshard
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scott
Skaggs
Smith, Adam
Snyder
Spratt
Stark
Stenholm
Stokes
Strickland
Stupak
Thompson
Tierney
Towns
Vento
Visclosky
Waters
Waxman
Wise
Yates

NAYS—292

Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra

Holden
Hooley
Horn
Hostettler
Houghton
Hunter
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennelly
Kim
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stabenow
Stearns
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Torres
Traficant
Upton
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—26

Berman
Brady (TX)
Clay
Cox
Dingell
Dixon
Gonzalez
Hamilton
Hinojosa
Hulshof
Hutchinson
Klug
Lampson
Lewis (CA)
Lewis (GA)
Markey
McDade
Meehan
Moakley
Neal
Packard
Reyes
Serrano
Souder
Turner
Velázquez

□ 1720

Messrs. WYNN, MOLLOHAN, FAWELL, BERRY, TAYLOR of Mississippi, FROST, NUSSLE, KENNEDY of Massachusetts, McNULTY, ACKERMAN, GREEN, HOLDEN, McINTYRE, DAVIS of Florida, BROWN of California, WEYGAND, and Mrs. LOWEY, Mrs. CLAYTON, and Ms. McKINNEY changed their vote from "yea" to "nay."

Ms. PELOSI, Mr. FAZIO of California, and Mr. STOKES changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PACKARD. Mr. Speaker, I was unavoidably detained on June 25, 1998 for rollcall vote 273. Had I been present, I would have voted "nay."

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

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

RECORDED VOTE

Mr. ARCHER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 402, noes 8, not voting 25, as follows:

[Roll No 274]

AYES—402

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
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
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
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
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
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
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—8

Fazio
Frank (MA)
Martinez
Matsui
McDermott
Sabo
Smith, Linda
Yates

NOT VOTING—25

Berman
Brady (TX)
Clay
Dingell
Dixon
Fattah
Gonzalez
Hamilton
Hinojosa
Hulshof
Hutchinson
Klug
Lampson
Lewis (GA)
Markey
McDade
Meehan
Moakley
Neal
Packard
Reyes
Serrano
Souder
Turner
Velázquez

□ 1733

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, due to business in my Congressional District, I today was forced to miss the following rollcall votes: 267, 268, 269, 270, 271, 272, 273 and 274. Had I been present I would have voted as follows: Nos. 267–270, nay; Nos. 271–274, yea.

PERSONAL EXPLANATION

Mr. HUTCHINSON. Mr. Speaker, Due to a death in my family, I was not present for rollcall No. 267 (a vote on H. Res. 491, a resolution providing for the adjournment of the House and Senate for the Independence Day district work period). Had I been present, I would have voted "aye."

Also, Mr. Speaker, I was not present for rollcall No. 268 (the vote on H. Res. 485, a resolution providing for consideration of the bill, H.R. 4104, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for FY 1999). Had I been present, I would have voted "no."

Mr. Speaker, I was not present for rollcall No. 269 (the vote ordering the previous question on H. Res. 489, a resolution providing for consideration of the bill H.R. 4112, making appropriations for the Legislative Branch for FY 1999). Had I been present, I would have voted "aye."

Mr. Speaker, I was not present for rollcall No. 270 (the vote on H. Res. 489, a resolution providing for consideration of the bill H.R. 4112, making appropriations for the Legislative Branch for FY 1999). Had I been present, I would have voted "aye."

Mr. Speaker, I was not present for rollcall No. 271 (the vote on the motion to recommit H.R. 4112, a bill making appropriations for the Legislative Branch for FY 1999). Had I been present, I would have voted "no."

Mr. Speaker, I was not present for rollcall No. 272 (the vote on H.R. 4112, a bill making appropriations for the Legislative Branch for FY 1999). Had I been present, I would have voted "aye."

Mr. Speaker, I was not present for rollcall No. 273 (the vote on a motion to recommit the conference report for H.R. 2676, the Internal Revenue Service Restructuring and Reform Act). Had I been present, I would have voted "no."

Mr. Speaker, I was not present for rollcall No. 274 (the vote on agreeing to the conference report for H.R. 2676, the Internal Revenue Service Restructuring and Reform Act). Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. PACKARD. Mr. Speaker, I was unavoidably detained on June 25, 1998 for rollcall vote 274. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. DIXON. Mr. Speaker, a medical appointment in Los Angeles forced me to miss rollcall votes 273 and 274. Had I been present, I would have voted "aye" on rollcall No. 273 and "aye" on rollcall No. 274.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, WEDNESDAY, JULY 8, 1998, TO FILE PRIVILEGED REPORT ON DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, Wednesday, July 8, 1998, to file a privileged report to accompany a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

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

There was no objection.

The SPEAKER. Pursuant to clause 8 of rule XXI, all points of order are reserved.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, WEDNESDAY, JULY 8, 1998, TO FILE A PRIVILEGED REPORT ON DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, Wednesday, July 8, 1998, to file a privileged report to accompany a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes.

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

There was no objection.

The SPEAKER. Pursuant to clause 8 of rule XXI, all points of order are reserved.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I yield to the distinguished gentleman from New York (Mr. SOLOMON) to inquire about the schedule for the day, the rest of the week, and for when we will return.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding. I am pleased to announce that we have concluded legislative business for this week and will now begin the Independence Day District Work Period.

The House will next meet on Tuesday, July 14, at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. We do not expect any recorded votes before 5 p.m.

On Tuesday, July 14, we will consider a number of bills under suspension of the rules, a list of which will be distributed to the Members and to the minority whip as soon as possible.

After suspensions, the House will continue consideration of H.R. 2108, that is the Bipartisan Campaign Integrity Act of 1997.

On Wednesday, July 15, the House will meet at 10 a.m. to consider the following legislation: H.R. 3682, the Child Custody Protection Act; and H.R. 3267, the Sonny Bono Memorial Salton Sea Reclamation Act.

On Thursday, July 16, the House will meet at 10 a.m., and on Friday, July 17, the House will meet at 9 a.m. to consider the VA–HUD Appropriations Act; the Interior Appropriations Act; and the Treasury Postal Appropriations Act.

Mr. Speaker, during the week we return, we also expect to deal with the President's veto of H.R. 2709, the Iran Missile Proliferation Sanctions Act.

Mr. Speaker, we hope to conclude legislative business for that week by 2 p.m. on Friday, July 17.

Mr. BONIOR. Could I inquire of one other point from the gentleman from New York.

The Bipartisan Campaign Integrity Act will occur after the suspensions on the Tuesday that we return. Does the gentleman expect that we will have the Doolittle amendment to the Shays-Meehan bill before us on that evening?

Mr. SOLOMON. It could be, yes. We will be following regular order and that would be in order.

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

Mr. BONIOR. I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Speaker, if I could follow up on that inquiry. As the gentleman from New York knows, H.R. 2183, the base bill for the debate, the campaign finance reform debate, has 11 substitutes. We have now worked through one of those substitutes. We are working on the second substitute. Am I correct in understanding that the time on Tuesday would be the only time during the week that we would be dealing with that particular issue?

Mr. SOLOMON. It is most likely. However, sometimes legislation moves much faster. It was amazing what the gentleman from Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA) accomplished with the Defense appropriations bill. That leaves a lot of windows of opportunity. So it could be we would take it up other times, too.

Let me just say to the gentleman that I think we are beginning to move rapidly now. Once we are past these

two substitutes, I think we are going to find that many Members who are able to under the rule offer amendments, I think we are going to find they are not going to offer those amendments, and I think we are going to see quite a speedy process.

Mr. ALLEN. If the gentleman will yield for one further question, I actually agree with that. That if we get through the Shays-Meehan substitute in a timely fashion, the speed with which we deal with these issues may pick up. But the fact remains that there are so many amendments to the Shays-Meehan substitute that it seems to me unless we allocate enough time for that, it will take us several weeks to get through Shays-Meehan. So my concern is there is not enough time allocated next week, and then the question, of course, rises what happens the following week, because this is, after all, the most amendments and the most substitutes we will have to deal with on any bill this entire year.

Mr. SOLOMON. It is. One has to admire Speaker GINGRICH because he lived up to his word to both sides, on both sides of the aisle. It is a very open process. The House is really going to be able to work its will. But as my colleague knows, the majority leader made a commitment that we would wrap up this legislation prior to the August recess. The majority leader is a man of his word. I am sure that he is going to try to expedite this floor action to make sure that happens.

Mr. ALLEN. I thank the gentleman for his comments.

Mr. SOLOMON. We hope you all have a good break.

Mr. BONIOR. I thank the gentleman. I wish him a happy and healthy Fourth. I wish him a good break. We will see him on the 14th of July which I believe is Bastille Day. We wish him a happy Bastille Day.

CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998

Mr. SHAW. Mr. Speaker, I ask unanimous consent (1) that the managers on the part of the House be discharged from further consideration of the bill (H.R. 3130) to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, to amend the Immigration and Nationality Act to make certain aliens determined to be delinquent in the payment of child support inadmissible and ineligible for naturalization, and for other purposes, and (2) to take from the Speaker's table the bill, H.R. 3130, with the amendments of the Senate thereto, and to (A) concur in the amendment of the Senate to the title with an amendment, and (B) concur in the amendment of the Senate to the text with an amendment.

The SPEAKER pro tempore (Mr. PEASE). The Chair will entertain the unanimous consent request since the original papers are at the Speaker's table.

The Clerk read the title of the bill.

The Clerk read the House amendment to the Senate amendment to the text, as follows:

House amendment to Senate amendment to the text:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Support Performance and Incentive Act of 1998".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—CHILD SUPPORT DATA PROCESSING REQUIREMENTS

Sec. 101. Alternative penalty procedure.
Sec. 102. Authority to waive single statewide automated data processing and information retrieval system requirement.

TITLE II—CHILD SUPPORT INCENTIVE SYSTEM

Sec. 201. Incentive payments to States.

TITLE III—ADOPTION PROVISIONS

Sec. 301. More flexible penalty procedure to be applied for failing to permit interjurisdictional adoption.

TITLE IV—MISCELLANEOUS

Sec. 401. Elimination of barriers to the effective establishment and enforcement of medical child support.
Sec. 402. Safeguard of new employee information.
Sec. 403. Limitations on use of TANF funds for matching under certain Federal transportation program.
Sec. 404. Clarification of meaning of high-volume automated administrative enforcement of child support in interstate cases.
Sec. 405. General Accounting Office reports.
Sec. 406. Data matching by multistate financial institutions.
Sec. 407. Elimination of unnecessary data reporting.
Sec. 408. Clarification of eligibility under welfare-to-work programs.
Sec. 409. Study of feasibility of implementing immigration provisions of H.R. 3130, as passed by the House of Representatives on March 5, 1998.
Sec. 410. Technical corrections.

TITLE I—CHILD SUPPORT DATA PROCESSING REQUIREMENTS

SEC. 101. ALTERNATIVE PENALTY PROCEDURE.

(a) IN GENERAL.—Section 455(a) of the Social Security Act (42 U.S.C. 655(a)) is amended by adding at the end the following:

"(4)(A)(i) If—

"(I) the Secretary determines that a State plan under section 454 would (in the absence of this paragraph) be disapproved for the failure of the State to comply with a particular subparagraph of section 454(24), and that the State has made and is continuing to make a good faith effort to so comply; and

"(II) the State has submitted to the Secretary a corrective compliance plan that describes how, by when, and at what cost the State will achieve such compliance, which has been approved by the Secretary,

then the Secretary shall not disapprove the State plan under section 454, and the Secretary shall reduce the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the fiscal year by the penalty amount.

"(ii) All failures of a State during a fiscal year to comply with any of the requirements referred to in the same subparagraph of section 454(24) shall be considered a single failure of the State to comply with that subparagraph during the fiscal year for purposes of this paragraph.

"(B) In this paragraph:

"(i) The term 'penalty amount' means, with respect to a failure of a State to comply with a subparagraph of section 454(24)—

"(I) 4 percent of the penalty base, in the case of the 1st fiscal year in which such a failure by the State occurs (regardless of whether a penalty is imposed under this paragraph with respect to the failure);

"(II) 8 percent of the penalty base, in the case of the 2nd such fiscal year;

"(III) 16 percent of the penalty base, in the case of the 3rd such fiscal year;

"(IV) 25 percent of the penalty base, in the case of the 4th such fiscal year; or

"(V) 30 percent of the penalty base, in the case of the 5th or any subsequent such fiscal year.

"(ii) The term 'penalty base' means, with respect to a failure of a State to comply with a subparagraph of section 454(24) during a fiscal year, the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the preceding fiscal year.

"(C)(i) The Secretary shall waive a penalty under this paragraph for any failure of a State to comply with section 454(24)(A) during fiscal year 1998 if—

"(I) on or before August 1, 1998, the State has submitted to the Secretary a request that the Secretary certify the State as having met the requirements of such section;

"(II) the Secretary subsequently provides the certification as a result of a timely review conducted pursuant to the request; and

"(III) the State has not failed such a review.

"(ii) If a State with respect to which a reduction is made under this paragraph for a fiscal year with respect to a failure to comply with a subparagraph of section 454(24) achieves compliance with such subparagraph by the beginning of the succeeding fiscal year, the Secretary shall increase the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the succeeding fiscal year by an amount equal to 90 percent of the reduction for the fiscal year.

"(D) The Secretary may not impose a penalty under this paragraph against a State with respect to a failure to comply with section 454(24)(B) for a fiscal year if the Secretary is required to impose a penalty under this paragraph against the State with respect to a failure to comply with section 454(24)(A) for the fiscal year.".

(b) INAPPLICABILITY OF PENALTY UNDER TANF PROGRAM.—Section 409(a)(8)(A)(i)(III) of such Act (42 U.S.C. 609(a)(8)(A)(i)(III)) is amended by inserting "(other than section 454(24))" before the semicolon.

SEC. 102. AUTHORITY TO WAIVE SINGLE STATEWIDE AUTOMATED DATA PROCESSING AND INFORMATION RETRIEVAL SYSTEM REQUIREMENT.

(a) IN GENERAL.—Section 452(d)(3) of the Social Security Act (42 U.S.C. 652(d)(3)) is amended to read as follows:

"(3) The Secretary may waive any requirement of paragraph (1) or any condition specified under section 454(16), and shall waive the single statewide system requirement under sections 454(16) and 454A, with respect to a State if—

"(A) the State demonstrates to the satisfaction of the Secretary that the State has or can develop an alternative system or systems that enable the State—

"(i) for purposes of section 409(a)(8), to achieve the paternity establishment percentages (as defined in section 452(g)(2)) and other performance measures that may be established by the Secretary;

"(ii) to submit data under section 454(15)(B) that is complete and reliable;

"(iii) to substantially comply with the requirements of this part; and

"(iv) in the case of a request to waive the single statewide system requirement, to—

"(I) meet all functional requirements of sections 454(16) and 454A;

"(II) ensure that calculation of distributions meets the requirements of section 457 and accounts for distributions to children in different families or in different States or sub-State jurisdictions, and for distributions to other States;

"(III) ensure that there is only 1 point of contact in the State which provides seamless case processing for all interstate case processing and coordinated, automated intrastate case management;

"(IV) ensure that standardized data elements, forms, and definitions are used throughout the State;

"(V) complete the alternative system in no more time than it would take to complete a single statewide system that meets such requirement; and

"(VI) process child support cases as quickly, efficiently, and effectively as such cases would be processed through a single statewide system that meets such requirement;

"(B)(i) the waiver meets the criteria of paragraphs (1), (2), and (3) of section 1115(c); or

"(ii) the State provides assurances to the Secretary that steps will be taken to otherwise improve the State's child support enforcement program; and

"(C) in the case of a request to waive the single statewide system requirement, the State has submitted to the Secretary separate estimates of the total cost of a single statewide system that meets such requirement, and of any such alternative system or systems, which shall include estimates of the cost of developing and completing the system and of operating and maintaining the system for 5 years, and the Secretary has agreed with the estimates.".

(b) PAYMENTS TO STATES.—Section 455(a)(1) of such Act (42 U.S.C. 655(a)(1)) is amended—

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

(2) by striking the semicolon at the end of subparagraph (C) and inserting ", and"; and

(3) by inserting after subparagraph (C) the following:

"(D) equal to 66 percent of the sums expended by the State during the quarter for an alternative statewide system for which a waiver has been granted under section 452(d)(3), but only to the extent that the total of the sums so expended by the State on or after the date of the enactment of this subparagraph does not exceed the least total cost estimate submitted by the State pursuant to section 452(d)(3)(C) in the request for the waiver;".

TITLE II—CHILD SUPPORT INCENTIVE SYSTEM

SEC. 201. INCENTIVE PAYMENTS TO STATES.

(a) IN GENERAL.—Part D of title IV of the Social Security Act (42 U.S.C. 651–669) is amended by inserting after section 458 the following:

"SEC. 458A. INCENTIVE PAYMENTS TO STATES.

"(a) IN GENERAL.—In addition to any other payment under this part, the Secretary shall, subject to subsection (f), make an incentive payment to each State for each fiscal year in an amount determined under subsection (b).

"(b) AMOUNT OF INCENTIVE PAYMENT.—

"(1) IN GENERAL.—The incentive payment for a State for a fiscal year is equal to the incentive payment pool for the fiscal year, multiplied by the State incentive payment share for the fiscal year.

"(2) INCENTIVE PAYMENT POOL.—

"(A) IN GENERAL.—In paragraph (1), the term 'incentive payment pool' means—

"(i) $422,000,000 for fiscal year 2000;

"(ii) $429,000,000 for fiscal year 2001;

"(iii) $450,000,000 for fiscal year 2002;

"(iv) $461,000,000 for fiscal year 2003;

"(v) $454,000,000 for fiscal year 2004;

"(vi) $446,000,000 for fiscal year 2005;

"(vii) $458,000,000 for fiscal year 2006;

"(viii) $471,000,000 for fiscal year 2007;

"(ix) $483,000,000 for fiscal year 2008; and

"(x) for any succeeding fiscal year, the amount of the incentive payment pool for the fiscal year that precedes such succeeding fiscal year, multiplied by the percentage (if any) by which the CPI for such preceding fiscal year exceeds the CPI for the 2nd preceding fiscal year.

"(B) CPI.—For purposes of subparagraph (A), the CPI for a fiscal year is the average of the Consumer Price Index for the 12-month period ending on September 30 of the fiscal year. As used in the preceding sentence, the term 'Consumer Price Index' means the last Consumer Price Index for all-urban consumers published by the Department of Labor.

"(3) STATE INCENTIVE PAYMENT SHARE.—In paragraph (1), the term 'State incentive payment share' means, with respect to a fiscal year—

"(A) the incentive base amount for the State for the fiscal year; divided by

"(B) the sum of the incentive base amounts for all of the States for the fiscal year.

"(4) INCENTIVE BASE AMOUNT.—In paragraph (3), the term 'incentive base amount' means, with respect to a State and a fiscal year, the sum of the applicable percentages (determined in accordance with paragraph (6)) multiplied by the corresponding maximum incentive base amounts for the State for the fiscal year, with respect to each of the following measures of State performance for the fiscal year:

"(A) The paternity establishment performance level.

"(B) The support order performance level.

"(C) The current payment performance level.

"(D) The arrearage payment performance level.

"(E) The cost-effectiveness performance level.

"(5) MAXIMUM INCENTIVE BASE AMOUNT.—

"(A) IN GENERAL.—For purposes of paragraph (4), the maximum incentive base amount for a State for a fiscal year is—

"(i) with respect to the performance measures described in subparagraphs (A), (B), and (C) of paragraph (4), the State collections base for the fiscal year; and

"(ii) with respect to the performance measures described in subparagraphs (D) and (E) of paragraph (4), 75 percent of the State collections base for the fiscal year.

"(B) DATA REQUIRED TO BE COMPLETE AND RELIABLE.—Notwithstanding subparagraph (A), the maximum incentive base amount for a State for a fiscal year with respect to a performance measure described in paragraph (4) is zero, unless the Secretary determines, on the basis of an audit performed under section 452(a)(4)(C)(i), that the data which the State submitted pursuant to section 454(15)(B) for the fiscal year and which is used to determine the performance level involved is complete and reliable.

"(C) STATE COLLECTIONS BASE.—For purposes of subparagraph (A), the State collections base for a fiscal year is equal to the sum of—

"(i) 2 times the sum of—

"(I) the total amount of support collected during the fiscal year under the State plan approved under this part in cases in which the support obligation involved is required to be assigned to the State pursuant to part A or E of this title or title XIX; and

"(II) the total amount of support collected during the fiscal year under the State plan approved under this part in cases in which the support obligation involved was so assigned but, at the time of collection, is not required to be so assigned; and

"(ii) the total amount of support collected during the fiscal year under the State plan approved under this part in all other cases.

"(6) DETERMINATION OF APPLICABLE PERCENTAGES BASED ON PERFORMANCE LEVELS.—

"(A) PATERNITY ESTABLISHMENT.—

"(i) DETERMINATION OF PATERNITY ESTABLISHMENT PERFORMANCE LEVEL.—The paternity establishment performance level for a State for a fiscal year is, at the option of the State, the IV–D paternity establishment percentage determined under section 452(g)(2)(A) or the statewide paternity establishment percentage determined under section 452(g)(2)(B).

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's paternity establishment performance level is as follows:

"If the paternity establishment performance level is: At least:	But less than:	The applicable percentage is:
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60

"If the paternity establishment performance level is: At least:	But less than:	The applicable percentage is:
0%	50%	0.

Notwithstanding the preceding sentence, if the paternity establishment performance level of a State for a fiscal year is less than 50 percent but exceeds by at least 10 percentage points the paternity establishment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's paternity establishment performance level is 50 percent.

"(B) ESTABLISHMENT OF CHILD SUPPORT ORDERS.—

"(i) DETERMINATION OF SUPPORT ORDER PERFORMANCE LEVEL.—The support order performance level for a State for a fiscal year is the percentage of the total number of cases under the State plan approved under this part in which there is a support order during the fiscal year.

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's support order performance level is as follows:

"If the support order performance level is: At least:	But less than:	The applicable percentage is:
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
0%	50%	0.

Notwithstanding the preceding sentence, if the support order performance level of a State for a fiscal year is less than 50 percent but exceeds by at least 5 percentage points the support order performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's support order performance level is 50 percent.

"(C) COLLECTIONS ON CURRENT CHILD SUPPORT DUE.—

"(i) DETERMINATION OF CURRENT PAYMENT PERFORMANCE LEVEL.—The current payment performance level for a State for a fiscal year is equal to the total amount of current support collected during the fiscal year under the State plan approved under this part divided by the total amount of current support owed during the fiscal year in all cases under the State plan, expressed as a percentage.

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's current payment performance level is as follows:

"If the current payment performance level is: At least:	But less than:	The applicable percentage is:
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
49%	50%	59
48%	49%	58
47%	48%	57
46%	47%	56
45%	46%	55
44%	45%	54
43%	44%	53
42%	43%	52
41%	42%	51
40%	41%	50
0%	40%	0.

Notwithstanding the preceding sentence, if the current payment performance level of a State for a fiscal year is less than 40 percent but exceeds by at least 5 percentage points the current payment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's current payment performance level is 50 percent.

"(D) COLLECTIONS ON CHILD SUPPORT ARREARAGES.—

"(i) DETERMINATION OF ARREARAGE PAYMENT PERFORMANCE LEVEL.—The arrearage payment performance level for a State for a fiscal year is equal to the total number of cases under the State plan approved under this part in which payments of past-due child support were received during the fiscal year and part or all of the payments were distributed to the family to whom the past-due child support was owed (or, if all past-due child support owed to the family was, at the time of receipt, subject to an assignment to the State, part or all of the payments were retained by the State) divided by the total number of cases under the State plan in which there is past-due child support, expressed as a percentage.

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's arrearage payment performance level is as follows:

"If the arrearage payment performance level is: At least:	But less than:	The applicable percentage is:
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
49%	50%	59
48%	49%	58
47%	48%	57
46%	47%	56
45%	46%	55
44%	45%	54
43%	44%	53
42%	43%	52
41%	42%	51
40%	41%	50
0%	40%	0.

Notwithstanding the preceding sentence, if the arrearage payment performance level of a State for a fiscal year is less than 40 percent but exceeds by at least 5 percentage points the arrearage payment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's arrearage payment performance level is 50 percent.

"(E) COST-EFFECTIVENESS.—

"(i) DETERMINATION OF COST-EFFECTIVENESS PERFORMANCE LEVEL.—The cost-effectiveness performance level for a State for a fiscal year is equal to the total amount collected during the fiscal year under the State plan approved under this part divided by the total amount expended during the fiscal year under the State plan, expressed as a ratio.

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's cost-effectiveness performance level is as follows:

"If the cost-effectiveness performance level is: At least:	But less than:	The applicable percentage is:
5.00		100
4.50	4.99	90
4.00	4.50	80
3.50	4.00	70
3.00	3.50	60
2.50	3.00	50
2.00	2.50	40
0.00	2.00	0.

"(c) TREATMENT OF INTERSTATE COLLECTIONS.—In computing incentive payments under this section, support which is collected by a State at the request of another State shall be treated as having been collected in full by both States, and any amounts expended by a State in carrying out a special project assisted under section 455(e) shall be excluded.

"(d) ADMINISTRATIVE PROVISIONS.—The amounts of the incentive payments to be made to the States under this section for a fiscal year shall be estimated by the Secretary at or before the beginning of the fiscal year on the basis of the best information available. The Secretary shall make the payments for the fiscal year, on a quarterly basis (with each quarterly payment being made no later than the beginning of the quarter involved), in the amounts so estimated, reduced or increased to the extent of any overpayments or underpayments which the Secretary determines were made under this section to the States involved for prior

periods and with respect to which adjustment has not already been made under this subsection. Upon the making of any estimate by the Secretary under the preceding sentence, any appropriations available for payments under this section are deemed obligated.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary governing the calculation of incentive payments under this section, including directions for excluding from the calculations certain closed cases and cases over which the States do not have jurisdiction.

"(f) REINVESTMENT.—A State to which a payment is made under this section shall expend the full amount of the payment to supplement, and not supplant, other funds used by the State—

"(1) to carry out the State plan approved under this part; or

"(2) for any activity (including cost-effective contracts with local agencies) approved by the Secretary, whether or not the expenditures for the activity are eligible for reimbursement under this part, which may contribute to improving the effectiveness or efficiency of the State program operated under this part.".

(b) TRANSITION RULE.—Notwithstanding any other provision of law—

(1) for fiscal year 2000, the Secretary shall reduce by ⅓ the amount otherwise payable to a State under section 458 of the Social Security Act, and shall reduce by ⅔ the amount otherwise payable to a State under section 458A of such Act; and

(2) for fiscal year 2001, the Secretary shall reduce by ⅔ the amount otherwise payable to a State under section 458 of the Social Security Act, and shall reduce by ⅓ the amount otherwise payable to a State under section 458A of such Act.

(c) REGULATIONS.—Within 9 months after the date of the enactment of this section, the Secretary of Health and Human Services shall prescribe regulations governing the implementation of section 458A of the Social Security Act when such section takes effect and the implementation of subsection (b) of this section.

(d) STUDIES.—

(1) GENERAL REVIEW OF NEW INCENTIVE PAYMENT SYSTEM.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study of the implementation of the incentive payment system established by section 458A of the Social Security Act, in order to identify the problems and successes of the system.

(B) REPORTS TO THE CONGRESS.—

(i) REPORT ON VARIATIONS IN STATE PERFORMANCE ATTRIBUTABLE TO DEMOGRAPHIC VARIABLES.—Not later than October 1, 2000, the Secretary shall submit to the Congress a report that identifies any demographic or economic variables that account for differences in the performance levels achieved by the States with respect to the performance measures used in the system, and contains the recommendations of the Secretary for such adjustments to the system as may be necessary to ensure that the relative performance of States is measured from a baseline that takes account of any such variables.

(ii) INTERIM REPORT.—Not later than March 1, 2001, the Secretary shall submit to the Congress an interim report that contains the findings of the study required by subparagraph (A).

(iii) FINAL REPORT.—Not later than October 1, 2003, the Secretary shall submit to the Congress a final report that contains the final findings of the study required by subparagraph (A). The report shall include any recommendations for changes in the system that the Secretary determines would improve the operation of the child support enforcement program.

(2) DEVELOPMENT OF MEDICAL SUPPORT INCENTIVE.—

(A) IN GENERAL.—The Secretary of Health and Human Services, in consultation with State directors of programs operated under part D of title IV of the Social Security Act and representatives of children potentially eligible for medical support, shall develop a performance measure based on the effectiveness of States in establishing and enforcing medical support obligations, and shall make recommendations for the incorporation of the measure, in a revenue neutral manner, into the incentive payment system established by section 458A of the Social Security Act.

(B) REPORT.—Not later than October 1, 1999, the Secretary shall submit to the Congress a report that describes the performance measure and contains the recommendations required by subparagraph (A).

(e) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 341 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 658 note) is amended—

(A) by striking subsection (a) and redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively; and

(B) in subsection (c) (as so redesignated)—

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

"(1) CONFORMING AMENDMENTS TO PRESENT SYSTEM.—The amendments made by subsection (a) of this section shall become effective with respect to a State as of the date the amendments made by section 103(a) (without regard to section 116(a)(2)) first apply to the State."; and

(ii) in paragraph (2), by striking "(c)" and inserting "(b)".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 341 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(f) ELIMINATION OF PREDECESSOR INCENTIVE PAYMENT SYSTEM.—

(1) REPEAL.—Section 458 of the Social Security Act (42 U.S.C. 658) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 458A of the Social Security Act, as added by section 201(a) of this Act, is redesignated as section 458.

(B) Section 455(a)(4)(C)(iii) of such Act (42 U.S.C. 655(a)(4)(C)(iii)), as added by section 101(a) of this Act, is amended—

(i) by striking "458A(b)(4)" and inserting "458(b)(4)";

(ii) by striking "458A(b)(6)" and inserting "458(b)(6)"; and

(iii) by striking "458A(b)(5)(B)" and inserting "458(b)(5)(B)".

(C) Subsection (d)(1) of this section is amended by striking "458A" and inserting "458".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2001.

(g) GENERAL EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall take effect on October 1, 1999.

TITLE III—ADOPTION PROVISIONS

SEC. 301. MORE FLEXIBLE PENALTY PROCEDURE TO BE APPLIED FOR FAILING TO PERMIT INTERJURISDICTIONAL ADOPTION.

(a) CONVERSION OF FUNDING BAN INTO STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting "; and"; and

(3) by adding at the end the following:

"(23) provides that the State shall not—

"(A) deny or delay the placement of a child for adoption when an approved family is available outside of the jurisdiction with responsibility for handling the case of the child; or

"(B) fail to grant an opportunity for a fair hearing, as described in paragraph (12), to an individual whose allegation of a violation of subparagraph (A) of this paragraph is denied by the State or not acted upon by the State with reasonable promptness.".

(b) PENALTY FOR NONCOMPLIANCE.—Section 474(d) of such Act (42 U.S.C. 674(d)) is amended in each of paragraphs (1) and (2) by striking "section 471(a)(18)" and inserting "paragraph (18) or (23) of section 471(a)".

(c) CONFORMING AMENDMENT.—Section 474 of such Act (42 U.S.C. 674) is amended by striking subsection (e).

(d) RETROACTIVITY.—The amendments made by this section shall take effect as if included in the enactment of section 202 of the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2125).

TITLE IV—MISCELLANEOUS

SEC. 401. ELIMINATION OF BARRIERS TO THE EFFECTIVE ESTABLISHMENT AND ENFORCEMENT OF MEDICAL CHILD SUPPORT.

(a) STUDY ON EFFECTIVENESS OF ENFORCEMENT OF MEDICAL SUPPORT BY STATE AGENCIES.—

(1) MEDICAL CHILD SUPPORT WORKING GROUP.—Within 60 days after the date of the enactment of this Act, the Secretary of Health and Human Services and the Secretary of Labor shall jointly establish a Medical Child Support Working Group. The purpose of the Working Group shall be to identify the impediments to the effective enforcement of medical support by State agencies administering the programs operated pursuant to part D of title IV of the Social Security Act.

(2) MEMBERSHIP.—The Working Group shall consist of not more than 30 members and shall be composed of representatives of—

(A) the Department of Labor;

(B) the Department of Health and Human Services;

(C) State directors of programs under part D of title IV of the Social Security Act;

(D) State directors of the medicaid program under title XIX of the Social Security Act;

(E) employers, including owners of small businesses and their trade or industry representatives and certified human resource and payroll professionals;

(F) plan administrators and plan sponsors of group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1));

(G) children potentially eligible for medical support, such as child advocacy organizations;

(H) State medical child support programs; and

(I) organizations representing State child support programs.

(3) COMPENSATION.—The members shall serve without compensation.

(4) ADMINISTRATIVE SUPPORT.—The Department of Health and Human Services and the Department of Labor shall jointly provide appropriate administrative support to the Working Group, including technical assistance. The Working Group may use the services and facilities of either such Department, with or without reimbursement, as jointly determined by such Departments.

(5) REPORT.—

(A) REPORT BY WORKING GROUP TO THE SECRETARIES.—Not later than 18 months after the date of the enactment of this Act, the Working Group shall submit to the Secretary of Labor and the Secretary of Health and Human Services a report containing recommendations for appropriate measures to address the impediments to the effective enforcement of medical support by State agencies administering the programs operated pursuant to part D of title IV of the Social Security Act identified by the Working Group, including—

(i) recommendations based on assessments of the form and content of the National Medical Support Notice, as issued under interim regulations,

(ii) appropriate measures that establish the priority of withholding of child support obligations, medical support obligations, arrearages in such obligations, and, in the case of a medical support obligation, the employee's portion of any health care coverage premium, by such State agencies in light of the restrictions on garnishment provided under title III of the Consumer Credit Protection Act (15 U.S.C. 1671–1677);

(iii) appropriate procedures for coordinating the provision, enforcement, and transition of health care coverage under the State programs operated pursuant to part D of title IV of the Social Security Act and titles XIX and XXI of such Act;

(iv) appropriate measures to improve the availability of alternate types of medical support that are aside from health coverage offered through the noncustodial parent's health plan and unrelated to the noncustodial parent's employer, including measures that establish a noncustodial parent's responsibility to share the cost of premiums, copayments, deductibles, or payments for services not covered under a child's existing health coverage;

(v) recommendations on whether reasonable cost should remain a consideration under section 452(f) of the Social Security Act; and

(vi) appropriate measures for eliminating any other impediments to the effective enforcement of medical support orders that the Working Group deems necessary.

(B) REPORT BY SECRETARIES TO THE CONGRESS.—Not later than 2 months after receipt of the report pursuant to subparagraph (A), the Secretaries shall jointly submit a report to each House of the Congress regarding the recommendations contained in the report under subparagraph (A).

(6) TERMINATION.—The Working Group shall terminate 30 days after the date of the issuance of its report under paragraph (5).

(b) PROMULGATION OF NATIONAL MEDICAL SUPPORT NOTICE.—

(1) IN GENERAL.—The Secretary of Health and Human Services and the Secretary of Labor shall jointly develop and promulgate by regulation a National Medical Support Notice, to be issued by States as a means of enforcing the health care coverage provisions in a child support order.

(2) REQUIREMENTS.—The National Medical Support Notice shall—

(A) conform with the requirements which apply to medical child support orders under section 609(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(3)) in connection with group health plans (subject to section 609(a)(4) of such Act), irrespective of whether the group health plan is covered under section 4 of such Act,

(B) conform with the requirements of part D of title IV of the Social Security Act, and

(C) include a separate and easily severable employer withholding notice, informing the employer of—

(i) applicable provisions of State law requiring the employer to withhold any employee contributions due under any group health plan in connection with coverage required to be provided under such order,

(ii) the duration of the withholding requirement,

(iii) the applicability of limitations on any such withholding under title III of the Consumer Credit Protection Act,

(iv) the applicability of any prioritization required under State law between amounts to be withheld for purposes of cash support and amounts to be withheld for purposes of medical support, in cases where available funds are insufficient for full withholding for both purposes, and

(v) the name and telephone number of the appropriate unit or division to contact at the State agency regarding the National Medical Support Notice.

(3) PROCEDURES.—The regulations promulgated pursuant to paragraph (1) shall include appropriate procedures for the transmission of the National Medical Support Notice to employers by State agencies administering the programs operated pursuant to part D of title IV of the Social Security Act.

(4) INTERIM REGULATIONS.—Not later than 10 months after the date of the enactment of this Act, the Secretaries shall issue interim regulations providing for the National Medical Support Notice.

(5) FINAL REGULATIONS.—Not later than 1 year after the issuance of the interim regulations under paragraph (4), the Secretary of Health and Human Services and the Secretary of Labor shall jointly issue final regulations providing for the National Medical Support Notice.

(c) REQUIRED USE BY STATES OF NATIONAL MEDICAL SUPPORT NOTICES.—

(1) STATE PROCEDURES.—Section 466(a)(19) of the Social Security Act (42 U.S.C. 666(a)(19)) is amended to read as follows:

"(19) HEALTH CARE COVERAGE.—Procedures under which—

"(A) effective as provided in section 401(c)(3) of the Child Support Performance and Incentive Act of 1998, all child support orders enforced pursuant to this part which include a provision for the health care coverage of the child are enforced, where appropriate, through the use of the National Medical Support Notice promulgated pursuant to section 401(b) of the Child Support Performance and Incentive Act of 1998 (and referred to in section 609(a)(5)(C) of the Employee Retirement Income Security Act of 1974 in connection with group health plans covered under title I of such Act, in section 401(e)(3)(C) of the Child Support Performance and Incentive Act of 1998 in connection with State or local group health plans, and in section 401(f)(5)(C) of such Act in connection with church group health plans);

"(B) unless alternative coverage is allowed for in any order of the court (or other entity issuing the child support order), in any case in which a noncustodial parent is required under the child support order to provide such health care coverage and the employer of such noncustodial parent is known to the State agency—

"(i) the State agency uses the National Medical Support Notice to transfer notice of the provision for the health care coverage of the child to the employer;

"(ii) within 20 business days after the date of the National Medical Support Notice, the employer is required to transfer the Notice, excluding the severable employer withholding notice described in section 401(b)(2)(C) of the Child Support Performance and Incentive Act of 1998, to the appropriate plan providing any such health care coverage for which the child is eligible;

"(iii) in any case in which the noncustodial parent is a newly hired employee entered in the State Directory of New Hires pursuant to section 453A(e), the State agency provides, where appropriate, the National Medical Support Notice, together with an income withholding notice issued pursuant to section 466(b), within 2 days after the date of the entry of such employee in such Directory; and

"(iv) in any case in which the employment of the noncustodial parent with any employer who has received a National Medical Support Notice is terminated, such employer is required to notify the State agency of such termination; and

"(C) any liability of the noncustodial parent to such plan for employee contributions which are required under such plan for enrollment of the child is effectively subject to appropriate enforcement, unless the noncustodial parent contests such enforcement based on a mistake of fact"."

(2) CONFORMING AMENDMENTS.—Section 452(f) of such Act (42 U.S.C. 652(f)) is amended in the first sentence—

(A) by striking "petition for the inclusion of" and inserting "include"; and

(B) by inserting "and enforce medical support" before "whenever".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective with respect to periods beginning on or after the later of—

(A) October 1, 2001, or

(B) the effective date of laws enacted by the legislature of such State implementing such amendments,

but in no event later than the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a two-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(d) NATIONAL MEDICAL SUPPORT NOTICE DEEMED UNDER ERISA A QUALIFIED MEDICAL CHILD SUPPORT ORDER.—Section 609(a)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(5)) is amended by adding at the end the following:

"(C) NATIONAL MEDICAL SUPPORT NOTICE DEEMED TO BE A QUALIFIED MEDICAL CHILD SUPPORT ORDER.—

"(i) IN GENERAL.—If the plan administrator of a group health plan which is maintained by the employer of a noncustodial parent of a child or to which such an employer contributes receives an appropriately completed National Medical Support Notice promulgated pursuant to section 401(b) of the Child Support Performance and Incentive Act of 1998 in the case of such child, and the Notice meets the requirements of paragraphs (3) and

(4), the Notice shall be deemed to be a qualified medical child support order in the case of such child.

"(ii) ENROLLMENT OF CHILD IN PLAN.—In any case in which an appropriately completed National Medical Support Notice is issued in the case of a child of a participant under a group health plan who is a noncustodial parent of the child, and the Notice is deemed under clause (i) to be a qualified medical child support order, the plan administrator, within 40 business days after the date of the Notice, shall—

"(I) notify the State agency issuing the Notice with respect to such child whether coverage of the child is available under the terms of the plan and, if so, whether such child is covered under the plan and either the effective date of the coverage or, if necessary, any steps to be taken by the custodial parent (or by the official of a State or political subdivision thereof substituted for the name of such child pursuant to paragraph (3)(A)) to effectuate the coverage, and

"(II) provide to the custodial parent (or such substituted official) a description of the coverage available and any forms or documents necessary to effectuate such coverage.

"(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed as requiring a group health plan, upon receipt of a National Medical Support Notice, to provide benefits under the plan (or eligibility for such benefits) in addition to benefits (or eligibility for benefits) provided under the terms of the plan as of immediately before receipt of such Notice.".

(e) NATIONAL MEDICAL SUPPORT NOTICES FOR STATE OR LOCAL GOVERNMENTAL GROUP HEALTH PLANS.—

(1) IN GENERAL.—Each State or local governmental group health plan shall provide benefits in accordance with the applicable requirements of any National Medical Support Notice.

(2) ENROLLMENT OF CHILD IN PLAN.—In any case in which an appropriately completed National Medical Support Notice is issued in the case of a child of a participant under a State or local governmental group health plan who is a noncustodial parent of the child, the plan administrator, within 40 business days after the date of the Notice, shall—

(A) notify the State agency issuing the Notice with respect to such child whether coverage of the child is available under the terms of the plan and, if so, whether such child is covered under the plan and either the effective date of the coverage or any steps necessary to be taken by the custodial parent (or by any official of a State or political subdivision thereof substituted in the Notice for the name of such child in accordance with procedures appliable under subsection (b)(2) of this section) to effectuate the coverage, and

(B) provide to the custodial parent (or such substituted official) a description of the coverage available and any forms or documents necessary to effectuate such coverage.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as requiring a State or local governmental group health plan, upon receipt of a National Medical Support Notice, to provide benefits under the plan (or eligibility for such benefits) in addition to benefits (or eligibility for benefits) provided under the terms of the plan as of immediately before receipt of such Notice.

(4) DEFINITIONS.—For purposes of this subsection—

(A) STATE OR LOCAL GOVERNMENTAL GROUP HEALTH PLAN.—The term "State or local governmental group health plan" means a group health plan which is established or maintained for its employees by the government of any State, any political subdivision of a State, or any agency or instrumentality of either of the foregoing.

(B) ALTERNATE RECIPIENT.—The term "alternate recipient" means any child of a participant who is recognized under a National Medical Support Notice as having a right to enrollment under a State or local governmental group health plan with respect to such participant.

(C) GROUP HEALTH PLAN.—The term "group health plan" has the meaning provided in section 607(1) of the Employee Retirement Income Security Act of 1974.

(D) STATE.—The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(E) OTHER TERMS.—The terms "participant" and "administrator" shall have the meanings provided such terms, respectively, by paragraphs (7) and (16) of section 3 of the Employee Retirement Income Security Act of 1974.

(5) EFFECTIVE DATE.—The provisions of this subsection shall take effect on the date of the issuance of interim regulations pursuant to subsection (b)(4) of this section.

(f) QUALIFIED MEDICAL CHILD SUPPORT ORDERS AND NATIONAL MEDICAL SUPPORT NOTICES FOR CHURCH PLANS.—

(1) IN GENERAL.—Each church group health plan shall provide benefits in accordance with the applicable requirements of any qualified medical child support order. A qualified medical child support order with respect to any participant or beneficiary shall be deemed to apply to each such group health plan which has received such order, from which the participant or beneficiary is eligible to receive benefits, and with respect to which the requirements of paragraph (4) are met.

(2) DEFINITIONS.—For purposes of this subsection—

(A) CHURCH GROUP HEALTH PLAN.—The term "church group health plan" means a group health plan which is a church plan.

(B) QUALIFIED MEDICAL CHILD SUPPORT ORDER.—The term "qualified medical child support order" means a medical child support order—

(i) which creates or recognizes the existence of an alternate recipient's right to, or assigns to an alternate recipient the right to, receive benefits for which a participant or beneficiary is eligible under a church group health plan, and

(ii) with respect to which the requirements of paragraphs (3) and (4) are met.

(C) MEDICAL CHILD SUPPORT ORDER.—The term "medical child support order" means any judgment, decree, or order (including approval of a settlement agreement) which—

(i) provides for child support with respect to a child of a participant under a church group health plan or provides for health benefit coverage to such a child, is made pursuant to a State domestic relations law (including a community property law), and relates to benefits under such plan, or

(ii) is made pursuant to a law relating to medical child support described in section 1908 of the Social Security Act (as added by section 13822 of the Omnibus Budget Reconciliation Act of 1993) with respect to a church group health plan,

if such judgment, decree, or order (I) is issued by a court of competent jurisdiction or (II) is issued through an administrative process established under State law and has the force and effect of law under applicable State law. For purposes of this paragraph, an administrative notice which is issued pursuant to an administrative process referred to in subclause (II) of the preceding sentence and which has the effect of an order described in clause (i) or (ii) of the preceding sentence shall be treated as such an order.

(D) ALTERNATE RECIPIENT.—The term "alternate recipient" means any child of a participant who is recognized under a medical child support order as having a right to enrollment under a church group health plan with respect to such participant.

(E) GROUP HEALTH PLAN.—The term "group health plan" has the meaning provided in section 607(1) of the Employee Retirement Income Security Act of 1974.

(F) STATE.—The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(G) OTHER TERMS.—The terms "participant", "beneficiary", "administrator", and "church plan" shall have the meanings provided such terms, respectively, by paragraphs (7), (8), (16), and (33) of section 3 of the Employee Retirement Income Security Act of 1974.

(3) INFORMATION TO BE INCLUDED IN QUALIFIED ORDER.—A medical child support order meets the requirements of this paragraph only if such order clearly specifies—

(A) the name and the last known mailing address (if any) of the participant and the name and mailing address of each alternate recipient covered by the order, except that, to the extent provided in the order, the name and mailing address of an official of a State or a political subdivision thereof may be substituted for the mailing address of any such alternate recipient,

(B) a reasonable description of the type of coverage to be provided to each such alternate recipient, or the manner in which such type of coverage is to be determined, and

(C) the period to which such order applies.

(4) RESTRICTION ON NEW TYPES OR FORMS OF BENEFITS.—A medical child support order meets the requirements of this paragraph only if such order does not require a church group health plan to provide any type or form of benefit, or any option, not otherwise provided under the plan, except to the extent necessary to meet the requirements of a law relating to medical child support described in section 1908 of the Social Security Act (as added by section 13822 of the Omnibus Budget Reconciliation Act of 1993).

(5) PROCEDURAL REQUIREMENTS.—

(A) TIMELY NOTIFICATIONS AND DETERMINATIONS.—In the case of any medical child support order received by a church group health plan—

(i) the plan administrator shall promptly notify the participant and each alternate recipient of the receipt of such order and the plan's procedures for determining whether medical child support orders are qualified medical child support orders, and

(ii) within a reasonable period after receipt of such order, the plan administrator shall determine whether such order is a qualified medical child support order and notify the participant and each alternate recipient of such determination.

(B) ESTABLISHMENT OF PROCEDURES FOR DETERMINING QUALIFIED STATUS OF ORDERS.—Each church group health plan shall establish reasonable procedures to determine whether medical child support orders are qualified medical child support orders and to administer the provision of benefits under such qualified orders. Such procedures—

(i) shall be in writing,

(ii) shall provide for the notification of each person specified in a medical child support order as eligible to receive benefits under the plan (at the address included in the medical child support order) of such procedures promptly upon receipt by the plan of the medical child support order, and

(iii) shall permit an alternate recipient to designate a representative for receipt of copies of notices that are sent to the alternate recipient with respect to a medical child support order.

(C) NATIONAL MEDICAL SUPPORT NOTICE DEEMED TO BE A QUALIFIED MEDICAL CHILD SUPPORT ORDER.—

(i) IN GENERAL.—If the plan administrator of any church group health plan which is maintained by the employer of a noncustodial parent of a child or to which such an employer contributes receives an appropriately completed National Medical Support Notice promulgated pursuant to subsection (b) of this section in the case of such child, and the Notice meets the requirements of paragraphs (3) and (4) of this subsection, the Notice shall be deemed to be a qualified medical child support order in the case of such child.

(ii) ENROLLMENT OF CHILD IN PLAN.—In any case in which an appropriately completed National Medical Support Notice is issued in the case of a child of a participant under a church group health plan who is a noncustodial parent of the child, and the Notice is deemed under clause (i) to be a qualified medical child support order, the plan administrator, within 40 business days after the date of the Notice, shall—

(I) notify the State agency issuing the Notice with respect to such child whether coverage of the child is available under the terms of the plan and, if so, whether such child is covered under the plan and either the effective date of the coverage or any steps necessary to be taken by the custodial parent (or by the official of a State or political subdivision thereof substituted for the name of such child pursuant to paragraph (3)(A)) to effectuate the coverage, and

(II) provide to the custodial parent (or such substituted official) a description of the coverage available and any forms or documents necessary to effectuate such coverage.

(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed as requiring a church group health plan, upon receipt of a National Medical Support Notice, to provide benefits under the plan (or eligibility for such benefits) in addition to benefits (or eligibility for benefits) provided under the terms of the plan as of immediately before receipt of such Notice.

(6) DIRECT PROVISION OF BENEFITS PROVIDED TO ALTERNATE RECIPIENTS.—Any payment for benefits made by a church group health plan pursuant to a medical child support order in reimbursement for expenses paid by an alternate recipient or an alternate recipient's custodial parent or legal guardian shall be made to the alternate recipient or the alternate recipient's custodial parent or legal guardian.

(7) PAYMENT TO STATE OFFICIAL TREATED AS SATISFACTION OF PLAN'S OBLIGATION TO MAKE PAYMENT TO ALTERNATE RECIPIENT.—Payment of benefits by a church group health plan to an official of a State or a political subdivision thereof whose name and address have been substituted for the address of an alternate recipient in a medical child support order, pursuant to paragraph (3)(A), shall be treated, for purposes of this subsection and part D of title IV of the Social Security Act, as payment of benefits to the alternate recipient.

(8) EFFECTIVE DATE.—The provisions of this subsection shall take effect on the date of the issuance of interim regulations pursuant to subsection (b)(4) of this section.

(g) REPORT AND RECOMMENDATIONS REGARDING THE ENFORCEMENT OF QUALIFIED MEDICAL CHILD SUPPORT ORDERS.—Not later than 8 months after the issuance of the report to the Congress pursuant to subsection (a)(5), the Secretary of Health and Human Services and the Secretary of Labor shall jointly submit to each House of the Congress a report containing recommendations for appropriate legislation to improve the effectiveness of, and enforcement of, qualified medical child support orders under the provisions of subsection (f) of this section and section 609(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)).

(h) TECHNICAL CORRECTIONS.—

(1) AMENDMENT RELATING TO PUBLIC LAW 104-266.—

(A) IN GENERAL.—Subsection (f) of section 101 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(f)) is repealed.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of the Act entitled "An Act to repeal the Medicare and Medicaid Coverage Data Bank", approved October 2, 1996 (Public Law 104-226; 110 Stat. 3033).

(2) AMENDMENTS RELATING TO PUBLIC LAW 103-66.—

(A) IN GENERAL.—(i) Section 4301(c)(4)(A) of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 107 Stat. 377) is amended by striking "subsection (b)(7)(D)" and inserting "subsection (b)(7)".

(ii) Section 514(b)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(7)) is amended by striking "enforced by" and inserting "they apply to".

(iii) Section 609(a)(2)(B)(ii) of such Act (29 U.S.C. 1169(a)(2)(B)(ii)) is amended by striking "enforces" and inserting "is made pursuant to".

(B) CHILD DEFINED.—Section 609(a)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(2)) is amended by adding at the end the following:

"(D) CHILD.—The term 'child' includes any child adopted by, or placed for adoption with, a participant of a group health plan.".

(C) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall be effective as if included in the enactment of section 4301(c)(4)(A) of the Omnibus Budget Reconciliation Act of 1993.

(3) AMENDMENT RELATED TO PUBLIC LAW 105-33.—

(A) IN GENERAL.—Section 609(a)(9) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(9)) is amended by striking "the name and address" and inserting "the address".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall be effective as if included in the enactment of section 5611(b) of the Balanced Budget Act of 1997.

SEC. 402. SAFEGUARD OF NEW EMPLOYEE INFORMATION.

(a) PENALTY FOR UNAUTHORIZED ACCESS, DISCLOSURE, OR USE OF INFORMATION.—Section 453(l) of the Social Security Act (42 U.S.C. 653(l)) is amended—

(1) by striking "Information" and inserting the following:

"(1) IN GENERAL.—Information"; and

(2) by adding at the end the following:

"(2) PENALTY FOR MISUSE OF INFORMATION IN THE NATIONAL DIRECTORY OF NEW HIRES.—The Secretary shall require the imposition of an administrative penalty (up to and including dismissal from employment), and a fine of $1,000, for each act of unauthorized access to, disclosure of, or use of, information in the National Directory of New Hires established under subsection (i) by any officer or employee of the United States who knowingly and willfully violates this paragraph.".

(b) LIMITS ON RETENTION OF DATA IN THE NATIONAL DIRECTORY OF NEW HIRES.—Section 453(i)(2) of such Act (42 U.S.C. 653(i)(2)) is amended to read as follows:

"(2) DATA ENTRY AND DELETION REQUIREMENTS.—

"(A) IN GENERAL.—Information provided pursuant to section 453A(g)(2) shall be entered into the data base maintained by the National Directory of New Hires within 2 business days after receipt, and shall be deleted from the data base 24 months after the date of entry.

"(B) 12-MONTH LIMIT ON ACCESS TO WAGE AND UNEMPLOYMENT COMPENSATION INFORMATION.—The Secretary shall not have access for child support enforcement purposes to information in the National Directory of New Hires that is provided pursuant to section 453A(g)(2)(B), if 12 months has elapsed since the date the information is so provided and there has not been a match resulting from the use of such information in any information comparison under this subsection.

"(C) RETENTION OF DATA FOR RESEARCH PURPOSES.—Notwithstanding subparagraphs (A) and (B), the Secretary may retain such samples of data entered in the National Directory of New Hires as the Secretary may find necessary to assist in carrying out subsection (j)(5).".

(c) NOTICE OF PURPOSES FOR WHICH WAGE AND SALARY DATA ARE TO BE USED.—Within 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate of the specific purposes for which the new hire and the wage and unemployment compensation information in the National Directory of New Hires is to be used. At least 30 days before such information is to be used for a purpose not specified in the notice provided pursuant to the preceding sentence, the Secretary shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate of such purpose.

(d) REPORT BY THE SECRETARY.—Within 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the accuracy of the data maintained by the National Directory of New Hires pursuant to section 453(i) of the Social Security Act, and the effectiveness of the procedures designed to provide for the security of such data.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

SEC. 403. LIMITATIONS ON USE OF TANF FUNDS FOR MATCHING UNDER CERTAIN FEDERAL TRANSPORTATION PROGRAM.

(a) IN GENERAL.—Section 404 of the Social Security Act (42 U.S.C. 604) is amended by adding at the end the following:

"(k) LIMITATIONS ON USE OF GRANT FOR MATCHING UNDER CERTAIN FEDERAL TRANSPORTATION PROGRAM.—

"(1) USE LIMITATIONS.—A State to which a grant is made under section 403 may not use any part of the grant to match funds made

available under section 3037 of the Transportation Equity for the 21st Century Act of 1998, unless—

"(A) the grant is used for new or expanded transportation services (and not for construction) that benefit individuals described in subparagraph (C), and not to subsidize current operating costs;

"(B) the grant is used to supplement and not supplant other State expenditures on transportation;

"(C) the preponderance of the benefits derived from such use of the grant accrues to individuals who are—

"(i) recipients of assistance under the State program funded under this part;

"(ii) former recipients of such assistance;

"(iii) noncustodial parents who are described in item (aa) or (bb) of section 403(a)(5)(C)(ii)(II); and

"(iii) low income individuals who are at risk of qualifying for such assistance; and

"(D) the services provided through such use of the grant promote the ability of such recipients to engage in work activities (as defined in section 407(d)).

"(2) AMOUNT LIMITATION.—From a grant made to a State under section 403(a), the amount that a State uses to match funds described in paragraph (1) of this subsection shall not exceed the amount (if any) by which 30 percent of the total amount of the grant exceeds the amount (if any) of the grant that is used by the State to carry out any State program described in subsection (d)(1) of this section.

"(3) RULE OF INTERPRETATION.—The provision by a State of a transportation benefit under a program conducted under section 3037 of the Transportation Equity for the 21st Century Act of 1998, to an individual who is not otherwise a recipient of assistance under the State program funded under this part, using funds from a grant made under section 403(a) of this Act, shall not be considered to be the provision of assistance to the individual under the State program funded under this part.".

(b) REPORT TO THE CONGRESS.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Health and Human Services, shall submit to the Committees on Ways and Means and on Transportation and Infrastructure of the House of Representatives and the Committees on Finance and on Environment and Public Works of the Senate a report that—

(1) describes the manner in which funds made available under section 3037 of the Transportation Equity for the 21st Century Act of 1998 have been used;

(2) describes whether such uses of such funds has improved transportation services for low income individuals; and

(3) contains such other relevant information as may be appropriate.

SEC. 404. CLARIFICATION OF MEANING OF HIGH-VOLUME AUTOMATED ADMINISTRATIVE ENFORCEMENT OF CHILD SUPPORT IN INTERSTATE CASES.

(a) IN GENERAL.—Section 466(a)(14)(B) of the Social Security Act (42 U.S.C. 666(a)(14)(B)) is amended to read as follows:

"(B) HIGH-VOLUME AUTOMATED ADMINISTRATIVE ENFORCEMENT.—In this part, the term 'high-volume automated administrative enforcement', in interstate cases, means, on request of another State, the identification by a State, through automated data matches with financial institutions and other entities where assets may be found, of assets owned by persons who owe child support in other States, and the seizure of such assets by the State, through levy or other appropriate processes.".

(b) RETROACTIVITY.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 5550 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 633).

SEC. 405. GENERAL ACCOUNTING OFFICE REPORTS.

(a) REPORT ON FEASIBILITY OF INSTANT CHECK SYSTEM.—Not later than December 31, 1998, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the feasibility and cost of creating and maintaining a nationwide instant child support order check system under which an employer would be able to determine whether a newly hired employee is required to provide support under a child support order.

(b) REPORT ON IMPLEMENTATION AND USE OF CHILD SUPPORT DATABASES.—Not later than December 31, 1998, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the implementation of the Federal Parent Locater Service (including the Federal Case Registry of Child Support Orders and the National Directory of New Hires) established under section 453 of the Social Security Act (42 U.S.C. 653) and the State Directory of New Hires established under section 453A of such Act (42 U.S.C. 653a). The report shall include a detailed discussion of the purposes for which, and the manner in which, the information maintained in such databases has been used, and an examination as to whether such databases are subject to adequate safeguards to protect the privacy of the individuals with respect to whom information is reported and maintained.

SEC. 406. DATA MATCHING BY MULTISTATE FINANCIAL INSTITUTIONS.

(a) USE OF FEDERAL PARENT LOCATOR SERVICE.—Section 466(a)(17)(A)(i) of the Social Security Act (42 U.S.C. 666(a)(17)(A)(i)) is amended by inserting "and the Federal Parent Locator Service in the case of financial institutions doing business in 2 or more States," before "a data match system".

(b) FACILITATION OF AGREEMENTS.—Section 452 of such Act (42 U.S.C. 652) is amended by adding at the end the following:

"(l) The Secretary, through the Federal Parent Locator Service, may aid State agencies providing services under State programs operated pursuant to this part and financial institutions doing business in 2 or more States in reaching agreements regarding the receipt from such institutions, and the transfer to the State agencies, of information that may be provided pursuant to section 466(a)(17)(A)(i), except that any State that, as of the date of the enactment of this subsection, is conducting data matches pursuant to section 466(a)(17)(A)(i) shall have until January 1, 2000, to allow the Secretary to obtain such information from such institutions that are operating in the State. For purposes of section 1113(d) of the Right to Financial Privacy Act of 1978, a disclosure pursuant to this subsection shall be considered a disclosure pursuant to a Federal statute.".

(c) PROTECTION AGAINST LIABILITY.—Section 469A(a) of such Act (42 U.S.C. 669a(a)) is amended by inserting ", or for disclosing any such record to the Federal Parent Locator Service pursuant to section 466(a)(17)(A)" before the period.

SEC. 407. ELIMINATION OF UNNECESSARY DATA REPORTING.

(a) IN GENERAL.—Section 469 of the Social Security Act (42 U.S.C. 669) is amended—

(1) by striking all that precedes subsection (c) and inserting the following:

"SEC. 469. COLLECTION AND REPORTING OF CHILD SUPPORT ENFORCEMENT DATA.

"(a) IN GENERAL.—With respect to each type of service described in subsection (b), the Secretary shall collect and maintain up-to-date statistics, by State, and on a fiscal year basis, on—

"(1) the number of cases in the caseload of the State agency administering the plan approved under this part in which the service is needed; and

"(2) the number of such cases in which the service has actually been provided.

"(b) TYPES OF SERVICES.—The statistics required by subsection (a) shall be separately stated with respect to paternity establishment services and child support obligation establishment services.

"(c) TYPES OF SERVICE RECIPIENTS.—The statistics required by subsection (a) shall be separately stated with respect to—

"(1) recipients of assistance under a State program funded under part A or of payments or services under a State plan approved under part E; and

"(2) individuals who are not such recipients."; and

(2) in subsection (c), by striking "(c)" and inserting "(d) RULE OF INTERPRETATION.—".

(b) CONFORMING AMENDMENT.—Section 452(a)(10) of such Act (42 U.S.C. 652(a)(10)) is amended—

(1) by adding "and" at the end of subparagraph (H); and

(2) by striking subparagraph (I) and redesignating subparagraph (J) as subparagraph (I).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to information maintained with respect to fiscal year 1995 or any succeeding fiscal year.

SEC. 408. CLARIFICATION OF ELIGIBILITY UNDER WELFARE-TO-WORK PROGRAMS.

Section 403(a)(5)(C)(ii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(ii)) is amended—

(1) in the matter preceding subclause (I) by striking "of minors whose custodial parent is such a recipient";

(2) in subclause (I), by inserting "or the noncustodial parent" after "recipient"; and

(3) in subclause (II), by striking "The individual—" and inserting "The recipient or the minor children of the noncustodial parent—".

SEC. 409. STUDY OF FEASIBILITY OF IMPLEMENTING IMMIGRATION PROVISIONS OF H.R. 3130, AS PASSED BY THE HOUSE OF REPRESENTATIVES ON MARCH 5, 1998.

(a) STUDY.—The Secretary of Health and Human Services, in consultation with the Immigration and Naturalization Service, shall conduct a study to determine the feasibility of the provisions of title V of H.R. 3130, as passed by the House of Representatives on March 5, 1998, were such provisions to become law, especially whether it would be feasible for the Immigration and Naturalization Service to implement effectively the requirements of such provisions.

(b) REPORT TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, the Secretary of health and Human Services shall submit to the Committees on Ways and Means and on the Judiciary of the House of Representatives and the Committees on Finance and on the Judiciary of the Senate a report on the results of the study required by subsection (a).

SEC. 410. TECHNICAL CORRECTIONS.

(a) Section 413(g)(1) of the Social Security Act (42 U.S.C. 613(g)(1)) is amended by striking "Economic and Educational Opportunities" and inserting "Education and the Workforce".

(b) Section 422(b)(2) of the Social Security Act (42 U.S.C. 622(b)(2)) is amended by striking "under under" and inserting "under".

(c) Section 432(a)(8) of the Social Security Act (42 U.S.C. 632(a)(8)) is amended by adding "; and" at the end.

(d) Section 453(a)(2) of the Social Security Act (42 U.S.C. 653(a)(2)) is amended—

(1) by striking "parentage," and inserting "parentage or";

(2) by striking "or making or enforcing child custody or visitation orders,"; and

(3) in subparagraph (A), by decreasing the indentation of clause (iv) by 2 ems.

(e)(1) Section 5557(b) of the Balanced Budget Act of 1997 (42 U.S.C. 608 note) is amended by adding at the end the following: "The amendment made by section 5536(1)(A) shall not take effect with respect to a State until October 1, 2000, or such earlier date as the State may select.".

(2) The amendment made by paragraph (1) shall take effect as if included in the enactment of section 5557 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 637).

(f) Section 473A(c)(2)(B) of the Social Security Act (42 U.S.C. 673b(c)(2)(B)) is amended—

(1) by striking "November 30, 1997" and inserting "April 30, 1998"; and

(2) by striking "March 1, 1998" and inserting "July 1, 1998".

(g) Section 474(a) of the Social Security Act (42 U.S.C. 674(a)) is amended by striking "(subject to the limitations imposed by subsection (b))".

(h) Section 232 of the Social Security Act Amendments of 1994 (42 U.S.C. 1314a) is amended—

(1) in subsection (b)(3)(D), by striking "Energy and"; and

(2) in subsection (d)(4), by striking "(b)(3)(C)" and inserting "(b)(3)".

The Clerk read the House amendment to the Senate amendment to the title, as follows:

House amendment to Senate amendment to the title:

In lieu of the matter proposed to be inserted by the Senate amendment to the title of the bill, insert the following:

"An Act to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, and for other purposes.".

Mr. SHAW (during the reading). Mr. Speaker, I ask unanimous consent that the House amendments to the Senate amendments be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. LEVIN. Mr. Speaker, I reserve the right to object to the original unanimous consent request, and I yield to the gentleman from Florida for an explanation of the amendment.

Mr. SHAW. I thank the gentleman for yielding.

Mr. Speaker, this amendment is the product of long and difficult negotiations with the Senate on final agreement which brings together two important provisions that will greatly improve the Nation's child support enforcement program.

The first provision reduces the harsh penalties imposed on States whose child support data processing system does not meet the Federal requirements. The reduced penalties, however, will still constitute the largest penalties ever imposed on States for failing to meet Federal requirements in the child support program. This provision is a slightly amended version of the bill which was approved by this House under suspension of the rules this past March. The major change is that the States that implement certified data processing systems later than required by Federal law will receive a more generous penalty reduction in the year their system is certified. To pay for that slight penalty reduction, penalties imposed on States that are 4 or more years late in building certified data systems are actually increased under this legislation.

The second provision completely replaces the outmoded and inefficient incentive system in the child support program. This new system, which was approved by the House under suspension of the rules on March 29, 1997, rewards States for effective and efficient performance in five critical areas of child support enforcement. All sides agree that this new incentive system will boost State performance and thereby help mothers and children.

The Congressional Budget Office has determined that the amendment is budget neutral and imposes no unfunded mandates on the States. My great disappointment in this compromise amendment is that we could not convince the Senate to agree to the excellent provision that was authored by the distinguished gentleman from Maryland (Mr. CARDIN). He and his staff have worked tirelessly to create an effective procedure for penalizing aliens who have overdue child support. I want to assure the gentleman from Maryland that we will continue to fight for his superb proposal until it is finally enacted into law.

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Finally, I wish to acknowledge the work of my good friend, the gentleman from Michigan (Mr. LEVIN), and his colleagues on the other side of the aisle. We have worked hand in hand throughout this process. We have also received invaluable assistance from the Department of Health and Human Services. The result of all of this bipartisan cooperation is wonderful legislation that will substantially improve the Nation's child support program.

Mr. Speaker, I ask unanimous consent that the legislative history be put into the RECORD.

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

There was no objection.

The legislative history is as follows:

LEGISLATIVE HISTORY OF SENATE AND HOUSE AMENDMENTS TO THE CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998

TITLE I. CHILD SUPPORT DATA PROCESSING REQUIREMENTS

SEC. 101. ALTERNATIVE PENALTY PROCEDURES

1. Eligibility for alternative penalty procedure

Present law

No provision. Under current law, if a State failed to implement a statewide automated data processing and information retrieval system by October 1, 1997 (which is a child support enforcement State plan requirement), the Office of Child Support Enforcement is required to "disapprove" the State's child support enforcement plan, after an appeals process, and suspend federal funding for the State's child support enforcement program. Moreover, pursuant to title IV–A (Temporary Assistance for Needy Families; TANF), a State that cannot certify that it has an approved Child Support Enforcement plan when it amends its TANF plan (generally every 2 years), is not eligible for TANF block grant funding. Thus, a State that failed to implement a statewide automated data processing and information retrieval system is in eventual jeopardy of losing its TANF block grant allocation along with its federal Chief Support Enforcement funding.

House bill

If the Secretary determines that a State is making good faith efforts to comply with the data processing requirements and if the State submits a corrective compliance plan describing how it will comply, by when, and at what cost, the State may avoid the penalty in current law and qualify for the new penalty procedure outlined below.

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

2. Penalty amount

Present law

As noted above, the penalty for noncompliance with a Child Support Enforcement State plan requirement is loss of all federal Child Support Enforcement funding and all TANF funding as well.

House bill

The percentage penalty is 4 percent, 8 percent, 16 percent, and 20 percent respectively for the first, second, third, and fourth or subsequent years of failing to comply with the data processing requirements. The percentage penalty is applied to the amount payable to the State in the previous year as Federal administrative reimbursement under the child support program.

Senate amendment

Same as House bill, except in the fourth or subsequent year, the percentage penalty is 30 percent.

Agreement

The agreement follows the House bill and the Senate amendment with the modification that the percentage penalty is 4, 8, 16,

25, and 30 percent in the first through fifth and subsequent years respectively.

3. Penalty waiver

Present law

No provision.

House bill

If by December 31, 1997, a State has submitted to the Secretary a request that the Secretary certify the State as meeting the 1998 data processing requirements and is subsequently certified as a result of a review pursuant to the request, all penalties are waived.

Senate amendment

If at any time during year 1998, a State has submitted to the Secretary a request that the Secretary certify the State as having met the 1988 data processing requirement and is subsequently certified as a result of a review pursuant to the request, all penalties are waived.

Agreement

The agreement follows the House bill and the Senate amendment except the State request that the Secretary certify the state as meeting the 1988 data processing requirements must be submitted by August 1, 1998.

4. Partial Penalty Forgiveness

Present law

No provision.

House bill

If a State operating under the penalty procedure achieves compliance with the data processing requirements before the first day of the next fiscal year, then the penalty for the current fiscal year is reduced by 75 percent.

Senate amendment

Under the Senate amendment, States will not face a penalty in the fiscal year in which they come into compliance. Moreover, if a State comes into compliance within the first two years after penalties have been imposed, then the penalty from the prior fiscal year is reduced by 20 percent.

Agreement

The agreement follows the House bill and the Senate amendment with the modifications that there is no retrospective penalty reduction of 20 percent and the penalty reduction in the year of certification is 90 percent. It is expected that the date of certification for a given State will be the date the State informs the Secretary in writing that the State is ready for certification review and the State in fact is certified under that review.

5. Penalty Reduction for Good Performance

Present law

No provision.

House bill

States must comply with all the data processing requirements imposed by the 1996 welfare reform law by October 1, 2000. A State that fails to comply may nonetheless have its annual penalty reduced by 20 percent for each performance measure under the new incentive system (see Title II below) for which it achieves a maximum score. Thus, for example, a State being penalized would have its penalty for a given year reduced by 60 percent if it achieved maximum performance on three of the five performance measures.

Senate enactment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

6. Penalty procedure applies to requirements of 1988 act and 1996 act

Present law

P.L. 104–193 requires that as part of their State child support enforcement plans all States, by October 1, 2000, have in effect a single statewide automated data processing and information retrieval system that meets all of the specified requirements, except that the deadline is extended by one day for each day (if any) by which the Secretary fails to meet the deadline for final regulations on the new data processing requirements (i.e., which is not later than August 22, 1998). The disapproval procedures described above also would apply to these new data processing requirements.

House bill

With the exception of the FY1998 waiver provision, which applies only to the 1988 requirements, and the penalty reduction provision for good performance, which applies only to the 1996 requirements, the new penalty procedure applies to data processing requirements of both the 1988 Family Support Act and the 1996 welfare reform legislation.

Senate enactment

Same as House bill, except the Secretary may only impose a single penalty for any given fiscal year with respect to the establishment or operation of an automated data processing and information retrieval system.

Agreement

The agreement follows the House bill and the Senate amendment with a modification which stipulates that a state may not be penalized for violating the automatic data processing and information retrieval system requirements imposed under Public Law 104–193 if the state is being penalized for violating the automatic data processing requirements of the 1988 Family Support Act. In addition, a State is not subject to more than one penalty at a given time under the data processing requirements of either the 1988 Act or the 1996 Act.

7. Exemption from TANF penalty procedures

Present law

As noted above, States without approved child support enforcement plans are in eventual danger of losing funding for the TANF block grant (which would include supplemental and bonus TANF funding and funding for the Welfare-to-Work program).

The TANF penalty for a State which the Secretary finds has not complied with one or more of the child support enforcement program requirements and has failed to take sufficient corrective action to achieve the appropriate performance level or compliance is subject to a graduated penalty of TANF block grant funds equal to not less than 1% nor more than 2% for the first finding of noncompliance; not less than 2% nor more than 3% for the second consecutive finding of noncompliance; and not less than 3% nor more than 5% for the third or subsequent finding of noncompliance.

House bill

No provision.

Senate amendment

Because States are subject to the penalty procedure outlined above for violations of the data processing requirement, they are exempt from the TANF penalty procedure for such violations.

Agreement

The agreement follows the Senate amendment. In addition the Social Security Act is amended to clarify that TANF money used as matching funds for grants under section 3037 of the Transportation Equity for the 21st Century Act of 1998 can only be spent on the transportation needs of families eligible for TANF benefits and other low-income families. TANF funds used to provide transportation services under section 3037 grants are not considered assistance for purposes of the TANF program.

SEC. 102. AUTHORITY TO WAIVE SINGLE STATEWIDE AUTOMATED DATA PROCESSING AND INFORMATION RETRIEVAL SYSTEM REQUIREMENT

8. Expansion of waiver provision

Present law

Current law states that the Secretary of the Department of Health and Human Services may waive any requirement related to the advance planning automated data processing document or the automated data processing and information retrieval system if the State demonstrates to the Secretary's satisfaction that the State has an alternative system or systems that enable the State to be in substantial compliance with other requirements of the child support enforcement program. The waiver must also meet the following conditions: (1) must be designed to improve the financial well-being of children or otherwise improve the operation of the child support enforcement program, (2) may not permit modifications in the child support enforcement program which would have the effect of disadvantaging children in need of support, and (3) must not result in increased cost to the federal government under the TANF program; or the State provides assurances to the Secretary that steps will be taken to otherwise improve the State's child support enforcement program.

House bill

The authority of the Secretary to waive certain data processing requirements and to provide Federal funding for a wider range of State data system activities is expanded to include waiving the single statewide system requirement under certain conditions and providing Federal funds to develop and enhance local systems linked to State systems. To qualify, a State must demonstrate that it can develop an alternative system that: Can help the State meet the paternity establishment requirement and other performance measures; can submit required data to HHS that is complete and reliable; substantially complies with all requirements of the child support enforcement program; achieves all the functional capacity for automatic data processing outlined in the statute; meets the requirements for distributing collections to families and governments, including cases in which support is owed to more than one family or more than one government; has one and only one point of contact for interstate case processing and intrastate case management; is based on standardized data elements, forms, and definitions that are used throughout the State; can be operational in no more time than it would take to achieve an operational single statewide system; and can process child support cases as quickly, efficiently, and effectively as would be possible with a single statewide system.

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

9. Federal payments under waiver provision

Present law

To be approved for a waiver, a State must demonstrate that the proposed project: (1) is

designed to improve the financial well-being of children or otherwise improve the operation of the child support program; (2) does not permit modifications in the child support program that would have the effect of disadvantaging children in need of support; and (3) does not result in increased cost to the Federal government under the TANF program.

House bill

In addition to the various waiver requirements described in provision #8 above, and to the requirements in current law, the State must submit to the Secretary separate estimates of the costs to develop and implement both a single statewide system and the alternative system being proposed by the State plus the costs of operating and maintaining these systems for 5 years from the date of implementation. The Secretary must agree with the estimates. If a State elects to operate such an alternative system, the State would be paid the 66 percent federal administrative reimbursement only on expenditures equal to the estimated cost of the single statewide system.

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

TITLE II. CHILD SUPPORT INCENTIVE SYSTEM

SEC. 201. INCENTIVE PAYMENTS TO STATES

1. Amount of incentive payments

Present law

Each State receives an incentive payment equal to at least 6 percent of the State's total amount of child support collected on behalf of TANF families for the year, plus at least 6 percent of the State's total amount of child support collected on behalf of non-TANF families for the year. [Note: P.L. 98-378, the Child Support Enforcement Amendments of 1984, stipulates that political subdivisions of a State that participate in the costs of support enforcement must receive an appropriate share of any incentive payment given to the State. P.L. 98-378 also requires States to develop criteria for passing through incentives to localities, taking into account the efficiency and effectiveness of local programs.]

House bill

The incentive payment for a State for a given year is calculated by multiplying the incentive payment pool for the year by the State's incentive payment share for the year.

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

2. Incentive payment pool

Present law

No provision.

House bill

The incentive payment pool is equal to the CBO estimate of incentive payments for each year under current law. Specifically, the amounts (in millions) for fiscal years 2000 through 2008 respectively are: $442, $429, $450, $461, $454, $446, $458, $471 and $483. Specifying these amounts in the statute assures that the incentive payments will be budget neutral. After 2008, the incentive payment pool increases each year by an amount equal to the rate of inflation.

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

3. Calculating incentive payments

Present law

The maximum incentive payment for a State could reach a high of 10 percent of child support collected on behalf of TANF families plus 10 percent of child support collected on behalf of non-TANF families. There is a limit, however, on the incentive payment for non-TANF child support collections. The incentive payments for such collections may not exceed 115 percent of incentive payments for TANF child support collections.

House bill

In addition to the incentive payment pool, incentive calculations are based on the five factors defined below. The general approach is to pay to each State its share of the incentive payment pool based on the quality of its performance on the five incentive performance measures. The five computational factors are:

(1) State collections base is used to ensure that incentive payments are proportional to the amount of child support collected by the State; collections for welfare cases are given double the weight of collections for nonwelfare cases in the calculations;

(2) Maximum incentive base amount is simply a device to give extra weight to three of the five incentive performance measures because these measures are thought to be more important to State performance. Specifically, paternity establishment, establishment of support orders, and collections on current support receive full weight in the calculations, while collections on past-due support and the cost-effectiveness performance level receive a weight of only 75 percent of the other three measures;

(3) Applicable percentage is the actual measure of performance effectiveness and is determined by looking up the raw performance level in a table; there is a different table for each of the five performance measures (see below);

(4) Incentive base amount is the total of the applicable percentages for each of the five performance measures multiplied by their respective maximum incentive base amounts (either 1.00 or 0.75);

(5) State incentive payment share is a percentage calculated by using the four factors defined above. This measure specifies the percentage share of the annual payment pool that each State receives. The State incentive payment share takes into account the State's performance on all five incentive performance measures, the weighting of the five incentive performance measures, its collections in the TANF and non-TANF caseloads, and its performance relative to other States.

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

4. Data used to calculate ratios required to be complete and reliable

Present law

No provision.

House bill

The payment on each of the five performance measures is zero unless the Secretary determines that the data submitted by the State for each measure is complete and reliable.

Senate amendment

Same

Agreement

The agreement follows the House bill and the Senate amendment.

5. State collections base

Present law

Although the collections base terminology is not used, the incentive payment is based on total child support collected on behalf of TANF families (i.e., TANF collections) plus total child support collected on behalf of non-TANF families (i.e., non-TANF collections).

House bill

The collections base for a fiscal year is the sum of two categories of child support collections by the State. The first category is collections on cases in the State child support welfare caseload. This category includes families that are currently or were formerly receiving benefits from TANF (or its predecessor program Aid to Families with Dependent Children), from Medicaid under Title XIX, or from foster care under Title IV-E. Total collections from this category are doubled in the State collections base calculation. The second category is collections from all other families receiving services from the State child support enforcement program.

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

6. Determination of applicable percentages for paternity establishment performance level

Present law

No provision.

House bill

The paternity establishment performance level for a State for a fiscal year is, at the option of the State, either the paternity establishment percentage of cases in the child support program or the paternity establishment percentage of all births in the State. In both cases, the paternity establishment percentage is obtained by dividing the cases in which paternity is established by the total number of nonmarital births. The applicable percentage is then determined in accord with the table in new section 458A(b)(6)(A) of the Social Security Act (see Table 1 below).

Special rule for computing the applicable percentage for paternity establishment: If the paternity establishment performance level of a State is less than 50 percent but exceeds by at least 10 percentage points the paternity establishment performance level of the State for the immediately preceding fiscal year, then the applicable percentage for the State paternity establishment performance level is 50 percent.

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

7. Determination of applicable percentages for child support order performance level

Present law

No provision.

House bill

The support order performance level for a State for a fiscal year is the percentage of cases in the child support program for which there is a support order. The applicable percentage is then determined in accord with the table of new section 458A(b)(6)(B) of the Social Security Act (see Table 2 below)

Special rule for computing the applicable percentage for child support orders: If the support order performance level of a State is less than 50 percent but exceeds by at least 5 percentage points the support order performance level of the State for the immediately preceding fiscal year, then the applicable percentage for the State's support order performance level is 50 percent.

Senate amendment

Same

Agreement

the agreement follows the House bill and the Senate amendment.

8. Determination of applicable percentages for collections on current child support due performance level

Present law

No provisions.

House bill

The current support payment performance level for a State for a fiscal year is the total amount of current support collected during the fiscal year from all cases in the child support program (both welfare and non-welfare cases) divided by the total amount owed on support which is not overdue. The applicable percentage is then determined in accord with the table in new section 458A(b)(6)(C) of the Social Security Act (see Table 3 below).

Special rule for computing the applicable percentage for current payments: If the current payment performance level is less than 40 percent but exceeds by at least 5 percentage points the current payment performance level of the State for the immediately preceding fiscal year, then the applicable percentage for the State's current payment performance level is 50 percent.

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

9. Determination of applicable percentages for collections on child support arrearages performance level

Present law

No provision.

House bill

The arrearages payment performance level for a State for a fiscal year is the total number of cases in the State child support program that received payments on past-due child support divided by the total number of cases in the State child support program in which a payment of child support is past-due. The applicable percentage is then determined in accord with the table in new section 458A(b)(6)(D) of the Social Security Act (see Table 4 below).

Special rule for computing the applicable percentage for arrears: If the arrearages payment performance level of a State for a fiscal year is less than 40 percent but exceeds by at least 5 percentage points the arreages payment performance level for the immediately preceding fiscal year, then the applicable percentage for the State's arrearages performance level is 50 percent.

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

10. Determination of applicable percentages for cost-effectiveness performance level

Present law

Incentive payments are made according to the collection-to-cost ratios (ratio of TANF collections to total child support enforcement administrative costs and ratio of non-TANF collections to total child support enforcement administrative costs) shown below.

Collection-to-cost ratio:	*Incentive payment received (percent)*
Less than 1.4 to 1	6.0
At least 1.4 to 1	6.5
At least 1.6 to 1	7.0
At least 1.8 to 1	7.5
At least 2.0 to 1	8.0
At least 2.2 to 1	8.5
At least 2.4 to 1	9.0
At least 2.6 to 1	9.5
At least 2.8 to 1	10.0

For purposes of calculating these ratios, interstate collections are credited to both the initiating and responding States. In addition, at State option, laboratory costs (for blood testing, etc.) to establish paternity may be excluded from the State's administrative costs in calculating the State's collection-to-cost ratios for purposes of determining the incentive payment.

House bill

The cost-effectiveness performance level for a State for a fiscal year is the total amount collected during the fiscal year from all cases in the State child support program divided by the total amount expended during the fiscal year on the State child support program. The applicable percentage is then determined in accord with the table in new section 458A(b)(6)(E) of the Social Security Act (see Table 5 below).

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

11. Treatment of interstate collections.

Present law

As noted above, in computing incentive payments, child support collected by one State at the request of another State (i.e., interstate collections) are credited to both the initiating State and the responding State. State expenditures on special interstate projects carried out under section 455(e) of the Social Security Act must be excluded from the incentive payment calculation.

House bill

In computing incentive payments, support collected by a State at the request of another State is treated as having been collected by both States. State expenditures on a special interstate project carried out under section 455(e) are excluded from incentive payment calculations.

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

12. Administrative provisions

Present law

The Secretary's incentive payments to States for any fiscal year are estimated at or before the beginning of such year based on the best information available. The Secretary makes such payments on a quarterly basis. Each quarterly payment must be reduced or increased to the extent of overpayments or underpayments for prior periods.

House bill

The Secretary's incentive payments to States are based on estimates computed from previous performance by the States. Each year, the Secretary must make quarterly payments based on these estimates. Each quarterly payment must be reduced or increased to the extent of overpayments or underpayments for prior periods.

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

13. Regulations

Present law

Not applicable.

House bill

The Secretary of Health and Human Services must prescribe regulations necessary to implement the incentive payment program within 9 months of the date of enactment. These regulations may include directions for excluding certain closed cases and cases over which the State has no jurisdiction.

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

14. Reinvestment

Present law

No provision.

House bill

States must spend their child support incentive payments to carry out their child support enforcement program or to conduct activities approved by the Secretary which may contribute to improving the effectiveness or efficiency of the State child support enforcement program.

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

15. Transition rule

Present law

Not applicable.

House bill

The new incentive system is phased in over 2 years beginning in fiscal year 2000. In fiscal year 2000, 1/3rd of each State's incentive payment is based on the new incentive system and 2/3rds on the old system. In fiscal year 2001, 2/3rds of each State's incentive payment is based on the new incentive system and 1/3rd on the old system. The new system is fully operational in fiscal year 2002.

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

16. Review

Present law

No provision.

House bill

The Secretary of Health and Human Services must conduct a study of the implementation of the incentive payment program in order to identify problems and successes of the program. An interim report must be presented to Congress not later than March 1,

2001. By October 1, 2003, the Secretary must submit a final report. Recommendations for changes that the Secretary determines would improve program operation should be included in the final report.

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

17. Study

Present law

No provision.

House bill

The Secretary, in consultation with State IV-D directors and representatives of children potentially eligible for medical support, must develop a new medical support incentive measure based on effective performance. A report on this new incentive measure must be submitted to Congress not later than October 1, 1999.

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

18. Technical and conforming amendments

Present law

No provision.

House bill

This section contains two technical and conforming amendments.

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

19. Elimination of current incentive program

Present law

No provision. (The current incentive payment system is a permanent provision of law.)

House bill

The current incentive program under section 458 of the Social Security Act is repealed on October 1, 2001. On that date, section 458A is redesignated as section 458.

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

20. General effective date

Present law

The current incentive payment system took effect on October 1, 1985.

House bill

Except for the elimination of the current incentive program (see provision #19 above), the amendments made by this legislation take effect on October 1, 1999.

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment.

TITLE III. ADOPTION PROVISIONS

SEC. 301. MORE FLEXIBLE PENALTY PROCEDURE TO BE APPLIED FOR FAILING TO PERMIT INTERJURISDICTIONAL ADOPTION

Present law

Under section 474(e) of the Social Security Act (as established by P.L. 105-89), a State is not eligible for any foster care or adoption assistance payments under Title IV-E if the Secretary finds that the State has denied or delayed a child's adoptive placement when an approved family is available outside the jurisdiction with responsibility for handling the child's case, or the State has failed to grant an opportunity for a fair hearing to anyone who alleges that a violation of this provision was denied by the State or not acted upon promptly.

House bill

The current penalty of losing all Federal Title IV-E funds for violating the jurisdictional provision is dropped and a new penalty is substituted. Under the new penalty, States that violate the adoption provision would receive a penalty equal to 2 percent of the Federal funds for foster care and adoption under Title IV-E of the Social Security Act for the first violation, 3 percent for the second violation, and 5 percent for the third and subsequent violations.

Senate amendment

Same.

Agreement

The agreement follows the House bill and the Senate amendment. The intent of a major provision of the Adoption and Safe Families Act of 1997 is to remove interjurisdictional barriers to adoption to ensure that States facilitate timely permanent placements for children. Any State policy or practice that denies a child the opportunity to be adopted across State or county jurisdictions is in clear violation of the Act. The Department of Health and Human Services must develop a comprehensive monitoring strategy to uncover state violations. The new penalties for violating the interjurisdictional provision are aimed at enforcing State plan violations by reducing for a fiscal quarter the amount of money payable to the State by 2 percent for the first violation, 3 percent for the second violation, and 5 percent for the third and subsequent violations. Congress expects the Secretary to carefully monitor changes in State policy on interjurisdictional barriers and to use the new penalties enacted by Congress if necessary.

The Adoption and Safe Families Act of 1997 does not prevent a State from making efforts to preserve or reunify a family in cases of aggravated circumstances, as long as the child's health and safety are the paramount considerations. In addition, the Adoption and Safe Families Act of 1997 establishes a new requirement that States must initiate termination of parental rights proceedings in specific cases that are outlined in the law. However, the law only requires States to initiate such proceedings and does not mandate the outcome. Moreover, the law provides that States are not required to initiate termination of parental rights in certain cases, including when there is a compelling reason to conclude that such proceedings would not be the child's best interest. Thus, the State retains the discretion to make case-by-case determinations regarding whether to seek termination of parental rights.

TITLE IV. TECHNICAL CORRECTIONS

SEC. 401. ELIMINATION OF BARRIERS TO THE EFFECTIVE ESTABLISHMENT AND ENFORCEMENT OF MEDICAL CHILD SUPPORT

Present law

P.L. 104-193 required Employee Retirement Income Security Act (ERISA) plan administrators to honor health insurance orders (i.e. medical support orders) issued by courts or administrative agencies. It appears that many ERISA plan administrators interpreted the statutory language as requiring the actual receipt of a copy of the order itself. Since it is the practice of many CSE agencies to simply notify the ERISA plan administrator that an order has been issued for a case, many plan administrators did not recognize the administrative notice as sufficient to meet the requirements of current law. Currently only 60% of all national child support orders include a medical support component. In its 1996 review of state child support enforcement programs, GAO reported that at least 13 states were not consistently petitioning to include medical support in its general support orders, and 20 states were not enforcing existing medical support orders.

House bill

No provision.

Senate amendment

The Senate amendment requires the Secretaries of the Departments of Health and Human Services and Labor to design and implement a National Standardized Medical Support Notice. Proposed regulations would be required no later than 180 days after the date of enactment, and final regulations no later than 1 year after the Date of enactment. State child support enforcement agencies would be required to use this standardized form to communicate the issuance of a medical support order, and employers would be required to accept the form as a "qualified medical support order' under the Employee Retirement Income Security Act (ERISA). The Secretaries would jointly establish a medical support working group, not later than 90 days after the date of enactment, to identify and make recommendations for the removal of other barriers to effective medical support. The working group's report on recommendations for appropriate measures to address the impediments to effective enforcement of medical support is due to the Secretary of Health and Human Services, and the Congress, no later than 18 months after the date of enactment. The Secretary of Labor, in consultation with the Secretary of Health and Human Services, would be required to submit to Congress, not later than one year after the date of enactment of this bill, a report containing recommendations for any additional ERISA changes necessary to improve medical support enforcement.

Agreement

Medical child support is an essential part of any general child support order because it enables a child to have access to quality private health care coverage to which she or he would not otherwise be entitled. It also prevents the misuse of Federal programs such as Medicaid and the State Children's Health Insurance Program as a backdoor alternative for parents who shirk their medical child support responsibilities. Although ERISA already requires that employers enforce medical care support orders if those orders meet certain criteria laid out in that statute (which qualifies them as *Qualified Medical Child Support Orders or QMSCOs)*, effective enforcement of medical child support is still thwarted by a lack of standardized communication between the state child support enforcement agencies, parents' employers, and the plan administrators of parents' health insurance plans. Streamlining the medical support process for ERISA plans and non-ERISA plans alike is essential to ensure that all children receive the medical support for which they are eligible.

The agreement follows the Senate provision on medical support with changes. The

agreement requires that the Medical Child Support Working Group be established within 60 days after the date of enactment. It also adds others to the Working Group (e.g. organizations representing state child support programs and the trade or industry representatives of employers and their certified human resource and payroll professionals). It is expected that representatives of at least the following organizations be invited to participate in the working group—the American Public Welfare Association, the New York State Child Support Division, the Eastern Regional Interstate Child Support Association, the American Payroll Association, the ERISA Industry Committee, the Society for Human Resource Management, the National Coordinating Committee for Multi-employer Plans, the Center for Law and Social Policy, and the Children's Defense Fund. The working group is required to submit its recommendations for appropriate measures to address the impediments to effective enforcement of medical support to the Secretaries of Health and Human Services and Labor no later than 18 months after the date of enactment. The Secretaries are required to submit their joint report to Congress no later than 2 months after they receive the recommendations of the working group.

In general, the agreement would follow the Senate provision with respect to the development and promulgation by regulation of a National Medical Support Notice to be issued by the States as a means of ensuring that the medical support provisions in a child support order are properly carried out. The National Medical Support Notice (1) is to conform to the provisions specified in section 609(a)(3) of ERISA (irrespective of whether the group health plan is covered by reason of section 4 of such Act), and (2) is to include a separate and easily severable employer withholding notice (which can be made severable in any reasonable manner and not limited to perforated paper). Interim regulations for the National Medical Support Notice would be required within 10 months of the date of enactment, and final regulations no later than 1 year after the issuance of the interim regulations.

The agreement requires State Child Support Enforcement agencies to use the National Medical Support Notice to transfer notice of provision of health care coverage for the child to the non-custodial parent's employer (unless alternative coverage is allowed for in any order of the court or other entity issuing the order). The employer is then required, within 20 business days, to send the portion of the national notice excluding the employer withholding notice to the appropriate plan providing health care coverage for which the child is eligible. The employer withholding notice is also to inform the employer of applicable provisions of state law (and related information) requiring the employer to withhold any employee contributions due as may be required to enroll the child under such plan.

The agreement requires ERISA plan and other covered plan administrators who receive an appropriately completed National Medical Support Notice to comply with such notice as a qualified medical child support order. The plan administrator is then to report back to the State within 40 business days after receipt of the Notice whether coverage is available, whether the child is covered and the date of coverage, and if the child is not covered, any steps needed to enroll the child under the plan. Nothing in this provision is to be construed as requiring a covered group health plan to provide benefits (or eligibility for such benefits) which are not otherwise provided under the terms of the plan.

The agreement also applies the requirements of the National Medical Support Notice to certain other plans that are not covered under section 609 of ERISA.

SEC. 401. SAFEGUARD OF NEW EMPLOYEE INFORMATION

Present law

No provision.

House bill

No provision.

Senate amendment

The Senate amendment would impose a fine of $1,000 for each act of unauthorized access to, disclosure of, or use of information in the National Directory of New Hires. It would also require that data entered into the National Directory of New Hires be deleted 24 months after the date of entry for individuals who have a child support order. For an individual who does not have a child support order, the data would be required to be deleted after 12 months.

Agreement

The agreement follows the Senate amendment with modifications. The $1,000 fine is retained and the Social Security Administration (SSA), which maintains the New Hires data base under contract with HHS, must delete the New Hire and wage and unemployment compensation data within 24 months after receipt. However, HHS will not have access to the wage and unemployment compensation data after 12 months for individuals who have not been found to have a child support order. The Secretary may retain data on a sample of cases for research purposes. In addition, the Secretary must inform Congress within 90 days after enactment of the purposes for which the New Hire and wage and unemployment compensation data will be used. The Secretary must also inform Congress at least 30 days before the data is to be used for a purpose not specified in the original report. Within 3 years after enactment, the Secretary must report to Congress on the accuracy of New Hire data and the effectiveness of the procedures designed to safeguard the New Hire information.

SEC. 403. CONFORMING AMENDMENTS REGARDING THE COLLECTION AND USE OF SOCIAL SECURITY NUMBERS FOR THE PURPOSES OF CHILD SUPPORT ENFORCEMENT

Present law

Federal law (section 205(c)(2)(C) allows any State (or subdivision of the State) to use Social Security account numbers in the administration of any tax, public assistance, driver's license, or motor vehicle registration laws within its jurisdiction to identify individuals affected by such laws.

House bill

No provision.

Senate amendment

The Senate amendment revises the current statute to reflect the social security numbers also must be used by the agencies administering the renewal of professional licenses, driver's licenses, occupational licenses, or recreational licenses to respond to requests for information from Child Support Enforcement agencies; and that all divorce decrees, support orders, paternity determinations and paternity acknowledgments must include the social security number of the applicable individuals for the purpose of responding to requests for information from Child Support Enforcement agencies.

Agreement

The agreement follows the House bill; i.e., no provision.

SEC. 404. CLARIFICATION OF DEFINITION REGARDING HIGH-VOLUME AUTOMATED ADMINISTRATIVE ENFORCEMENT OF CHILD SUPPORT

Present law

Federal law (section 466(a)(14) of the Social Security Act, as amended by section 5550 of P.L. 105–33) requires States to conduct "high-volume automated administrative enforcement," to the same extent as used for intrastate cases, in response to a request made by another state to enforce a child support order and promptly report the results of such enforcement procedures to the requesting state. Federal law also defines "high-volume automated administrative enforcement."

House bill

No provision.

Senate amendment

The Senate amendment eliminates the definition of "high-volume automated administrative enforcement" from the statute.

Agreement

The agreement replaces the definition of "high-volume automated administrative enforcement" in current law with a clearer definition. The new definition requires states, upon request from another state in an interstate case, to use automated data matches with financial institutions and other entities to locate the obligor's assets and, when assets are discovered, to seize these asset through levy or other appropriate process. The agreement also includes a provision allowing the Secretary, through the Federal Parent Locator Service, to help States work with financial institutions doing business in 2 or more states. The Secretary may send identifying information to such financial institutions on all individuals who owe past-due child support in any state. The financial institutions will then transmit back to the Secretary the identifying information on individuals who owe past-due support for whom they have accounts; the Secretary will transmit this information back to the state that submitted the identifying information. The State will take appropriate actions to seize the assets. This provision does not allow the Secretary to have access to any financial information on individuals holding accounts in these financial institutions. Multi-state financial institutions that respond to requests for information from the Secretary are not expected to respond to such requests from any state for which they have accepted information from the Secretary. However, states that now conduct these data matches with financial institutions that do business in 2 or more states may continue such procedures until January 1, 2000. This provision is not intended to prohibit a State from requiring any financial institution doing business in the State to report account information directly to the State for purposes other than child support enforcement. Financial institutions that provide identifying information to the Secretary or seize assets at the request of States are not liable under State or Federal law for such actions.

SEC. 405. GENERAL ACCOUNTING OFFICE REPORTS

Present law

No provision.

House bill

No provision.

Senate amendment

The Senate amendment would require the Comptroller General of the United States

(i.e., the General Accounting Office) to report to Congress, no later than December 31, 1998, on the feasibility of implementing an instant check system for employers to use in identifying individuals with child support orders. The report is to include a review of the use of the Federal Parent Locator Service, including the Federal Case Registry of Child Support Orders and the National Directory of New Hires, and the adequacy of the privacy protections.

Agreement

The agreement follows the Senate amendment.

SEC. 406. TECHNICAL CORRECTIONS (THIS PROVISION IS SECTION 401 OF THE HOUSE BILL).

Present law

Under section 473A of the Social Security Act (as established by P.L. 105-89), States may receive financial incentives for increasing their number of adoptions of foster children, above an annual base level. In determining the base levels for each State, the Secretary will use data from the Adoption and Foster Care Analysis and Reporting System (AFCARS). However, in determining the base levels for fiscal years 1995 through 1997, the Secretary may use alternative data sources, as reported by a State by November 30, 1997, and approved by the Secretary by March 1, 1998.

Under Section 466(a)(13) of the Social Security Act (as established by P.L. 104-193 and amended by P.L. 105-33), states must have procedures requiring that the social security number of an applicant for a professional license, driver's license, occupational license, recreational, or marriage license be recorded on the application. In addition, the social security number of a person subject to a divorce decree, support order, or paternity determination or acknowledgment must be placed in the records relating to the matter. Also social security numbers must be recorded on death certificates. The statute permits the state to use a number other than the social security number in some cases. If a state chooses this option, it must still keep the social security number of the applicant on file.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 required States to collect social security numbers on applications for State licenses for purposes of checking the identity of immigrants by October 1, 2000.

House bill

The current law on alternative data sources to calculate the adoption incentive amount only allowed the use of data reported by States by November 30, 1997 and approved by the Secretary by March 1, 1998. The new provision provides States with an additional 5 months to report data (until April 30, 1998) and the Secretary with an additional 4 months to approve the data (until July 1, 1998).

The House bill changes the January 1, 1998 date in the 1996 welfare reform law pertaining to State licenses to October 1, 2000, or such earlier date as the State selects.

Senate amendment

Same.

Agreement

The Agreement follows the House bill and the Senate amendment with some additional technical amendments. The State data reporting on child support enforcement required under section 469 of the Social Security Act is simplified. The provision on eligibility for services in the Welfare-to-Work program authorized by section 403(a)(5) of the Social Security Act is clarified by allowing states to provide services to noncustodial parents of children who meet the qualifications for benefits under the program. Two sections of the Child Support Enforcement statute at Title IV-D of the Social Security Act regarding the use of the Federal Parent Locator Service (FPLS) are clarified. Language on use of the FPLS for making or enforcing child custody or visitation orders is removed from section 453 where it had been placed inadvertently by legislation enacted in 1997. The language on use of the FPLS in cases of parental kidnaping, child custody, or parental visitation is located in section 463. This statute requires States to receive and transmit to the Secretary requests from authorized persons (State agents, attorneys, or courts). The provisions of section 463, which carefully balance the rights of children, custodial parents, and noncustodial parents, are intended to ensure that the FPLS is used in an even-handed fashion to assist both parents in achieving access to their children under appropriate circumstances. States must honor the requests of noncustodial parents to have access, through local courts, to information in the FPLS if the procedures of section 463 are followed.

TITLE V. IMMIGRATION PROVISIONS

SEC. 501. ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT

Present law

No comparable provision. The Immigration and Nationality Act (INA) enumerates a number of reasons why an alien may be ineligible to receive visas and excluded from admission, including the likelihood of becoming a public charge, but failure to pay child support is not among them.

House bill

Amends the INA to makes inadmissible any alien legally obligated to pay child support whose failure to pay has resulted in an arrearage exceeding $5,000, until child support payments are made or the alien is in compliance with an approved payment agreement. Extends applicability to aliens previously admitted for permanent residence (i.e., as immigrants) who are seeking readmission. Authorizes the Attorney General to waive inadmissibility in a given case if he or she: (1) has received a waiver request from the court of administrative agency with jurisdiction over the child support case; and (2) determines that granting the waiver would substantially increase the likelihood that past and future child support payments would be made.

Senate amendment

No provision.

Agreement

The agreement follows the Senate amendment except that the Secretary of HHS is required to write a report, after consulting with the Immigration and Naturalization Service (INS), on the feasibility of enacting the provision on child support enforcement against aliens in the House bill. The report, which must be delivered to Congress within 6 months of enactment, must include an assessment of whether the INS can effectively implement the requirements of the House provision.

SEC. 502. EFFECT OF NONPAYMENT OF CHILD SUPPORT ON ESTABLISHMENT OF GOOD MORAL CHARACTER

Present law

No comparable provision in the reasons given in the INA for a determination that an alien is not a person of good moral character; such a determination is necessary for an immigrant to naturalize.

House bill

Amends the INA to preclude a finding of good moral character, and thus naturalization, if a person obligated to pay child support has failed to do so, with the opportunity to overcome this either by meeting the child support obligation or complying with an approved payment agreement.

Senate amendment

No provision.

Agreement

The agreement follows the Senate amendment; i.e., no provision

SEC. 503. AUTHORIZATION TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN ARRIVING ALIENS

Present law

No comparable provision among the functions Immigration and Naturalization Service (INS) officers are authorized by the INA to perform during the inspections process.

House bill

Amends the INA to authorize INS officers, to the extent consistent with state law, to serve an applicant for admission with a writ, order, or summons in a child support case.

Senate amendment

No provision.

Agreement

The agreement follows the Senate Amendment; i.e., no provision.

SEC. 504. AUTHORIZATION TO OBTAIN INFORMATION ON CHILD SUPPORT PAYMENTS BY ALIENS

Present law

No comparable provision.

House bill

Amends the Social Security Act to authorize the Secretary of HHS to respond to requests by the Attorney General or the Secretary of State with information which, in the opinion of the HHS Secretary, may aid them in determining whether an alien owes child support.

Senate amendment

No provision.

Agreement

The agreement follows the Senate amendment; i.e., no provision.

TABLE 1

If the paternity establishment performance level is—		The applicable percentage is
At least (percent)	But less than (percent)	
80		100
79	80	98
78	79	96
77	78	94
76	77	92
75	76	90
74	75	88
73	74	86
72	73	84
71	72	82
70	71	80
69	70	79
68	69	78
67	68	77
66	67	76
65	66	75
64	65	74
63	64	73
62	63	72
61	62	71
60	61	70
59	60	69
58	59	68
57	58	67
56	57	66
55	56	65
54	55	64

TABLE 1—Continued

If the paternity establishment performance level is—		The applicable percentage is
At least (percent)	But less than (percent)	
53	54	63
52	53	62
51	52	61
50	51	60
0	50	0

TABLE 2

If the support order establishment performance level is—		The applicable percentage is
At least (percent)	But less than (percent)	
80		100
79	80	98
78	79	96
77	78	94
76	77	92
75	76	90
74	75	88
73	74	86
72	73	84
71	72	82
70	71	80
69	70	79
68	69	78
67	68	77
66	67	76
65	66	75
64	65	74
63	64	73
62	63	72
61	62	71
60	61	70
59	60	69
58	59	68
57	58	67
56	57	66
55	56	65
54	55	64
53	54	63
52	53	62
51	52	61
50	51	60
0	50	0

TABLE 3

If the current payment performance level is—		The applicable percentage is
At least (percent)	But less than (percent)	
80		100
79	80	98
78	79	96
77	78	94
76	77	92
75	76	90
74	75	88
73	74	86
72	73	84
71	72	82
70	71	80
69	70	79
68	69	78
67	68	77
66	67	76
65	66	75
64	65	74
63	64	73
62	63	72
61	62	71
60	61	70
59	60	69
58	59	68
57	58	67
56	57	66
55	56	65
54	55	64
53	54	63
52	53	62
51	52	61
50	51	60
49	50	59
48	49	58
47	48	57
46	47	56
45	46	55
44	45	54
43	44	53
42	43	52
41	42	51
40	41	50
0	40	0

TABLE 4

If the arrearage payment performance level is—		The applicable percentage is
At least (percent)	But less than (percent)	
80		100
79	80	98
78	79	96
77	78	94
76	77	92
75	76	90
74	75	88
73	74	86
72	73	84
71	72	82
70	71	80
69	70	79
68	69	78
67	68	77
66	67	76
65	66	75
64	65	74
63	64	73
62	63	72
61	62	71
60	61	70
59	60	69
58	59	68
57	58	67
56	57	66
55	56	65
54	55	64
53	54	63
52	53	62
51	52	61
50	51	60
49	50	59
48	49	58
47	48	57
46	47	56
45	46	55
44	45	54
43	44	53
42	43	52
41	42	51
40	41	50
0	40	0

TABLE 5

If the cost effectiveness performance level is—		The applicable percentage is
At least	But less than	
5.00		100
4.50	4.99	90
4.00	4.50	80
3.50	4.00	70
3.00	3.50	60
2.50	3.00	50
2.00	2.50	40
0.00	2.00	0

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the House amendment to the Senate amendment to H.R. 3130.

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

There was no objection.

Mr. LEVIN. Mr. Speaker, further reserving the right to object, I rise in strong support today for H.R. 3130 which will reward States that administer effective child support enforcement systems. The bill is a result of the cooperation and hard work of both parties and both Chambers of Congress, and it is very similar to legislation the House passed earlier this year by a vote of 414 to 1, and I would like to congratulate the chairman of the subcommittee, the gentleman from Florida (Mr. SHAW), to his staff, and to our staff, and to the administration for all of its work.

This bill is tough because it is realistic. No more postponements. States will have to modernize their systems to collect moneys ordered by courts for noncustodial parents needed by their children or face certain penalties.

H.R. 3130, as the gentleman from Florida (Mr. SHAW) has explained has two basic goals. First, the legislation would establish a new set of penalties for States that have failed to modernize their child support systems. Unlike the current penalties, these new requirements can be realistically enforced and therefore represent a meaningful incentive for States to computerize and centralize their child support files. These steps are necessary for reliable and timely payments to children and families.

Second, the bill would revamp the current Federal system for rewarding performance among State child support enforcement systems. By establishing specific performance criteria, H.R. 3130 would make these incentive payments more closely track State efforts to enforce child support orders.

Let me say the concerns from the other body unfortunately prevented us from including in this bill, as the gentleman from Florida (Mr. SHAW) has stated, a provision championed by the gentleman from Maryland (Mr. CARDIN) to deny noncitizens entrance into our country if they refuse to pay past due child support to an American citizen. The provision would serve a clear and useful purpose and certainly deserves our continued support.

Mr. Speaker, we all talk about parental responsibility. In today's legislation that the gentleman from Florida (Mr. SHAW) and I have sponsored and that has had, as said, the hard work on both sides of the aisle, on both sides of the Rotunda and with the administration, is indeed a real step towards requiring all parents to meet their obligations to their children.

Mr. FAWELL. Mr. Speaker, I want to rise in support of H.R. 3130, The Child Support Performance and Incentive Act. This bill will go a long way in helping children and families who depend on the performance of child support agreements.

In particular, I want to note the improved child medical support order provisions worked out in the bill. I am pleased that we have broad bipartisan support for these important provisions. They will help ensure that children who are entitled to medical support through a child support order actually get enrolled in the health plans of their non-custodial parents. Equally important, the agreement worked out in conference should greatly expedite this process, and give both State child support enforcement agencies and the health plans who must administer these children's enrollments greater assurance that the process will work efficiently.

Mr. Speaker, there are few things that are as important as one's health. Children in particular with their whole lives ahead of them, must have access to ongoing care. Similarly, there are few things that are as frightening for a family as having a child face illness without

the protection of insurance. This legislation addresses these fundamental concerns: it will help ensure that more kids get the care they've been promised and need, and give more families the financial security and peace of mind to which they are entitled.

Mr. Speaker, I urge all my colleagues to support this agreement.

Mr. LEVIN. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

HONORING THE BERLIN AIRLIFT

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from the further consideration of the concurrent resolution (H. Con. Res. 230) honoring the Berlin airlift, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

Mr. BALLENGER. Reserving the right to object, Mr. Speaker, I do not intend to object, but I would like to do so for the gentleman from Colorado (Mr. HEFLEY) to offer an explanation of his request.

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

Mr. BALLENGER. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Speaker, this is a sense of Congress resolution regarding the celebration of the Berlin airlift that should include a presentation of a suitable gift of representational art from the citizens of the United States of America to the citizens of the Federal Republic of Germany commemorating the fall of the Berlin Wall and the reunification of this great city. And this, as my colleagues know, was one of the great moments in history when the United States stepped in and saved a city that, if there was ever intention it was going to be choked to death, there were about 2 million people that were assisted by this airlift, and I think this is a very important and appropriate thing for the Congress of the United States to recognize. And, with that, I would hope the gentleman would remove his right to object.

Mr. BALLENGER. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 230

Whereas the date, 26 June 1998, marks the 50th anniversary of the commencement of the Allied effort to supply the people of Berlin, Germany, with food, fuel, and supplies in the face of the illegal Soviet blockade that divided the city;

Whereas this 15 month Allied effort became known throughout the free world as the "Berlin Airlift" and ultimately cost the lives of 78 Allied airmen, of whom 31 were United States fliers;

Whereas this heroic humanitarian undertaking was universally regarded as an unambiguous statement of Western resolve to thwart further Soviet expansion;

Whereas the Berlin Airlift was an unqualified success, both as an instrument of diplomacy and as a life saving rescue of the 1,000,000 inhabitants of West Berlin, with 2,326,205 tons of supplies delivered by 277,728 flights over a 462-day period;

Whereas historians and citizens the world over view the success of this courageous action as pivotal to the ultimate defeat of international tyranny, symbolized today by the fall of the Berlin Wall; and

Whereas this inspiring act of resolve must be preserved in the memory of future generations in a positive and dramatic manner: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the 50th anniversary of the Berlin Airlift should include the presentation of a suitable gift of representational art from the citizens of the United States of America to the citizens of the Federal Republic of Germany, commemorating the fall of the "Berlin Wall" and the reunification of this great city and, to this end, civic and corporate leaders across the Nation are entrusted to fulfill this intent using private subscription and volunteer effort with the encouragement and support of the United States Congress.

The concurrent resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. HEFLEY:

In the preamble amend the first clause to read as follows:

Whereas the Allied effort to supply the people of Berlin, Germany, with food, fuel, and supplies in the face of the illegal Soviet blockade that divided the city was one of the greatest military and humanitarian efforts in the history of the world;

In the 4th clause of the preamble, strike "1,000,000" and insert "2,000,000".

In the text after the resolving clause strike "50th anniversary" and insert "celebration".

Mr. HEFLEY. Mr. Speaker, these are technical amendments to make the resolution come into compliance with our House rules, and I would move the amendment.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Colorado (Mr. HEFLEY).

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

PROVIDING THAT CERTAIN VOLUNTEERS AT PRIVATE NONPROFIT FOOD BANKS ARE NOT EMPLOYEES FOR PURPOSES OF THE FAIR LABOR STANDARDS ACT

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the bill (H.R. 3152) to provide that certain volunteers at private nonprofit food banks are not employees for purposes of the Fair Labor Standands Act of 1938, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. OWENS. Mr. Speaker, reserving the right to object, although I do not intend to object, and I ask that the gentleman from North Carolina (Mr. BALLENGER) offer an explanation for his request.

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

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

Mr. BALLENGER. Mr. Speaker, H.R. 3152 is intended to address a very narrow issue under the Fair Labor Standards Act but a very important issue for many of our Nation's food banks. H.R. 3152 clarifies that persons who help at food banks on a volunteer basis and receive groceries from the food bank are not employees of the food bank.

The legislation is necessary because of the inconsistent and conflicting interpretations given in the past by the Department of Labor. In 1992 in response to questions from the Congressional Homelessness Task Force, Secretary of Labor Lynn Martin wrote, "It does not appear that volunteers at nonprofit food distribution centers would be considered employees of the centers."

Five years later, in May of 1997, in response to a request by food bank centers for a formal advisory letter on the status of such volunteers, the Office of the Solicitor of the Department of Labor said it appears that distributing organizations would be compensating needy individuals in the form of benefits, that is, food or other products, for services that the individuals performed for organizations and that the individuals, if they meet the indigence requirements, would expect to receive the products in return for their services. Under this scenario we would consider these individuals employees of the distributing organizations.

Four months later, however, the Solicitor of Labor reversed course again, and he wrote, "Individuals who volunteer their services for humanitarian purposes and without contemplation of compensation to religious, charitable and similar not-for-profit organizations are not considered to be employed by

such organizations for the purpose of the Fair Labor Standards Act. Therefore, such individuals would not be covered by the minimum wage requirements of the Fair Labor Standards Act."

While the Department of Labor's current position is that individuals who volunteer for food banks and who receive groceries and food items from the food banks are not employees, the history of the Department of Labor's conflicting and inconsistent statements and letters indicates a need to clarify this point in the statute. Food banks which use such volunteers and encourage such volunteerism among those who receive food assistance should be able to do so without concern that they are triggering an employment relationship including wage and other employment liabilities.

H.R. 3152 provides clarification that food banks may give groceries and food items to individuals who volunteer their services to the food bank solely for humanitarian purposes without deeming those individuals as employees.

Mr. Speaker, H.R. 3152 is a very narrow bill intended to clarify a specific situation on which the Department of Labor has provided conflicting and contradictory rulings. There are, of course, many other situations in which individuals receive various types of benefits in conjunction with performing community services. The fact that we are clarifying the FLSA to say explicitly that individuals who volunteer at food banks and receive groceries are not employees should not be in any way construed to mean that by doing so Congress is showing an intent that any other individual who performs community services and receives benefits is an employee.

And I want to commend the gentleman from California (Mr. CAMPBELL) the sponsor of 3152 for pursuing this clarification, and I urge support of the bill.

Mr. OWENS. Further reserving the right to object, Mr. Speaker, I thank the gentleman for his explanation and rise in support of the bill. This incident is just one example of the fact that the Fair Labor Standards Act is flexible, the Fair Labor Standards Act will yield to common sense after due deliberation. The Fair Labor Standards Act of 1938, I might point out also, is enjoying its 60th anniversary today.

The Fair Labor Standards Act was passed 60 years ago. It established the 40-hour week, overtime pay, the ban on child labor and the minimum wage. Today we celebrate an important day in American history, and on this day I think we should renew our effort to bring the minimum wage up to standard.

The minimum wage now is $5.15 cents per hour, and that is still a poverty wage. It is a wage without opportunity or hope. As far as working people are concerned, the minimum wage still has not caught up with the years of inflation. We are still way behind in terms of buying power of the dollars that workers receive, so the minimum wage needs to be increased just to bring us one step closer to where the buying power of the dollar is today.

I think it is only fitting and proper in a time of great prosperity that we increase the minimum wage. It is one way to share the prosperity and help us to guarantee the pursuit of happiness on a fair playing field for everybody. On this important anniversary of the minimum wage, let us recommit ourselves to create an opportunity for all working Americans. When we return after recess, I hope we will vote to raise the minimum wage.

Further reserving the right to object, Mr. Speaker, I yield to the gentleman from California (Mr. CAMPBELL) for his statement.

Mr. CAMPBELL. Mr. Speaker, I thank the gentleman for yielding, and I also thank the subcommittee chairman, the gentleman from North Carolina (Mr. BALLENGER) for his kindness in pursuing this legislation, his conscientiousness in bringing us to this moment, and the chairman of the full committee, the gentleman from Pennsylvania (Mr. GOODLING) for the similar courtesy he has shown.

Mr. Speaker, this bill is sponsored for one very important and simple purpose. It is to allow food banks to give not only food but dignity. Those individuals who are of lesser means, who volunteer their time in order to help put together bags of groceries, are sometimes given a bag of groceries for the hours that they may work, in recognition, not as a wage, but because they themselves might also be in need. It is a way for a person who has need to receive help in his or her own right in a way that confers and maintains their dignity as a human being.

Mr. Speaker, the bill came to my attention because of the excellent work of the Second Harvest Food Bank, and in closing I would like to recognize the individuals involved in the exceptionally fine work of the Second Harvest Food Bank, in particular Mary Ellen Heising, for 18 years the director of the Second Harvest Food Bank, David Sandretto, the current executive director, and Cindy McGoun and Beverly Jackson who run the volunteer program.

□ 1800

The bill will be amended shortly by my colleague and good friend, the subcommittee chair, so that it will be styled the Amy Somers Volunteers at Food Bank Recognition Bill, and this is in recognition of Amy Somers, who in December of last year passed away. She had been for four years the director of the food bank.

I conclude by observing that as sure as I am standing here, I have faith that all of us will stand before our maker and will have to answer the question, when I was hungry, did you give me to eat; when I was thirsty, did you give me to drink. In the case of Amy Somers, for whom we will name this bill, the answer is most assuredly, yes; yes, she did.

Mr. OWENS. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3152

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

SECTION 1. FAIR LABOR STANDARDS ACT OF 1938.

Section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)) is amended by adding at the end the following:

"(5) The term 'employee' does not include individuals who volunteer their services solely for humanitarian purposes to private non-profit food banks and who receive from the food banks groceries.".

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

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

The Clerk read as follows:

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

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Amy Somers Volunteers at Food Banks Act".

SEC. 2. FAIR LABOR STANDARDS ACT OF 1938.

Section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)) is amended by adding at the end the following:

"(5) The term 'employee' does not include individuals who volunteer their services solely for humanitarian purposes to private non-profit food banks and who receive from the food banks groceries.".

Mr. BALLENGER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. BALLENGER).

The amendment in the nature of a substitute was agreed to.

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

GENERAL LEAVE

Mr. BALLENGER. 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. 3152.

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

There was no objection.

RECOGNIZING 150TH ANNIVERSARY OF EMANCIPATION OF AFRICAN SLAVES IN VIRGIN ISLANDS

Mr. PEASE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the resolution (H. Res. 495), relating to the recognition of the connection between the emancipation of American slaves and the Danish West Indies, now the United States Virgin Islands, to the American Declaration of Independence from the British government, and ask for its immediate consideration.

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

Ms. CHRISTIAN-GREEN. Mr. Speaker, reserving the right to object, and I will not object, but I would like to explain the resolution.

Mr. Speaker, I rise to speak in support of House Resolution 495 which I have introduced along with my colleagues from both sides of the aisle to have the House of Representatives take note of the emancipation of enslaved Africans in the Virgin Islands 150 years ago.

On behalf of my constituents, the people of the Virgin Islands, I want to thank you, Mr. Speaker, and the gentleman from Texas (Mr. ARMEY), the Majority Leader, for your kindness and generosity in allowing House Resolution 495 to come to the floor today.

I also want to express my sincerest gratitude and appreciation and that of my constituents as well to the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), for his support of my efforts with respect to this resolution before us. I can truly say that without Chairman HYDE's unwavering support for House Resolution 495, it would not be on the floor today.

I also want to thank our minority leader, the gentleman from Missouri (Mr. GEPHARDT), and my friend, the ranking Democrat on the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), for their support and invaluable assistance as well.

Mr. Speaker, the 3rd of July is celebrated in the Virgin Islands as Emancipation Day. It is a day when we recognize and remember one of the most important and significant events in our history, the emancipation from slavery in the territory.

There are few moments in our history as dramatic and inspiring as those that took place in the town of Frederiksted in St. Croix on July 2nd and 3rd in 1848. It is a story of courage and determination by the people of the then Danish West Indies, who risked death in order to live as free men and women.

We are told that at the sound of the "conchshell," slaves from across the island of St. Croix converged on Fort Frederik under the leadership of Moses "General Buddhoe" Gottlieb and threatened to destroy the island unless their freedom was granted immediately. In response to the reports of the uprising, Danish Governor Peter Von Scholten rushed from the town of Christiansted and encouraged by his mulatto mistress Anna Heegaard, issued his famous proclamation, "All unfree in the Danish West Indies are from today free."

Although the revolt ended with little loss of property or life, its key players paid a high price. General Buddhoe was himself arrested and exiled, and Governor Von Scholten returned to Denmark, where he was tried and found guilty for exceeding his authority and for dereliction of duty.

Mr. Speaker, it is quite fitting that the House of Representatives, the People's House as it is known, takes note of this important event in our history, because, in doing so, we are reminded of the unwavering commitment of all Americans for freedom and for human and civil rights.

In closing, Mr. Speaker, I want to thank all of my colleagues for their help and support on this resolution, particularly again the gentleman from Missouri (Mr. GEPHARDT), the minority leader, and his staff. I also want once again to thank the gentleman from Illinois (Chairman HYDE) and his staff and the gentleman from Michigan (Mr. CONYERS), the ranking Democrat, without whose help tonight would not have been possible.

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

Ms. CHRISTIAN-GREEN. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, this is an important 150th anniversary. It is significant. I cannot remember in my career that we have ever celebrated the emancipation of slavery in the Virgin Islands.

I commend the gentlewoman for her conviction, ability, intelligence and beauty.

Mr. Speaker, I applaud Congresswoman DONNA CHRISTIAN-GREEN for introducing this legislation that recognizes the 150th anniversary of the emancipation of African slaves in what is now the United States Virgin Islands.

On July 3rd 1848 thousands of slaves on the island of St. Croix marched into the town of Frederiksted under the leadership of Moses Gottlieb and staged a demonstration demanding their freedom and threatened to destroy the island by fire unless their freedom was granted by 4 p.m. that afternoon.

When reports of the insurrection reached the Danish Governor of the VI Peter von Scholten, 15 miles away in the town of Christiansted, he journeyed to Frederiksted where he issued the Emancipation Proclamation.

It is important for us to commemorate the historic significance of this 150th anniversary and the significant contributions that the descendants of those who were freed have made to the United States as citizens since 1917.

More importantly, however, we as a nation must recognize the emancipation of African slaves as part of the process of extending civil rights to all individuals in the United States.

Unfortunatley, the struggle for equality for all Americans still continues. Discrimination is still rampant in housing, education, employment, the environment and in many other areas in society.

Despite the uphill battle that we appear to be facing at times, we must maintain our unwavering commitment to preserve, protect, and defend human rights and freedom.

Ms. CHRISTIAN-GREEN. Mr. Speaker, reclaiming my time, I thank the gentleman for those kind remarks.

Mr. Speaker, as my constituents and I prepare to celebrate the 150th anniversary of our emancipation, we hope it will serve as a reminder and a reaffirmation, to all of us, of the ideals of freedom and equality that this country was founded on.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 495

Whereas, prior to July 3, 1848, many Africans were held as slaves on the islands of the Danish West Indies, now the United States Virgin Islands;

Whereas, on July 3, under the leadership of Moses "General Budhoe" Gottlieb, the African slaves on the Island of St. Croix responded to the signal of the blowing of conch shells by leaving their plantations to converge on Fort Frederick in the town of Frederiksted;

Whereas in Frederiksted the African slaves demanded their freedom and threatened to destroy the island by fire unless it was granted by 4 o'clock that afternoon;

Whereas, confronted by reports of arson and insurrection, the Danish governor, Peter von Scholten, met the African slaves in Frederiksted and declared that "all unfree in the Danish West Indies are from today free";

Whereas the heroes of this rebellion paid a high price, General Budhoe being sent into exile, and Governor von Scholten being convicted in Denmark of dereliction of duty and of exceeding his authority;

Whereas the American people declared their independence from the British on July 4, 1776; and

Whereas the courage of these heroes serves to connect Virgin Islanders and all Americans to their past and to reinforce their unwavering commitment to preserve, protect, and defend freedom: Now, therefore, be it

Resolved, That the House of Representatives urges—

(1) the American people to recognize the historical significance of the emancipation

of African slaves in what is now the United States Virgin Islands; and

(2) Virgin Islanders and all Americans to maintain their unwavering commitment to preserve, protect, and defend human rights and freedom.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

DESIGNATION OF THE HONORABLE CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JULY 14, 1998

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

WASHINGTON, DC,
June 25, 1998.

I hereby designate the Honorable CONTANCE A. MORELLA to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 14, 1998.

NEWT GINGRICH,
Speaker of the House of Representatives.

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

There was no objection.

REPORT OF NATIONAL SCIENCE BOARD—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Science.

To the Congress of the United States:

As required by 42 U.S.C. 1863(j)(1), I am pleased to submit to the Congress a report of the National Science Board entitled *Science and Engineering Indicators—1998*. This report represents the thirteenth in a series examining key aspects of the status of American science and engineering in a global environment.

Investments in science and engineering research and education have enjoyed bipartisan support. They are critical to America's ability to maintain world leadership and fulfill our potential as a Nation as we begin the transition into the 21st century.

This report provides a broad base of quantitative information about U.S. science, engineering, and technology in an international context. I commend *Science and Engineering Indicators—1998* to the attention of the Congress and those in the scientific and technology communities. It will assist us in better understanding the new developments and trends in what is rapidly becoming a global knowledge-based economy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 25, 1998.*

PROJECT EXILE

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

Mr. GOODE. Mr. Speaker, I rise today to talk about an anti-crime program that has been successfully implemented in several cities across America. The program, which was the topic of a June 18 article in the Washington Post, is known in Virginia as Project Exile. Project Exile includes a program that imposes automatic five year sentences on felons caught carrying guns.

The program is being credited by Richmond police with helping to dramatically cut the city's homicide and armed robbery rates. The idea behind the program is simple: To get guns out of the hands of those who are caring them illegally, felons who are most likely to use the weapons in the commission of a crime.

Mr. Speaker, I include the Washington Post article for the RECORD.

[From the Washington Post, June 18, 1998]

RICHMOND GUN PROJECT PRAISED

(By R.H. Melton)

RICHMOND—A program that imposes automatic five-year sentences on felons caught carrying guns is being credited by Richmond police with helping to cut dramatically the city's homicide and armed robbery rates.

The program, under which authorities generally prosecute gun cases as federal crimes—ensuring stiffer bond rules and tougher sentences—is known as Project Exile and has received high marks from two unlikely allies: Handgun Control Inc. and the National Rifle Association.

The federal prosecutor's office here is one of only a handful in the nation—Boston and Philadelphia are two others—to launch an experimental attack on gun crimes. The idea behind the program, authorities say, is to get guns out of the hands of those who are carrying them illegally, people who are most likely to use the weapons in other crimes.

In Richmond, which in recent years has had one of the nation's highest homicide rates, authorities credit Project Exile with helping to reduce gun-related homicides dramatically. Police say there were 140 gun-related homicides last year; so far this year there have been 34. Gun-related armed robberies, meanwhile, are down by a third.

On a morning talk show Sunday, NRA President Charlton Heston told a national television audience that "in less than a year, they reduced deaths, murders, in the city of Richmond by half" through the Exile project.

Handgun Control Chairman Sarah Brady, in a letter to the U.S. attorney here, said: "Your work is succeeding in getting guns out of the hands of criminals . . . The results in Richmond are impressive.

Cynthia L. Price, a Richmond police spokeswoman, said Exile has had a profound effect on the number of violent crimes and the nature of those offenses, leading to far fewer instances in which guns are drawn in anger.

"It's a great program," Price said.

So how did Exile help cut homicides and armed robberies? A cadre of aggressive federal prosecutors, including a lead attorney who earned his spurs hounding Mafia dons in New York City, determined that Richmond's number one crime problem was similar to that plaguing Washington: street-level violence fueled largely by an evidently insatiable appetite for weaponry.

They then brought to bear on city gun cases the full force of the federal government, using statutes dating from the late 1960s to seek mandatory minimum prison sentences of five years for gun-related crimes. That expedited many of the gun cases, ensuring stiffer penalties and, in many cases, eliminating parole.

In some instances, steering a local criminal into the federal system was as simple as a Richmond police officer paging the federal Bureau of Alcohol, Tobacco and Firearms to double-check for federal gun violations, such as the obliteration of serial numbers on weapons, use of a gun while possessing a controlled substance or possession of guns by fugitives.

Several federal judges here have complained that their caseloads now seem to resemble reruns of the "Night Court" television show, but city officials and community leaders delight in the lower homicide rate.

In the year that ended last week, 363 guns were seized, 191 of 251 of those arrested on gun violations were convicted, and 137 of those were sentenced to an average of 56 months in jail.

James B. Comey, the executive assistant U.S. attorney who helped craft the Exile program, said the numbers in part reflect the unusually large number of people who were carrying guns in Richmond.

"Richmond is a weird place," he said. "The world is flooded with guns here."

Comey, a tall, boyish prosecutor who spins hair-raising tales about his Mafia wiretapping days in New York, said the gun "carry" rate—the number of times police confiscate a gun when arresting suspects—has dropped from 135 a month to 67.

"It's an amazingly high carry rate," he said. "I've never seen a place like Richmond. Dealers in cities like Chicago, New York or Cleveland have access to guns, but they're not standing on a street corner with a gun!"

Of Project Exile, he added: "It's a cultural war. It's totally apolitical. It's about locking up criminals with guns."

Gun violence has long plagued Richmond, sending its homicide rate higher than the District's several years this decade. In the fall of 1994, for instance, Richmond passed its previous homicide record, outpacing every city in the country except New Orleans.

S. David Schiller, the senior litigation counsel in the U.S. attorney's office, said police have passed out 17,000 hand bills detailing the program. There are Exile billboards, television spots and even a giant black city bus that runs through the city with a message in stark white paint: "An illegal gun gets you five years in federal prison."

A coalition of civic and merchant groups has raised $40,000 and pledged an additional $60,000 to fund the marketing efforts.

Though the Exile prosecutions have not been glamorous—"These cases are not sexy: These are mutts with guns," said Schiller—they are getting notice in other urban centers. Seventeen cities nationwide, including the District and Baltimore, are now participating in a federal pilot program to trace illegal guns, and there has been talk of extending Exile elsewhere.

"Richmond has one of the most involved programs in the country," said Joe Sudbay, a spokesman for Handgun Control in Washington. "It's a great combining of resources to combat violence."

NRA Executive Director Wayne R. LaPierre said that Exile "ought to be in every major city in the country where there's a major crime problem."

"The dirty little secret is that there is no enforcement of federal gun laws," LaPierre said. "What Exile's doing—which I think is great—is for the first time in a major American city, if a criminal picks up a gun, he'll do major time. It's a message the NRA cheers, a message police cheer."

"That's the magic of what they're doing in Richmond. The word is out on the streets of Richmond that the U.S. attorney is dead serious about stopping gun violence."

AUTHORIZING THE SPEAKER, MAJORITY LEADER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mrs. MYRICK. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, July 14, 1998, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JULY 15, 1998

Mrs. MYRICK. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, July 15, 1998.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CHILD CUSTODY PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, the House will soon have the opportunity to vote on legislation that will help secure the rights of parents to counsel our children during a situation of great confusion that could lead to grave consequences, that of obtaining an abortion.

Almost half the States in the American union have passed laws that require the consent or notification of one or both parents before a minor girl can obtain an abortion. These laws are designed to assure that a mother, father or legal guardian can provide counsel and comfort to an innocent and naive young girl before making a decision that brings with it mental and physical ramifications.

Unfortunately, unscrupulous abortionists, while practicing in a State without parental notification laws, loudly advertise in another State which does have consent laws, that their abortion mill lacks such notification requirements. Minor girls are then taken by a stranger, oftentimes, to obtain this dangerous procedure.

This, Mr. Speaker, is an outrage that must be stopped, and can be stopped, if Congress adopts the legislation that I have introduced along with the gentlewoman from North Carolina (Mrs. MYRICK), who joins me here tonight, H.R. 3682, the Child Custody Protection Act. This bill would make it a Federal misdemeanor for an adult to knowingly transport a minor across State lines in order to evade a State's parental notification or consent laws on abortion. This legislation already has 135 cosponsors, and this number is rising, because it is a common sense idea, protecting parental rights from being stripped away by a complete stranger.

Many of our Nation's schools, for example, prohibit giving an aspirin to children without parental notification. Yet we have a situation where a complete stranger can take a young girl away from her parents to obtain an abortion and suffer no consequences, despite this young lady having been subjected to a life-threatening procedure.

President Clinton this week said parents should know when their children are being encouraged to smoke by tobacco companies. Well, this same principle, the parents right to know, should apply also to a young girl obtaining an abortion.

In July, just in a few weeks, we will have the opportunity here in the full House of Representatives to secure the parents right to know, to know when our daughters are being taken advantage of by a stranger without our consent and without our notification. H.R. 3682 is that opportunity, Mr. Speaker, and I hope that all of our colleagues, Republicans and Democrats, conservatives and liberals, will join in protecting parental rights from being stripped away by a stranger.

We urge our colleagues to support H.R. 3682, the Child Custody Protection Act.

SUPREME COURT UPHOLDS SANCTITY OF ATTORNEY-CLIENT PRIVILEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, in the continuing saga of the legal education of Kenneth W. Starr, the Supreme Court upholds the sanctity of the attorney-client relationship. In a vote of six to three today, they upheld this relationship by ruling that communications between a client and his or her lawyer remain privileged, even after the client's death.

□ 1815

Today's decision rejected efforts by the Independent Counsel, Kenneth Starr, to obtain three pages of handwritten notes taken by the attorney for former deputy White House counsel Vincent Foster. The notes were taken during a meeting between Mr. Foster and his lawyer just 9 days before Mr. Foster tragically took his own life.

Mr. Starr had asked the court to rule that anything a client says to his or her lawyer should be available to a prosecutor after the client dies. He also asked the court to believe that only clients who intended to perjure themselves would be stopped from talking to their lawyers if they knew that their conversations might become public after their death.

The Supreme Court, in an opinion written by Chief Justice Rehnquist, wrote that

> The attorney-client privilege is one of the oldest recognized privileges for confidential communications. It is intended to encourage full and frank communication between attorneys and their clients, and thereby promote broader public interests in the observance of law and the administration of justice.

He added that "It has been generally, if not universally, accepted, for well over a century, that the attorney-client privilege survives the death of the client in a case such as this." In light of this settled law, the Chief Justice said that "The burden is on the Independent Counsel to show that 'reason and experience' require a departure from this rule," and the court concluded that Mr. Starr could not meet that standard.

Rejecting Mr. Starr's view that only guilty people will invoke the privilege, the Chief Justice made the commonsense observation that people go to see attorneys about a wide range of matters that might prove embarrassing if made public after they die. For example, people routinely meet with lawyers to talk about family or money problems, and who would ever want these kinds of things made public? Think of the possible embarrassment to a person's family or the potential damage to that person's reputation, even after his or her death.

The Chief Justice wrote that,

There are weighty reasons that counsel in favor of posthumous application. Knowing that communications will remain confidential even after death encourages the client to communicate fully and frankly with counsel. While the fear of disclosure, and the consequent withholding of information from counsel, may be reduced if disclosure is limited to posthumous disclosure in a criminal context, it seems unreasonable to assume that it vanishes altogether. Clients may be concerned about reputation, civil liability, or possible harm to friends or family. Posthumous disclosure of such communications may be as feared as disclosure during the client's lifetime.

During his 4-year, $40 million investigation, Mr. Starr made it seem that anyone who asserts a privilege when he demands information is somehow trying to obstruct justice. Without question, it is important for a prosecutor to uncover facts necessary to decide whether a crime has been committed, but we expect the basic principles of law and civility will be followed during criminal investigations.

The decision today by the United States Supreme Court reaffirms what most of us already knew, which is that the relationship between a lawyer and a client is sacred, and that prosecutors themselves are sometimes guilty of excesses.

TRANSFER OF SPECIAL ORDER TIME

Mrs. MYRICK. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Minnesota (Mr. GUTKNECHT).

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

LET US PASS THE CHILD CUSTODY PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 5 minutes.

Mrs. MYRICK. Mr. Speaker, I rise today in support of the Child Custody Protection Act. This bill is very important to any parent who has a teenage daughter, and I look forward to a vote on the bill shortly after the July 4 recess.

Members may already know that people of several States have recently decided that a parent should know before their child has an abortion. We all hope that our teenage daughters have the wisdom to avoid pregnancies, but if they make a mistake, a parent is best able to provide advice and counseling. Also, more than anyone else, a parent knows their child's medical history. For these reasons, my home State of North Carolina requires a parent to know before their child checks into an abortion clinic, as does the State of Pennsylvania.

Earlier, though, this month the Senate Committee on the Judiciary heard chilling testimony about how lawbreaking citizens risk children's lives by taking them from their parents for out-of-State abortions. Before the Senate Committee on the Judiciary, Joyce Farley, a mother from Pennsylvania, told the tragic story of her 13-year-old daughter.

Three years ago this summer, a stranger took Ms. Farley's young child out of school, provided her with alcohol, transported her out of State to have an abortion, falsified the medical records at the abortion clinic, and abandoned her in a town 30 miles away, frightened and bleeding. Why? Because this stranger's adult son had raped Joyce Farley's teenage daughter, and she was desperate to cover up her son's tracks.

Even worse, this all may have been legal. It is perfectly legal to avoid parental abortion consent and notification laws by driving children to another State. It is wrong, and it has to be stopped.

According to the Reproductive Law and Policy Center, a pro-choice group in New York, thousands of adults across the country carry children over State lines to get abortions in States without parental notification laws. So-called men in their twenties and thirties coerce teenage girls to have abortions out of State and without their parents' knowledge.

The Child Custody Protection Act would put a stop to this abuse. If passed, the law would make it a crime to transport a minor across State lines to avoid laws that require parental consent or notification before an abortion.

Let us do something to help thousands of children in this country. Let us pass the Child Custody Protection Act, and put an end to the absurd notion that there is some sort of constitutional right for an adult stranger to secretly take someone else's teenage child into a different State for an abortion.

A TRIBUTE TO JERRY GRANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise today to recognize a truly unique individual who has served our country, my great State of Maryland, and the Congress of the United States for over four decades. Mr. Jerry Grant is one of the finest examples of people dedicated to standing up for what is right and fighting, both in the forefront and behind the scenes, to make our country a better place for all our citizens.

Jerry turned 60 years old on July 1, and I would like to be one of the many to wish him a very happy birthday.

Mr. Speaker, I first met Jerry when both of us were attending a national Young Democrats convention, he as the president of the Young Democrats of Colorado, and I as the president of the Young Democrats of Maryland. Even at that young age, Jerry made an indelible impression, with his uncanny ability to persuade people to listen to his point of view and come onto his side of an issue. The good thing about Jerry Grant is that he uses this talent in a positive manner, to influence opinion to the good of politics and the people involved.

By 1972, Jerry was serving as a county commissioner of Adams County, Colorado. I am not sure whether this stint as a public official made him more sympathetic or critical of elected officials, but since then Jerry has served in a variety of non-elected positions, quietly and effectively making a difference in people's lives.

Jerry served for 10 years as Chief of Staff to U.S. Senator Jim Sasser of Tennessee, earning the respect of fellow staff and Members of the Senate alike. Jerry was the guy who knew all of the ins and outs of an issue, and the person who people turned to when they were not exactly sure just where to be in a controversy.

After promising himself and his family a quieter life outside the beltway, Jerry was coaxed back into the political fray by a young Maryland basketball star and Rhodes scholar, our former colleague, Tom McMillan. It was Jerry's strategy and guidance which helped Congressman McMillan win his first election to Congress in 1986. Jerry later served as Tom McMillan's Chief of Staff.

Jerry Grant played an important role in the 1992 presidential election, helping Maryland garner the highest percentage of votes in that election for the Clinton-Gore ticket. Mr. Speaker, many elected officials owe a large measure of their success to Jerry Grant. He has worked with such leaders as Jimmy Carter, Walter Mondale, Roy Roemer, Hubert Humphrey, and Henry "Scoop" Jackson.

On the local level, literally scores of elected officials in Maryland can credit their electoral wins to Jerry's counsel, advice, and maybe even sometimes a few of his jokes.

Mr. Speaker, I congratulate Jerry on his 60th birthday, and send my best wishes to my good friend, his lovely wife, Sue, and their entire family.

Mr. Speaker, Jerry Grant has been fighting cancer for a number of years with the same kind of courage and integrity that he has lived his life. Throughout his life Jerry Grant has enriched his country and his community. I know that all of my colleagues join me in wishing him well, and a very happy birthday, indeed.

THE SITUATION IN KOSOVA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. KELLY) is recognized for 5 minutes.

Mrs. KELLY. Mr. Speaker, the killing in Kosova continues, and as is always the case in war, it is the innocent civilians who suffer the most. This picture of refugees fleeing Kosova, right here, through the mountainous region on the border with Albania illustrates only a few of the many thousands of Kosovan refugees who have fled the country in recent weeks to escape from the latest round of ethnic cleansing taking place in this troubled region.

I visited the region with my colleagues, the gentleman from New York (Mr. ELLIOTT ENGEL) and the gentleman from Virginia (Mr. JIM MORAN) just prior to the latest offensive launched by Serbian strongman Slobodan Milosevic. What we saw there was a mixture of fear and apprehension over the possibility that the violence would escalate, a fear which has, sadly, come to pass.

The ethnic Albanian population in Kosova elected Dr. Abraham Rugova as the President of the Republic of Kosova. Despite the fact that Belgrade refused to recognize the legitimacy of the election, despite the violence that was already taking place at the time, and despite the fact that the Kosovan people went to the polls on an election day at their own personal peril from possible retribution from Serbian police and military forces, I saw a genuine sense of hope among the ethnic Albanians that we were able to meet.

Of course, that hope was shattered by artillery and mortar rounds as Milosevic launched his latest and most deadly campaign against the Kosovan people, a campaign which has left hundreds dead and many thousands more homeless. I suppose, Mr. Speaker, that this should not surprise any of us. After all, dictators care very little for the will of the people, for human rights, and for the rule of international law.

Milosevic now has an estimated 50,000 troops and special police in Kosova, backed by tanks and armored vehicles, artillery, helicopter gunships, and aircraft to support his campaign of genocide. No, Mr. Speaker, Mr. Milosevic cares very little about the consequences of his actions in Kosova, or for the outrage expressed by world leaders.

Mr. Speaker, Mr. Milosevic no longer responds to words and condemnation. What will get his attention? What will end the killing? What will end scenes such as this, of terrified refugees fleeing with whatever belongings they could grab and carry, these poor people streaming out of the mountains, leaving their homes, leaving their family farms, trying to flee the violence? What will end scenes such as this? What may finally bring peace and stability to this troubled region? That is the very real threat of military action by NATO.

Mr. Milosevic does not understand reason, but he does understand force. When he realizes that his own forces may be in jeopardy if he fails to pull them out of Kosova, then and only then will he cease fire and pull back. Then and only then will we have any real chance at negotiating a lasting peace that recognizes the rights of all Kosovans.

□ 1830

It is time that NATO take the gloves off, Mr. Speaker. If Milosevic only responds to force, then perhaps we have reached a point where force is necessary.

GUAM CENTENNIAL RESOLUTION

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, yesterday I introduced the Guam Centennial Resolution, which commemorates the 100-year-old relationship between Guam and the United States. My colleagues have heard me speak many times before about the importance of this centennial for the people of Guam. It is a time to commemorate, to educate, and to reflect upon what 100 years of American rule has brought to our island. The Guam Centennial Resolution incorporates these functions within a six-page document.

To commemorate means to honor or to observe. As the people of Guam commemorate 100 years under American rule, we are not only observing America's official claim on Guam, we are also honoring the men and women who have come before us, those who were instrumental in laying the groundwork for Guam's economic, political, and social well-being. We honor such individuals as B.J. Bordallo, Aguenda Johnston and Antonio Won Pat.

As for commemorating our economic and social experiences over these past 100 years, the people of Guam experience conflicted emotions when recalling the end of the Spanish-American War and the beginning of America's colonial reach into the Pacific. For although we enjoy many of the benefits of being an American territory, there are issues such as our political status which have yet to be resolved, despite a solemn commitment made years ago by the Federal Government.

I remind the House that the Treaty of Paris, which ended the Spanish-American War, and which the United States was obligated to resolve the political and civil rights for the native inhabitants of Guam.

The commemoration of Guam's centennial anniversary invites us to reflect about the meaning of these events which occurred then; and contemplating what Guam has undergone these past 100 years helps us forge ahead with effective policies for the next 100 years. Commemoration and reflection are linked to a third element which is education. Events and activities used to commemorate and reflect on this centennial are essentially educational in nature.

Considering the mixed feelings associated with 1998, Guam's history emerges as an important tool in understanding the previous 100 years. In 1898, after the U.S. defeated Spain in the Spanish-American War, Guam, along with the Philippines and Puerto Rico, were ceded to the United States for a sum of $20 million.

Guam was governed by the American Department of the Navy and defined as an unincorporated territory, meaning it is not part of the United States, but is owned by the United States.

After hardships endured during World War I and World War II, Guam remained under American rule, and in 1950, the people of Guam were finally declared American citizens.

Mr. Speaker, I have briefly glossed over almost 100 years of Guam's history. Yet even from what I have mentioned, it is sometimes difficult to discern why there should be a certain ambivalence about American rule. For one thing, I did not mention that Congress, this body and the Senate, are obligated to determine the political status of Guam's native inhabitants. However, even after 100 years, this issue still has not been resolved.

The Guam Centennial Resolution is a form of commemoration, reflection and education. It commemorates the courageous story of a proud people from the pre-European contact period to our existence under the American flag today. It reflects on Guam's path to resolving its political status and calls on the House of Representatives to affirm its commitment for increased self-government for the people of Guam. It educates by detailing Guam's political history and our continued quest for increased self-determination.

Mr. Speaker, I thank the Republican and Democratic leadership, both Speaker GINGRICH and the gentleman from Missouri (Mr. GEPHARDT), as well as the leaders of the Committee on Resources, the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. MILLER), as well as over 50 of my colleagues who have agreed to be cosponsors of the Guam Centennial Resolution. Such strong support for this resolution demonstrates this chamber's ongoing commitment to the people of Guam.

I realize that it is difficult at times to understand the aspirations of a people located 9,500 miles from Washington, D.C., a people whose closest neighbors are Asian and Pacific Nations. However, the introduction of the

Guam Centennial Resolution is yet another step in increasing this body's and this Nation's understanding of Guam and its unique role in the American family.

Mr. Speaker, I also want to recognize Senator AKAKA of the other body who has introduced a companion resolution in that other body.

Mr. Speaker, I beg my colleagues in the House to support H.Res. 494.

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 concurrent resolution of the House of the following title:

H. Con. Res. 297. Concurrent resolution providing for an adjournment of both Houses.

FIFTIETH ANNIVERSARY OF THE BERLIN AIRLIFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I rise today to commemorate the 50th anniversary of the Berlin Airlift, one of the most defining events in world history.

Tomorrow marks the 50th anniversary of the first American flight carrying food and supplies to the communist encircled City of Berlin. Two days earlier, the Soviet Union announced its intention to completely prohibit transportation in and out of the western sectors of Berlin.

Throughout the course of the mission, approximately 600 flights a day brought provisions to a city isolated from the world by the Soviet military. By its conclusion, more than a year later, 2.3 million tons of food and coal for fuel had been delivered to Berlin. "Operation Vittles," as it was called, consisted of nearly 278,000 flights by American, British, and French aircraft. The Soviets eventually submitted to American determination and reopened ground routes into Berlin.

The historical significance of the airlift is that it signaled the United States' resolve to reject communist oppression. In addition, the Berlin Airlift sent a clear message to the world that the United States would not abandon an ally in its time of need.

As we commemorate the 50th anniversary of the Berlin Airlift, we are reminded that as Americans we must stand up for democracy when it is challenged.

Time and time again, history has taught us that we defend freedom when it is threatened. However, our responsibility carries with it a tremendous price, both in monetary terms and in human life. The Berlin Airlift costs an estimated $200 million, and even more important, it took the lives of 79 individuals, including 31 American servicemen.

Although the airlift occurred between 1948 and 1949, its legacy lives today in the hearts of people around the world. The courage displayed by its participants still serves as a shining example of freedom's triumph over tyranny. Our refusal to submit to Soviet aggression 50 years ago led the groundwork for lifting the Iron Curtain of communist oppression and tearing down the Berlin Wall.

Mr. Speaker, let us perpetuate the legacy of the Berlin Airlift. Congress must honor those whose tremendous acts of courage during the airlift promoted freedom and democracy. As Americans, we must continue to ensure that these principles are cherished throughout the world.

HONORING CONGRESSMAN JIM TRAFICANT AND WILLIAM FRANKLIN HANKS, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise tonight to pay tribute to two close friends of mine, one here in the Congress and one in my hometown of Knoxville.

The first is the gentleman from Ohio (Mr. TRAFICANT), one of the most popular Members of this body on both sides of the aisle. I pay tribute to the gentleman from Ohio tonight because of the bill that we just passed to reform the IRS.

Newsweek Magazine recently had a cover story about the IRS, and on its front cover Newsweek described the IRS as "lawless, abusive, and out of control." But for many years, and probably longer than anyone else presently in the Congress, the gentleman from Ohio (Mr. TRAFICANT) has been speaking out against IRS abuse of ordinary citizens.

In addition, it was the gentleman from Ohio who originally authored the legislation to place the burden of proof in tax cases on the IRS rather than on the taxpayer. In other words, thanks primarily to the gentleman from Ohio, a taxpayer will not now be subjected to the very un-American injustice of being presumed guilty unless or until he proves himself innocent.

Many people seem to be taking credit for this provision now, but I think the primary credit should go to our friend: JIM TRAFICANT.

Mr. Speaker, I think that about 85 to 90 percent of the American people want us to drastically simplify our tax laws. Mr. Speaker, we certainly should, but I doubt that we will any time in the near future. But at least we have passed this IRS reform today and the gentleman from Ohio deserves the most credit for the most significant part of it, and I salute the gentleman for this great accomplishment.

IN TRIBUTE TO BILL HANKS

Mr. Speaker, next I would like to say a few words about a close friend of mine from home, Bill Hanks, who recently retired after a long and successful business career.

William Franklin Hanks, Jr., was born in Raleigh, North Carolina, October 15, 1934. He grew up in Charlotte, North Carolina, where his parents, Sally and "Tubby" Hanks moved when he was a year old.

Bill graduated from Furman University in Greenville, South Carolina, in 1957, where he played varsity basketball and was a member of Sigma Alpha Epsilon fraternity.

It was at Furman that he met Beth Ballentine, a South Carolina girl who stole his heart; and they were married after his graduation.

Bill coached basketball one year at Statesville, North Carolina High School. After 5 years in sales for the Weyerhaeuser Corporation, he joined the sales force of Package Products Company in Charlotte, resulting in his move to Knoxville in 1964.

He has spent 34 years in sales and retired recently as national accounts manager for the Sonoco Corporation, which bought Package Products 3 years ago.

Bill is known by his family and friends for his sense of humor, his loyalty and his dedication to God, his family, his work and his community.

He has served the Eastminster Presbyterian church in Knoxville as an elder, deacon, Sunday School teacher, youth fellowship volunteer, stewardship and finance committees, always giving his time and talents unselfishly.

Bill and Beth are extremely proud of their family: Linda Hanks Kapstein and husband, Dan, who have two sons, Zachary and Jacob, and live in Little Compton, Rhode Island;

William F Hanks, III, his wife Patti and their three children, Chelsea, Will IV, and Heath, who reside in Plant City, Florida;

Wallace Sidney Hanks and his wife, Traci, and daughter, Sidney Beth, live in Dalton, Georgia; and

Lucille Rand Hanks who lives in Alexandria, and has been my office manager and has been with me since I first came to the Congress.

Professional accomplishments by this man include membership in his company's Million Dollar Club and Winner's Circle for many years. In the Knoxville community, Bill Hanks has devoted many hours to coaching youth in city basketball leagues, Boys Club and church leagues, always teaching fundamentals and teamwork.

Helping young people develop high moral standards and good work ethics while enjoying sports earned him the

Mayor's Merit Award in 1975 in the field of athletics, for outstanding achievement in service to the City of Knoxville.

Though Bill remains loyal with gifts to his Alma Mater, Furman University, he has "adopted" the University of Tennessee in Knoxville, and is an avid fan and supporter of "Big Orange" athletics.

Now in retirement, Bill will continue as a broker in the packaging business; but he and Beth will divide their time between Knoxville and a home in Fripp Island, South Carolina, and will mainly enjoy spending time with their children and grandchildren.

Mr. Speaker, I can say without hesitation or reservation that this country is a better place because of great Americans like Congressman JIM TRAFICANT and my friend, Bill Hanks.

BILLY CASPER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I thank the gentleman from Tennessee (Mr. DUNCAN), of the "Duncan Caucus," for that fine speech that he just made and I will be chairman next year, hopefully, and then he can follow me in these special orders.

Mr. Speaker, let me give my kudos to a great athlete, one of the greatest athletes who ever resided in the county of San Diego where I live, and where my good golfing buddies the gentleman from California (Mr. CUNNINGHAM) and the gentleman from California (Mr. PACKARD) also live, two pretty good athletes themselves, because Billy Casper is one of the greatest golfers who ever lived on the face of the Earth.

□ 1845

He had a record of over 50 victories, including three majors. Now after his playing time on the regular tour, PGA tour has long since passed, Billy Casper just did something this last week that is quite extraordinary.

He went to Utah to play in Johnny Miller's champion's challenge and Johnny Miller's champion's challenge, if you read the list of the players who participated, read like the book of champions. Included in the field were Gary Player and his son, Johnny Miller and his son, Jack Nicklaus and his son, Hale Irwin and his son, John Daley, Laura Davies, Julie Inkster, Lisssolette Neuman, two of the great players on the women's tour, Craig Stadler and Fuzzy Zoeller and, of course, Billy Casper and his own son Bob.

Billy Casper in this tournament, which was a two-man scramble, I understand there was a $500,000 tournament, $125,000 to the winners, Billy Casper and Bob Casper, his son, won that tournament at 11 under par.

Billy Casper was always remembered as being one of the finest putters, probably the finest putter and short game player in the history of the game. He had a putting stroke that was unmatched by anybody. And when we had the recent U.S. Open at the Olympic Golf Course in San Francisco just this last week, we were all reminded of 1966, when Billy Casper trailed Arnold Palmer by 7 strokes with only 9 holes to go in the championship, tied him on that last 9 holes, Billy Casper, our Billy, shot a 32 to Arnold Palmer's 39 and Billy then won the playoff the next day.

The trophy in this particular Champion's Challenge was made by Mark Martinson, one of our great western artists. It is a wonderful trophy. It is a bronze trophy entitled, Champions in the Making, and Mark Martinson is one of our budding artists and also a great golfer who accompanied Billy Casper to this tournament in Utah. So San Diego recognizes you, Billy, as being one of the greatest champions whoever lived and whoever graced our wonderful county in San Diego. We hope to see you win a lot more tournaments.

A GOOD WEEK FOR THE PEOPLE OF NORTH CAROLINA

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, this has been a good week for the people of America and for the citizens of the First Congressional District of North Carolina.

First the President signed the Agriculture Research Extension and Education Reauthorization. That legislation is important for agriculture research, as well as for restoring food stamps and the much-needed crop insurance for farmers. It recognizes the need for rural development programs, which allow the Secretary to provide funds for water and sewer development as well as funds for research programs, including those involving cotton and pfiesteria, important research needed for Eastern North Carolina.

It also provides for the continuation of land grant research programs, including those at historical black colleges and universities, and education land grants for Hispanic-serving institutions.

The food stamp restoration targets the most vulnerable legal immigrants: the elderly, disabled persons and children. It targets refugees, who often came to this country without nothing but the clothes on their backs, and veterans who fought courageously along the U.S. military forces in Vietnam.

They were eligible for food stamps prior to the Welfare Reform Act of 1996. The importance, the urgency and the fairness of the agriculture research bill to all growers and consumers of agricultural products is paramount.

We also passed H.R. 4060, the Energy and Water Appropriations Act for fiscal year 1999, which includes money for the Wilmington, North Carolina port. That measure included $8.3 million in funding for the deepening and widening of the port at Wilmington, North Carolina which has historically served as one of the greatest sources of revenue along the East Coast.

While generating over $300 million in State and local taxes, the port creates over 80,000 jobs in North Carolina. Along with North Carolina, many other landlocked States of the southeast have used the Port of Wilmington as a conduit to the Atlantic Ocean and to the rest of the world.

Completing the Cape Fear River deepening project is indeed prudent spending of Federal funds, long range vision, and it does indeed allow for a balance of our priorities. I also applaud the passage of H.R. 4101, the fiscal year 1999 Agriculture Appropriation Bill. The bill provides a total of $55.9 billion for agriculture, rural development and food nutrition programs.

I am delighted that several amendments to the bill were defeated, including one against the peanut program, which is so important to my district, which was voted down by a higher margin than last year. The bill increases funding for farm operation loans, maintains funding for the WIC program, funds the Federal Crop Insurance Program, increased funding for agriculture inspection and holds the line on agriculture research, and increases funding for school lunch and the school breakfast program.

The bill also contains provisions for lifting the statute of limitations contained in the Equal Credit Opportunity Act, thus allowing black farmers who have complaints of discrimination against the Department of Agriculture to have a hearing either before the department or before the courts. Where relief is merited, it will now be granted even for the cases dating back to 1983. The plight of the black farmers in America is a plight not unlike that of other groups, with one very significant exception.

The very department designed to help them has over the last several years indeed harmed them. There has been a 64 percent decline in black farmers, just over the last 15 years, from 6,996 farmers in 1978 to 2,498 farmers in 1992.

The Department of Justice ruled earlier this year that legal and technical arguments should prevent these farmers from recovering for damages done to them, taking the position that even in cases where the discrimination had

been proven, documented and demonstrated, recovery was indeed possible. However, the Reagan administration had eliminated the investigating unit within the USDA which would have investigated their complaints of discrimination.

Yet the department continued to receive the complaints and in fact in its literature encouraged farmers to submit their complaints to them. Black farmers relied on this representation and indeed it was an empty process to their detriment.

It was not until the complainants failed to get relief from USDA and filed lawsuits that the Department of Justice raised the statute of limitations as a defense. Because the department formally took the position, I and others call upon our colleagues in Congress to provide swift and effective legislative remedies. I am glad to say that our Congress passed that. It was a historical day.

STANDING UP FOR FREEDOM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCARBOROUGH. Mr. Speaker, earlier today the Speaker talked about the historic moment that we had 50 years ago in this country when the Berlin airlift took place. He said a couple things that I wrote down here.

He talked about the importance for America to continue to, quote, reject Communist oppression across the globe. And secondly, he talked about the importance of standing up for freedom.

I think that is very important, and I think it is critical today, 50 years later, that we do that, that we look and see what America is doing, to see if they are continuing to defend freedom across the globe the way that those that came before us did 50 years ago and the way that our Founding Fathers thought we should do.

Unfortunately, today I am concerned, as are a lot of other Republicans and Democrats, about what this administration is doing halfway across the globe in Communist China. The gentlewoman from California (Ms. PELOSI) who has worked on human rights issues with myself and others said this today:

> There is no improvement in human rights there. The President can say that China has improved its human rights record because it exiled forcibly two dissidents. But we don't call that progress.

Earlier this week the Washington Post, on Tuesday June 23rd, had this to say about human rights in China:

> Li Hai, 44 years old, a former teacher at the Chinese Medical College, is now serving a 9 year prison sentence in Beijing's prison. His crime, assembling a list of people who were jailed for taking part in pro-democracy demonstrations in Tiananmen Square in 1989. From the Beijing area alone, he documented more than 700. Of those, 158, mostly workers rather than students, received sentences of more than 9 years and are presumed to still be held for protesting for democracy in Tiananmen Square back in 1989.
>
> Many were sentenced to a life in prison, from a 22 year old to a 76 year old. Li Hai himself was convicted for prying into and gathering state secrets.

Now, in China, in Tiananmen Square, in the land where the President goes to talk about China's great progress on human rights, what the Communist government calls prying into and gathering state secrets is one individual, one citizen trying to find out who the Communist Chinese drug off to prison after they shot down and killed hundreds and maybe even thousands of demonstrators in Tiananmen Square.

The Washington Post goes on to say,

> We thought of Mr. Li as we read President Clinton's explanation in Newsweek yesterday of, Why I am going to Beijing. Mr. Clinton wrote of the real progress that China has made in human rights during the past year. That progress, according to the President, consists of the release of several prominent dissidents. How meager these accomplishments in human rights really are becomes clear when you stack them up against the administration's own decidedly modest goals going back to 1996, when it had already downgraded the priority of human rights.

The Washington Post concludes,

> Tomorrow Mr. Clinton will leave for China. He is the first President to visit since the Tiananmen Square massacre in 1989. His aides promise that he will speak out on human rights there and that there is a chance that he will meet with the mother of a student killed in Tiananmen Square. The first could be valuable if his remarks are broadcast on Chinese television. The second, an important symbol, especially because many relatives of Tiananmen victims continue to be persecuted and harassed. But Mr. Clinton's comments should above all be honest. For the sake of Li Hai, the 158 documented and the many that still cannot be found, Mr. Clinton should not trumpet real progress in human rights where no human rights record of progress exists.

Going back to 1992, it is very interesting to follow what the President has said on human rights in China. I remember back during the campaign of 1992, when the President talked about the need to stand up to the butchers of Beijing, that is a position that I actually applauded because I was surprised that those of us in Congress and the administration did not do more following the brutal massacre in 1989.

The President made that vow, but soon after he got elected, he forgot about that vow, just like he forgot about the promise to link human rights with trade. And he forgot to do that very quickly. And the result, as reported by A. M. Rosenthal in the New York Times, was disastrous.

Religious freedoms and political speech continue to be crushed in China. Protestants and Catholics are thrown in jail. In fact, thrown into jail up to 2 years for simply having a bible at home and leading a bible study.

□ 1900

Over 400,000 are jailed right now. The New York Times and A. M. Rosenthal has reported that Christians and Buddhists continue to be savagely beaten, tortured in front of their families, and even killed for simply worshiping God as they choose.

This past week, I went to a Tibet freedom rally on the west lawn. We heard Tibetans talk about what has happened in their culture and how the Tibetan culture continues to be crushed. Yet, in America, we ignore some stark numbers.

We ignore the number 50. That is about how long the Communist Chinese have occupied Tibet. We ignore the number 1.2 million. That is the number of Tibetans that have been killed since the Chinese occupation. We continue to ignore the number 130,000. That is how many Tibetans today have been forced into exile. The number 250,000 is important because that is the number of Chinese troops occupying Tibet.

And 60 million is a frightening number when you want to really gauge what type of regime the President is dealing with today in Tiananmen Square. To give all Americans a little historical perspective, 60 million is the number of Chinese that have been killed by their own government since 1949, 60 million. The number is so high that it boggles the imagination.

Let us put it into this perspective: Adolph Hitler was accused of killing 6 million Jews in the Holocaust. Hitler killed 6 million Jews, and has been termed as one of the most evil men of, not only this century, but in the history of western civilization, the history of the world. Yet, we have a regime that has murdered 10 times that amount of people, murdered 60 million.

But that is a number that continues to fall on deaf ears in the United States. Why is that? I think it has something to do with another number, and that number is 9,000. And 9,000 is a very interesting number, you see, because that number is a number that mesmerizes politicians in Washington, D.C. and in State capitals across this country. Nine thousand is a number that mesmerizes the wizards of Wall Street. Nine thousand is a number that mesmerizes those that work on Madison Avenue.

Yes, 9,000 is the number that the Dow Jones continues to float around. It is about money. We are obsessed with finance. Let me tell you, there is nothing wrong with a strong Wall Street. There is nothing wrong with a Dow Jones over 9,000.

I have been termed as a right wing fanatic, too conservative on fiscal issues. I believe in cutting taxes. I believe in abolishing the capital gains

tax. I believe in abolishing the inheritance tax. I believe in cutting government spending radically. I believe in the free enterprise system.

Socialism and Marxism as political theories lie on the dust bin of history. They are dead. Capitalism won. Pure unadulterated capitalism prevailed over the socialism and the communism of the Soviet Union.

I like profit. I think profit is good for America. But we have to balance that with a few of the values that this country is supposed to be about. But everybody is so busy chasing profits across the globe to get the Dow Jones even higher that sometimes finance takes a front seat to freedom. Finance seems to take a front seat to American self-interest.

There is one defense contractor who is reported in the Wall Street Journal last year who actually was so rabidly pursuing a deal with China to sell airplanes to China that they sent their engineers over to China to talk to the engineers that worked on Chinese jet fighters, because they wanted to help the Chinese.

To prove that they were good partners, and to prove that they deserved to get this deal, they wanted to help the Chinese engineers learn how to make their jet fighters more competitive with our jet fighters. All in pursuit of a deal.

We have the CEO of another defense industry who wants to build more airplanes, that has supported me in the past, who continues to defend the actions of the Communist Chinese, despite the fact that all credible reports coming out of there continually show that oppression continues to reign.

His quote last year was that there is more democracy and freedom in China than there is in America, because, after all, more Chinese vote. That is frightening logic. But it shows how desperate companies are to go over there, make bigger profits, help their stocks go up higher.

If that affects the national security of the United States of America, or if that affects freedom, this esoteric concept that Thomas Jefferson once talked about, so be it.

We have the PAC community, BIPAC, the business PAC openly critical of Republican and Democratic Members that continue to fight against extending MFN, Most Favored Trade Nations Status to the Chinese. They claim that it shows that we are antibusiness.

When I got elected here in 1994, I had never been involved in politics before. I decided it was time to get up off the couch and do something. But it seemed to me, before I got up here, that Members of Congress and administrations did not have to choose between freedom and finance, that we could somehow walk sort of that middle road. But it is not that way anymore. The President tells us. The BIPACs of the world tell us that it is all or nothing.

You either completely engage with China, give them whatever they want on their terms, or else you are a dangerous knuckle dragging isolationist that just does not understand the economic and political realities at the end of the 20th Century. That argument is patently false.

There was an editorial in the New York Times, an op ed last week that said as much. It is written by Robert Kagan and William Kristol. The headline said "Stop Playing by China's Rules." Their editorial said the following: "In defending his China policy, President Clinton says America faces historic choice: engage China as his Administration has done or isolate it. But that is a false choice."

As the op ed goes on to say, nobody is arguing that we isolate China. China is going to be one of the great powers in the 21st Century. We will share the world stage with the Chinese people until everyone that is living today has passed away and died. That is the political reality. That is the demographic reality.

The 21st Century will not be the American century alone. It will be the American and Asian century. A power shift is happening, and we will be sharing the world stage, and we understand that.

But the question is, do we join into this partnership by China's rules, or do we try to meet in the middle ground with them? What Kagan and Kristol conclude is the following: "Mr. Clinton seems determined to cast his critics as backward-looking isolationists spoiling for a new cold war. In fact, the Clinton Administration's current policy invites Chinese adventurism abroad and repression at home. At the end of this bloody century, we all should have learned that appeasement, even when disguised as engagement, doesn't work."

How many people have read the history, or how many Americans still alive remember what happened in 1938 when Neville Chamberlain went to Munich, and he was so desperate to avoid war, so desperate to avoid any conflict with Adolph Hitler that he engaged in what was later termed an appeasement policy, a policy that Winston Churchill and his conservative allies aggressively fought against.

But Chamberlain was dead-set against fighting Hitler because Hitler was too powerful. Britain was not ready for that type of a war. So he came back, after appeasing Hitler, talking about how he had found "peace for our time."

Of course Adolph Hitler, like the Chinese today, did not see appeasement as a show of strength, but rather a show of weakness. Soon after that, peace in our time ended with Hitler going into Austria, going into Poland and beginning the bloody, bloody Second World War.

We cannot capitulate. If we continue to capitulate, BIPAC, Wall Street, and the other business leaders that are accusing us of isolation may make a short-term profit but, in the end, will pay the ultimate price.

What do the Chinese leaders think of us for this appeasement policy we have been engaging? Let me read to you from yesterday's Investor's Business Daily, a quote from a U.S. official who was negotiating with the Chinese.

It goes like this: "In March 1996, China started lobbying missiles within 100 miles of Taiwan as a signal on the eve of the island's first democratic elections. The Clinton administration said nothing publicly at the time, even though the Chinese insulted U.S. officials when they privately promised a military reaction if Taiwan was attacked."

This is what the Chinese said after that threat, "No, you won't. We've watched you in Somalia. We have watched you in Haiti. We have watched you in Bosnia and you don't have the will," a Chinese officer told U.S. negotiators. China has nuclear weapons, and "you are not going to threaten us again, because, in the end, you care a lot more about Los Angeles than Taipei," a U.S. official recalled the Chinese officer saying.

So they understand that we are a paper tiger. They understand that they can even threaten nuclear annihilation on Los Angeles, California and not face the consequences. Yet, silence is deafening from Wall Street. Silence is deafening from many in the PAC community. The silence is deafening from the halls of Congress and the administration.

Why? The Dow is over 9,000. China is, after all, the next great export market. In the end, let us face it, the economy is strong in part because the prices on consumer goods are low.

Why are they low? Because China provides us with what Americans would call slave labor. Their workers only make $30 a month. So they can make the items that we buy and wear very cheaply. This is an arrangement we do not want to fool around with.

I guess it was brought home to me just how bad the situation is in China yesterday when I heard a speech by Bill Greider in the Capitol talking about a plant that he visited over in China. They talked about how they, the workers made $30 to $60 a month if they were productive.

If they were not productive, he found out that they actually took money out of this envelope at the end of the month if they were not doing as good a job. Greider said that sounds kind of inhumane, does it not? Only $60 a month, and they still dock their pay.

The foreman said, "Well, it is better than what happened a couple of years

ago." Greider said, "Well, what is that?" He said, "Well, we lined them up on the wall and shot them," and told the story of how seven workers were not simply as productive as they should have been and were taken outside and shot.

Wall Street, a lot of the business community, a lot of the lobbyists will tell you that does not exist. Yet, just about every credible journalist, whether it is the New York Times or the Washington Post, will tell you they have seen it with their own eyes, that it does exist.

□ 1915

A.M. Rosenthal better than anybody else over the past few years has documented human rights abuses.

I had a lobbyist for an organization that I respect tell me with a straight face that there is no religious persecution in China, that there is no religious persecution in Tibet. That is a big lie.

There is a song out that is called "Novocain for the Soul." I think that is what 9,000 points on the Dow Jones Industrial has done. It has numbed us. It has numbed the soul of Americans to the grave injustices that are occurring across the globe. Maybe I am overreacting. Maybe we should not worry about it. Maybe America in the 21st century is not what America was in the 18th century. Maybe freedom, liberty and the things that Thomas Jefferson talked about and James Madison talked about does not matter. Maybe they are not relevant. But I tend to believe they are. I believe in such quaint notions as what Russell Kirk said. Kirk said, "No matter the volume of its steel production, a nation which has disavowed principle is vanquished."

And Winston Churchill in the 1950s, talking about a similar shift in his country and in his party, a similar shift where old concepts of the Constitution and freedom were transplanted with commerce and simply commerce, had this to say:

> The old conservative party, with its religious convictions, and constitutional principles, will disappear and a new party will rise, perhaps like the Republican Party in the United States, rigid, materialist and secular, whose opinions will turn on tariffs and who will cause the lobbies to be crowded with the touts of the protected industries.

I hope that does not happen to our Republican Party. I hope we will have the courage to stand up and be counted where others sit down and simply shut up and are silenced because the lure of new prosperous markets are too inviting. But the question is up in the air right now on how we are going to respond. I must say we have not been responding as well over the past few years as I would have liked. I think what we not only in the Republican Party but like-minded people in the Democratic Party must fight for are the first principles that our Founding Fathers based this Constitution and this constitutional republic upon, concepts like freedom, concepts written in the Declaration of Independence when Jefferson helped pen that incredible phrase that "we hold these truths to be self-evident, that all men are created equal and endowed by their Creator with certain unalienable rights, among those life, liberty and the pursuit of happiness."

There is not a lot of ambiguity there. The belief was all men, not people in America, but all are endowed with certain unalienable rights. From where? According to the Declaration of Independence, from God. It is non-negotiable. It does not matter whether the Dow Jones is over 9,000 or under 900. It does not matter if China is the next great export market or not. That we in America believe that all are created equal. And whether we are fighting for civil rights in Birmingham or Beijing, it is non-negotiable. Regrettably we have negotiated away too many of those freedoms and too many of those rights for a higher Dow Industrial and a lower price on consumer goods. Jefferson's idea that America was the last great hope for a dying world seems quaint 222 years later. And Ronald Reagan's belief that America was to be a city shining brightly on the hill for all the world to see seems to be a belief that has been dimmed. In fact, right now there is an exhibit that almost seems quaint. Mr. Speaker, it is in the Library of Congress and it is called "Religion and the Founding of the American Republic." It is right behind us, across the street, where the Library of Congress pulled together all the papers of our Founding Fathers when talking on the issue of religion. This is a summary of the exhibit, what the Library of Congress wrote in the chapter "America as Religious Refuge, the 17th Century." It talks about how "many of the North American colonies that eventually formed the United States of America were settled by men and women who in the face of European persecution refused to compromise passionately held religious convictions. The great majority left Europe to worship God in the way that they believed to be correct."

To worship in the way that they believed to be correct. Is that a notion that can be negotiated away in Tiananmen Square? Is that a notion that depends on how well the Dow Jones is doing? Is that a quaint notion that depends on whether we are talking about the next great export market? I do not think so. Again, that is a notion that is non-negotiable. For those on Wall Street, for those lobbyists on K Street, for those apologists on Main Street that want to turn a blind eye to oppression in China, I say facts are stubborn things. Facts are stubborn things.

We cannot turn our eyes away from the world's ills, to the growing evidence of how China has aided in nuclear proliferation, how they gave nuclear secrets to Pakistan, to Libya and now possibly even to Iran. The results obviously are dangerous. Pakistan just exploded publicly several nuclear devices that now endangers all the world as a new nuclear arms race is escalating in Asia. The technology transfers that we heard about a month or two back, where the DOD themselves said, quote, America's national security has been jeopardized, has been compromised, because this administration gave technology to the Chinese that helped make their nuclear missiles more accurate towards America. The Pentagon said national security was jeopardized.

Just today, there was testimony from a Pentagon aide who criticized Chinese policies. This is by John Diamond with the Associated Press:

> A veteran adviser with the Pentagon agency charged with reviewing proposed exports testified today before a Senate committee investigating whether the administration helped China gain military capacity that should have been restricted.
>
> Speaking in a hoarse whisper, he told the Senate Governmental Affairs Committee how senior defense officials glossed over concerns in the lower ranks that U.S. businesses were being allowed to sell China and other countries technology with military applications. Senior defense officials sometimes instructed subordinates to soften or reverse their recommendations that certain technology not be exported, he said.
>
> That's happened on several occasions. Sometimes it happens in your face and sometimes it happens when you're on vacation and somebody tampers with your database under your name.

In 1996, Leitner said, he returned from a 3-week vacation to find that his recommendation against the export of supercomputer technology to Russia had been rewritten to a neutral position. Although approval for the export eventually was denied, Russia later announced it had obtained the U.S.-built computers without an export license. The case now is under investigation.

We heard reports in this House in an investigating committee that people that were charged with stopping military technology from being transferred to China would make recommendations not to export that technology to China and they would then be pressured to change their recommendations. We find out now that the President asked the Secretary of State to allow these technology transfers. The Secretary of State said no, this damages America's national security in its relationship with China. The President asked the CIA. They said no. The President asked the National Security Council. They said no. In fact, they continued shopping to try to find somebody that would approve this technology transfer.

Finally they went to the right department. They asked the Department of Commerce, who said, "Sure, go

ahead, it's great for business." Now, the heck with the national security. It does not matter what our Secretary of State says. But go ahead and send it to Commerce. And now we find out this past week that the Commerce Department allowed technology transfers without telling other agencies about what was going on. Because, we see again, national security recently has taken a back seat to finance, to quick profits, and it is dangerous, extraordinarily dangerous.

The question is, with nuclear proliferation exploding across the globe because of China and because of our lack of response to China, with technology transfers that our own Pentagon has said compromises national security continuing to move forward, with human rights violations that are continuing in China as reported by the New York Times, the Washington Post, Newsweek, Time and just about every other major news outlet, with these human rights abuses continuing, what can be done when Wall Street, when official Washington, and when too many other people across the country are simply not paying attention, turning a blind eye to it or engaging in this conspiracy of silence. What can be done to make a difference?

I am at times cynical, but I do believe that we can make a big difference. I believe that we can fight the good fight, and I think that if people will start speaking out on this floor and speaking out, Republicans and Democrats alike, that we have a chance the next time MFN is debated to talk about human rights and talk about technology transfers, to talk about nuclear proliferation and maybe even make a difference.

Bobby Kennedy back in 1966 went to Johannesburg and at the time he was talking about ending apartheid. A lot of people thought that it was a mission that could not be done, thought it was too difficult, thought the walls of oppression would continue there. But Bobby Kennedy continued the fight. Even though he was killed in 1968, 15 years later, many of the things that he talked about in that speech in Johannesburg came true.

In talking about ending apartheid, this is what Robert Kennedy said:

> It is a revolutionary world that we live in. It is young people who must take the lead. We have had thrust upon us a greater burden of responsibility than any generation that has ever lived.
>
> "There is," said an Italian philosopher, "nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success than to take the lead in the introduction of a new order of things."
>
> There is the belief there is nothing one man or one woman can do against the enormous array of the world's ills, against misery and ignorance, injustice and violence. Yet many of the world's great movements, of thought and action, have flowed from the work of a single man or woman.
>
> It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

□ 1930

It is my prayer tonight, with the President halfway across the world in Beijing, that those who respect and honor human rights in China, those who respect and honor human rights in Europe, those who respect and honor human rights in this country will start acting in ways that will strike out against injustice and send forth ripples of hope and that together, today, we can begin a movement that will help end the human rights abuses in China and Tibet and across the world and help America reconnect with its proud and noble past.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HUTCHINSON (at the request of Mr. ARMEY) for today on account of a death in the family.

Mr. BRADY of Texas (at the request of Mr. ARMEY) for today on account of official business.

Mr. HULSHOF (at the request of Mr. ARMEY) for after 11:15 a.m. today on account of personal reasons.

Mr. MCDADE (at the request of Mr. ARMEY) for Wednesday, June 24 and today on account of medical reasons.

Mr. REYES (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. LAMPSON (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. TURNER (at the request of Mr. GEPHARDT) for today on account of business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. OWENS) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes today.

(The following Members (at the request of Mrs. MYRICK) to revise and extend their remarks and include extraneous material:)

Mrs. KELLY, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FROST, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,274.

ADJOURNMENT

Mr. SCARBOROUGH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the provisions of House Concurrent Resolution 297 of the 105th Congress, the House stands adjourned until 12:30 p.m., Tuesday, July 14, 1998, for morning hour debates.

Thereupon (at 7 o'clock and 33 minutes p.m.), pursuant to House Concurrent Resolution 297, the House adjourned until Tuesday, July 14, 1998, at 12:30 p.m. for morning hour debates.

OATH OF OFFICE, MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 105th Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable HEATHER WILSON, First, New Mexico.

RULES OF PROCEDURE FOR THE HOUSE SELECT COMMITTEE ON MILITARY/COMMERCIAL CONCERNS WITH THE PEOPLE'S REPUBLIC OF CHINA

The Hon. CHRISTOPHER COX, Chairman of the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China, submitted the following rules of procedure:

SELECT COMMITTEE ON U.S. NATIONAL SECURITY AND MILITARY/COMMERCIAL CONCERNS WITH THE PEOPLE'S REPUBLIC OF CHINA—RULES OF PROCEDURE

(Adopted June 25, 1998)

1. CONVENING OF MEETINGS

The regular meeting date and time for the transaction of committee business shall be at 8 o'clock a.m. Wednesday of each week, unless otherwise directed by the chairman.

In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C., and at least 48 hours in the case of any meeting held outside Washington, D.C.

2. PREPARATIONS FOR COMMITTEE MEETINGS

Under direction of the chairman, designated committee staff members shall brief members of the committee at a time sufficiently prior to any committee meeting to assist the committee members in preparation for such meeting and to determine any matter which the committee members might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the committee that bear on matters to be considered at the meeting.

The staff director shall recommend to the chairman the testimony, papers, and other materials to be presented to the committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made by the Chairman in conformity with the Rules of the House and these rules.

3. MEETING PROCEDURES

Meetings of the committee shall be open to the public except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session and with a majority present that the matters to be discussed or the testimony to be taken on such matters would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House.

Quorum.—One-third of the members of the Select Committee shall constitute a quorum for the transaction of business other than the reporting of a matter, which shall require a majority of the committee to be actually present, except that 2 members shall constitute a quorum for the purpose of holding hearings to take testimony and receive evidence. Decisions of the committee shall be by majority vote of the members present and voting.

Whenever the committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter.

4. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

Notice. Reasonable notice shall be given to all witnesses appearing before the committee.

Oath or Affirmation. Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the committee, except that the chairman of the committee shall not require an oath or affirmation where the chairman determines that it would not be appropriate under the circumstances.

Interrogation. Committee interrogation shall be conducted by members of the committee and such committee staff as are authorized by the chairman or the presiding member.

Counsel for the Witness. (A) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the committee of such fact. If the witness informs the committee of this fact at least 24 hours prior to the witness' appearance before the committee, the committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(B) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members of the committee, a majority being present, subject such counsel to disciplinary action which may include censure, removal, or a recommendation of contempt proceedings, except that the chairman of the committee may temporarily remove counsel during proceedings before the committee unless a majority of the members of the committee, a majority being present, vote to reverse the ruling of the chair.

(C) There shall be no direct or cross-examination by counsel for a witness. However, counsel may submit in writing any question counsel wishes propounded to a client or to any other witness and may, at the conclusion of such testimony, suggest the presentation of other evidence or the calling of other witnesses. The committee may use such questions and dispose of such suggestions as it deems appropriate.

Statements by Witnesses. A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of the witness' testimony. Such statements shall not exceed a reasonable period of time as determined by the chairman, or other presiding member. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the clerk of the committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of the witness' appearance before the committee.

Objections and Ruling. Any objection raised by a witness or counsel shall be ruled upon by the chairman or other presiding member, and such ruling shall be the ruling of the committee unless a majority of the committee present overrules the ruling of the chair.

Transcripts. A transcript shall be made of the testimony of each witness appearing before the committee during a committee hearing.

Inspection and Correction. All witnesses testifying before the committee shall be given a reasonable opportunity to inspect the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the committee within 5 days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at the witness' expense.

Requests to Testify. The committee will consider requests to testify on any matter or measure pending before the committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a committee member or a member of the committee staff may tend to affect adversely that person's reputation, may request to appear personally before the committee to testify on his or her own behalf, or may file a sworn statements of facts relevant to the testimony, evidence, or comment, or may submit to the chairman proposed questions in writing for the cross-examination of other witnesses. The committee shall take such actions as it deems appropriate.

Contempt Procedures. No recommendations that a person be cited for contempt of Congress shall be forwarded to the House unless and until the committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed, by majority vote of the committee, a quorum being present, to forward such recommendation to the House.

Release of Name of Witness. At the request of any witness, the name of that witness scheduled to be heard by the committee shall not be released prior to, or after, the witness' appearance before the committee, unless otherwise authorized by the chairman.

Closing Hearings. A vote to close a committee hearing may be taken by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony or receiving evidence; provided, that such a vote may not be taken by less than a majority of the committee members unless at least one member of the minority is present to vote upon the motion to close the hearing.

5. SUBPOENAS, INTERROGATORIES, LETTERS ROGATORY, DEPOSITIONS AND AFFIDAVITS

A. Subpoenas, Interrogatories and Letters Rogatory

Committee subpoenas issued in accordance with House Resolution 463 may be served by any person designated by the chairman. Each subpoena shall have attached thereto a copy of these rules and of House Resolution 463.

Unless otherwise determined by the select committee the chairman, upon consultation with the ranking minority member, shall authorize and issue subpoenas. In addition, the select committee may itself vote to authorize and issue subpoenas. Subpoenas shall be issued under the seal of the House and attested by the Clerk, and may be served by any persons designated by the chairman or any member. Subpoenas shall be issued upon the chairman's signature or that of a member designated by the Chairman or by the committee.

A subpoena duces tecum may be issued whose return shall occur at a time and place other than that of a regularly scheduled meeting. Upon the return of such a subpoena, the chairman or in his absence the ranking member of the majority party who is present, on two hours' telephonic notice to all other committee members, may convene a hearing for the sole purpose of elucidating further information about the return on the

subpoena and deciding any objections to the subpoena.

Orders for the furnishing of information by interrogatory, the inspecting of locations and systems of records upon notice except in exigent circumstances, the obtaining of evidence in other countries by means of letters rogatory or otherwise, and the other process for obtaining information available to the committee, shall be authorized and issued by the chairman, upon consultation with the ranking minority member, or by the select committee. Requests for investigations, reports, and other assistance from any agency of the executive, legislative, and judicial branches of the federal government, shall be made by the chairman, upon consultation with the ranking minority member, or by the committee.

Provisions may be included in the process of the committee to prevent the disclosure of committee demands for information, when deemed necessary for the security of information or the progress of the investigation by the chairman or member designated by him or the committee, such as requiring that companies receiving subpoenas for financial or toll records make no disclosure to customers regarding the subpoena for ninety days or prohibiting the revelation by witnesses and their counsel of committee inquiries.

B. Depositions and Affidavits

Unless otherwise determined by the select committee the chairman, upon consultation with the ranking minority member, or the select committee, may authorize the taking of affidavits, and of depositions pursuant to notice or subpoena. Such authorization may occur on a case-by-case basis, or by instructions to take a series of affidavits of depositions. The chairman may either issue the deposition notices himself, or direct the appropriate member of the staff to do so. Notices for the taking of depositions shall specify a time and place for examination. Affidavits and depositions shall be taken under oath administered by a member or a person otherwise authorized by law to administer oaths. The minority shall be afforded an opportunity to participate in all depositions.

The committee shall not initiate procedures leading to contempt proceedings in the event a witness fails to appear at a deposition unless the deposition notice was accompanied by a committee subpoena authorized and issued by the chairman or the committee.

Witnesses may be accompanied at a deposition by personal counsel to advise them of their rights, subject to the provisions of Rule 4 hereof. Absent special permission or instructions from the chairman, no one may be present in depositions except members, staff designated by the chairman, an official reporter, the witness and any personal counsel; observers or counsel for other persons or for the agencies under investigation may not attend.

Witnesses shall be examined in depositions by a member or members or by staff designated by the chairman. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to answer, the members or staff may proceed with the deposition, or may obtain, at that time or at a subsequent time, a ruling on the objection by telephone or otherwise from the chairman or his designee. The committee shall not initiate procedures leading to contempt for refusals to answer questions at a deposition unless the witness refuses to testify after his objection has been overruled and after he has been ordered and directed to answer by the chairman or his designee upon consultation with the ranking minority member or his designee.

The committee staff shall insure that the testimony is either transcribed or electronically recorded, or both. If a witness' testimony is transcribed, then the witness shall be furnished with an opportunity to review a copy. No later than five days thereafter, the staff shall enter the changes, if any, requested by the witness, with a statement of the witness' reasons for the changes, and the witness shall be instructed to sign the transcript. The individual administering the oath, if other than a Member, shall certify on the transcript that the witness was duly sworn in the administering individual's presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the committee in Washington, D.C. Affidavits and depositions shall be deemed to have been taken in Washington, D.C. once filed there with the clerk of the committee for the committee's use.

All depositions, affidavits, and other materials obtained under the authority of Section 9 of House Resolution 463 shall be considered to be taken in executive session. Such material may be released or used in public sessions with the consent of the committee, which shall, unless otherwise directed by the committee, meet in executive session to consider and grant or withhold such consent, provided, that classified information shall be handled in accordance with Rule 7.

6. STAFF

Members of the committee staff shall work collegially, with discretion, and always with the best interests of the national security foremost in mind. Committee business shall, whenever possible, take precedence over other official and personal business. For the purpose of these rules, committee staff means the persons described in Sec. 14(a) of House Resolution 463, including detailees to the extent necessary to fulfill their designated roles. All such persons shall be subject to the same security clearance and confidentiality requirements as employees of the select committee under this rule. Committee staff shall be either majority, minority, or joint. The appointment of joint committee staff shall be by the chairman in consultation with the ranking minority member. A small number of majority and minority staff may be appointed by the chairman and ranking minority member, respectively, without such consultation, the total number of such staff to be fixed by the chairman. After confirmation, the chairman shall certify all committee staff appointments, including appointments by the ranking minority member, to the Clerk of the House in writing.

The joint committee staff works for the committee as a whole, under the supervision of the chairman of the committee. Except as otherwise provided by the committee, the duties of joint committee staff shall be performed and committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the staff director. Majority and minority staff appointed by the chairman and ranking member, respectively, shall be subject to the same operational control and supervision concerning security and classified documents and material as are joint committee staff.

The joint committee staff shall assist the minority as fully as the majority in all matters of committee business and in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the committee and the House.

The members of the committee staff shall not discuss either the classified substance or procedure of the work of the committee with any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during that person's tenure as a member of the committee staff or at any time thereafter except as directed by the committee, or, after the termination of the committee, in such a manner as may be determined by the House.

Each member of the committee, and each member of the committee staff, as a condition of employment, shall agree in writing not to divulge any classified information which comes into such person's possession while a member of the committee or the committee staff or any classified information which comes into such person's possession by virtue of his or her position as a member of the committee or the committee staff to any person not a member of the committee or the committee staff, either while a member of the committee staff or at any time thereafter except as directed by the committee, or, after the termination of the committee, in such manner as may be determined by the House.

No member of the committee staff shall be employed by the committee unless and until such person agrees in writing, as a condition of employment, to notify the committee, or, after the committee's termination, the House, of any request for testimony, either while a member of the committee staff or at any time thereafter, with respect to classified information which came into the staff member's possession by virtue of his or her position as a member of the committee staff. Such classified information shall not be disclosed in response to such request except as directed by the committee, or, after the termination of the committee, in such manner as may be determined by the House.

No member of the committee, and no member of the committee staff, shall divulge to any person information which comes into his or her possession by virtue of his or her as member of the committee or of the committee staff, if such information may alert the subject of a committee investigation to the existence, nature, or substance of such investigation, unless directed to do so by the chairman, the committee, or the House.

The committee shall immediately consider disciplinary action to be taken in case any member of the committee staff fails to conform to any of these rules, including specifically, confidentiality, security, and classified information obligations imposed by House Resolution 463, and these rules, and the oath executed pursuant to section 8(e) of these rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the committee staff and criminal referral to the Justice Department.

7. RECEIPT OF CLASSIFIED MATERIAL

In the case of any information classified under established security procedures and submitted to the committee by the executive or legislative branch, the committee's acceptance of such information shall constitute a decision by the committee that it is executive session material and shall not be disclosed publicly or released unless the committee, by roll call vote, determines, in

a manner consistent House Resolution 463, that it should be disclosed publicly or otherwise released. For purposes of receiving information from either the executive or legislative branch, the committee staff may accept information on behalf of the committee.

8. PROCEDURES RELATED TO CLASSIFIED OR SENSITIVE MATERIAL AND OTHER INFORMATION

(a) Committee staff offices, including majority and minority offices, shall operate under strict security precautions. At least one security officer shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

Sensitive or classified documents and material shall be segregated in a security storage area under the supervision of appropriate joint committee staff. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the joint committee offices of such documents and other materials are prohibited except with leave of the chairman and ranking member for use in, or preparation for, interviews, depositions or committee meetings, including the taking of testimony in conformity with these rules. No classified documents shall be maintained or stored in the majority or minority offices.

Each member of the committee shall at all times have access to all papers and the staff director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the committee and such registry shall be available to any member of the committee.

Pursuant to clause (2)(e)(2) and clause (2)(g)(2) of House Rule XI, members who are not members of the committee shall be granted access to such transcripts, records, data, charts and files of the committee and be admitted on a nonparticipatory basis to hearings or briefings of the committee which involve classified material on the basis of the following provisions:

(1) Members who desire to examine materials in the possession of the committee or to attend committee hearings or briefings on a nonparticipatory basis should notify the clerk of the committee in writing.

(2) Each such request by a member must be considered by the committee, a quorum being present, at the earliest practicable opportunity. The committee must determine by record vote whatever action it deems necessary in light of all circumstances of each individual request. The committee shall take into account, in its deliberations, such considerations as the sensitivity of the information sought to the national defense or the confidential conduct of the foreign relations of the United States, the likelihood of its being directly or indirectly disclosed, the jurisdictional interest of the member making the request and such other concerns—constitutional or otherwise—as affect the public interest of the United States. Such actions as the committee may take include, but are not limited to: (i) approving the request, in whole or part; (ii) denying the request; (iii) providing in different form than requested information or material which is the subject of the request.

(3) In matters touching on such requests, the committees may, in its discretion, consult the Director of Central Intelligence and such other officials as it may deem necessary.

(4) In the event that the member making the request in question does not accede to the determination or any part thereof of the committee as regards the request, that member should notify the committee in writing of the grounds for such disagreement. The committee shall subsequently consider the matter and decide, by record vote, what further action or recommendation, if any, it will take.

(b) The committee shall call to the attention of the House or to any other appropriate committee or committees of the House any matters requiring the attention of the House or such other committee or committees of the House on the basis of the following provisions:

(1) At the request of any member of the committee, the committee shall meet at the earliest practicable opportunity to consider a suggestion that the committee call to the attention of the House or any other committee or committees of the House executive session material.

(2) In determining whether any matter requires the attention of the House or any other committee or committees of the House, the committee shall consider, among such other matters it deems appropriate—

(A) the effect of the matter in question upon the national defense or the foreign relations of the United States;

(B) whether the matter in question involves sensitive intelligence sources and methods;

(C) whether the matter in question otherwise raises serious questions about the national interest; and

(D) whether the matter in question affects matters within the jurisdiction of another committee or committees of the House.

(3) In examining the considerations described in paragraph (2), the committee may seek the opinion of members of the committee appointed from standing committees of the House with jurisdiction over the matter in question or to submissions from such other committees. Further, the committee may seek the advice in its deliberations of any executive branch official.

(4) If the committee, with a quorum present, by record vote decides that a matter requires the attention of the House or a committee or committees of the House which the committee deems appropriate, it shall make arrangements to notify the House or committee or committees promptly.

(5) In bringing a matter to the attention of another committee or committees of the House, the committee, with due regard for the protection of intelligence sources and methods, shall take all necessary steps to safeguard materials or information relating to the matter in question.

(6) The method of communicating matters to other committees of the House shall insure that information or material designated by the committee is promptly made available to the chairman and ranking minority member of such other committees.

(7) The committee may bring a matter to the attention of the House when it considers the matter in question so grave that it requires the attention of all members of the House, if time is of the essence, or for any other reason which the committee finds compelling. In such case, the committee shall consider whether to request an immediate secret session of the House (with time equally divided between the majority and the minority) or to publicly disclose the matter in question in conformity with the procedures set forth in clause 7 of House Rule XLVIII, governing release of such information by the Select Committee on Intelligence.

(c) Whenever the committee makes classified material available to any other committee of the House or to any member of the House not a member of the committee, the clerk of the committee shall be notified. The clerk shall at that time provide a copy of the applicable portions of these rules and of House Resolution 463 and other pertinent Rules of the House to such members or such committee and insure that the conditions contained therein under which the classified materials provided are clearly presented to the recipient. The clerk of the committee shall also maintain a written record identifying the particular information transmitted, the reasons agreed upon by the committee for approving such transmission and the committee or members of the House receiving such information. The staff director of the committee is further empowered to provide for such additional measures as he or she deems necessary in providing material which the committee has determined to make available to a member of the House or a committee of the House.

(d) Access to classified information supplied to the committee shall be limited to those committee staff members with appropriate security clearance and a need-to-know, as determined by the committee, and under the committee's direction, the staff director.

No member of the committee or of the committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session, or the contents of any classified papers or other classified materials or other classified information received by the committee except as authorized by the committee in a manner consistent with House Resolution 463 and the provisions of these rules, or, after the termination of the committee, in such a manner as may be determined by the House.

Before the committee makes any decision regarding a request for access to any testimony, papers or other materials in its possession or a proposal to bring any matter to the attention of the House or a committee or committees of the House, committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the committee.

(e) Before any member of the committee or the committee staff may have access to classified information the following oath shall be executed:

"I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service on the Select Committee on Military/Commercial Concerns With the People's Republic of China, except when authorized to do so by the committee or the House of Representatives."

Copies of the executed oath shall be retained in the files of the committee.

9. LEGISLATIVE CALENDAR

The clerk of the committee shall maintain a printed calendar for the information of each committee member showing any procedural or legislative measures considered or scheduled to be considered by the committee, and the status of such measures and such other matters as the committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the committee.

10. COMMITTEE TRAVEL

No member of the committee or committee staff shall travel on committee business unless specifically authorized by the chairman. Requests for authorization of such travel shall state the purpose and extent of the trip, together with itemized expenses anticipated thereon. No preliminary arrangements for foreign travel shall be undertaken by any committee member or staff unless such travel has been authorized in writing by the chairman. A full report shall be filed with the committee when any travel, foreign or domestic, is completed.

A report on all foreign travel shall be filed with the committee clerk within 60 calendar days of the completion of said travel. The report shall contain a description of all issues discussed during the trip and the persons with whom the discussion were conducted. If an individual with the committee staff fails to comply with this requirement, he or she shall be subject to the disciplinary procedures set forth in Rule 6.

A report on all foreign travel shall be filed with the committee clerk within 60 calendar days of the completion of said travel. The report shall contain a description of all issues discussed during the trip and the persons with whom the discussions were conducted. If an individual with the committee staff fails to comply with this requirement, he or she shall be subject to the disciplinary procedures set forth in Rule 6.

When the chairman approves the foreign travel of a member of the committee staff not accompanying a member of the committee, all members of the committee are to be advised, prior to the commencement of such travel, of its extent, nature and purpose. The report referred to in the previous paragraph shall be furnished to all members of the committee and shall not be otherwise disseminated with the express authorization of the committee pursuant to the rules of the committee.

11. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the committee is open to the public, a majority of the committee or subcommittee, as the case may be, may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in clause 3 of Rule XI of the Rules of the House.

12. COMMITTEE RECORDS TRANSFERRED TO THE NATIONAL ARCHIVES

The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the rules of the House of Representatives. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

13. CHANGES IN RULES

These rules may be modified, amended, or repealed by the committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

9855. A letter from the Deputy Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Amendment to Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission; Receipt and Disposition of Foreign Gifts and Decorations [17 CFR Part 1) received June 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9856. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Changes in Fees for Federal Meat Grading and Certification Services [No. LS-96-006] (RIN: 0581-AB44) received June 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9857. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Southeastern States; Increased Assessment Rate [Docket No. FV98-953-1 IFR] received June 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9858. A letter from the Acting Administrator, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule—Tolerances for Moisture Meters (RIN: 0580-AA60) received June 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9859. A letter from the Acting Administrator, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule—Official Testing Service for Corn Oil, Protein, and Starch (RIN: 0580-AA62) received June 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9860. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting notification of error on the communication submitted June 5, 1998 entitled "Phospholipid: Lyso-PE (lysophosphatidylethanolamin); Time-Limited Pesticide Tolerance"; to the Committee on Agriculture.

9861. A letter from the the Acting Comptroller General, the General Accounting Office, transmitting an updated compilation of historical information and statistics regarding rescissions proposed by the executive branch and rescissions enacted by the Congress through October 1, 1997; (H. Doc. No. 105—279); to the Committee on Appropriations and ordered to be printed.

9862. A letter from the Director, Defense Procurement, Under Secretary of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Streamlined Research and Development Contracting [DFARS Case 97-D002] received June 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

9863. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Substance Abuse and Mental Health Services Administration; Requirements Applicable to Protection and Advocacy of Individuals with Mental Illness; Final Rule (RIN: 0905-AD99) received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9864. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC RACT Determinations for Individual Sources [PA-4071a; FRL-6104-4] received June 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9865. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality State Implementation Plans, Louisiana; Correction [LA45-1-7383, FRL-6116-8] received June 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9866. 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: Oregon [OR-2-0001; FRL—6115-5] received June 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9867. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs; Hospital Conditions of Participation; Identification of Potential Organ, Tissue, and Eye Donors and Transplant Hospitals' Provision of Transplant-Related Data [HCFA-3005-F] (RIN: 0938-AI95) received June 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9868. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102-1, section 3 (105 Stat. 4); (H. Doc. No. 105-277); to the Committee on International Relations and ordered to be printed.

9869. 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 under a contract to Germany (Transmittal No. DTC-81-98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9870. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that a reward has been paid, pursuant to 22 U.S.C. 2708(h); to the Committee on International Relations.

9871. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Federal Employees Retirement System—Open Enrollment Act Implementation (RIN: 3206-AG96) received June 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

9872. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Retention Allowances (RIN: 3206-AI31) received June 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

9873. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Commercial Cod Harvest [Docket No. 980318066-8066-01; I.D. 061198B] received June 23, 1998, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Resources.

9874. A letter from the Director, Executive Office for Immigration Review, Department of Justice, transmitting the Department's final rule—Executive Office for Immigration Reviews; Motion to Reopen: Suspension of Deportation and Cancellation of Removal [EOIR No. 121P; AG Order No. 2162-98] received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9875. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation of Nonimmigrants Under The Immigration And Nationality Act, As Amended—Place Of Application [Public Notice 2800] received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9876. A letter from the Deputy Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—NASA FAR Supplement; Miscellaneous Changes [48 CFR Parts 1804, 1806, 1807, 1809, 1822, 1833, 1842, 1852, 1871, and 1872] received June 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9877. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—NOAA Climate and Global Change Program, Program Announcement [Docket No. 980413092-8092-01] (RIN: 0648-ZA39) received June 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9878. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Surety BOND Guarantees; Pilot Preferred Surety BOND Guarantee Program [13 CFR Part 115] received June 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

9879. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Business Loan Program [13 CFR Part 120] received June 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

9880. A letter from the Director, Office of Regulations Management, Veterans Affairs, transmitting the Department's final rule—Board of Veterans' Appeals: Rules of Practice—Continuation of Representation Following Death of a Claimant or Apellant (RIN: 2900-A187) received June 17,1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9881. A letter from the the Assistant Secretary for Legislative Affairs, the Department of State, transmitting Presidential Determination 98-28, stating that the further extension of the waiver authority granted by section 402 of the Trade Act of 1974, as amended, will substantially promote the objectives of section 402 of the Act, and has further determined that continuation of the waiver applicable to the Republic of Belarus will substantially promote the objectives of section 402 of the Act; (H. Doc. No. 105-278); to the Committee on Ways and Means and ordered to be printed.

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. YOUNG of Alaska: Committee on Resources. H.R. 2795. A bill to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir; with an amendment (Rept. 105-604). Referred to the Committee of the Whole House on the State of the Union.

Mr. CANADY: Committee on the Judiciary. H.R. 3682. A bill to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions; with an amendment (Rept. 105-605). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on House Oversight. H.R. 3748. A bill to amend the Federal Election Campaign Act of 1971 to authorize appropriations for the Federal Election Committee for fiscal year 1999, and for other purposes; with an amendment (Rept. 105-606). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee on International Relations. House Resolution 392. Resolution relating to the importance of Japanese-American relations and the urgent need for Japan to more effectively address its economic and financial problems and open its markets by eliminating informal barriers to trade and investment, thereby making a more effective contribution to leading the Asian region out of its current financial crisis, insuring against a global recession, and reinforcing regional stability and security; with amendments (Rept. 105-607 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committees on Ways and Means and Rules discharged from further consideration. H.R. 3849 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the following action was taken by the Speaker: the Committee on Banking and Financial Services discharged from further consideration. House Resolution 392 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

House Resolution 392. Referral to the Committee on Ways and Means extended for a period ending not later than July 17, 1998.

H.R. 2281. Referral to the Committees on Commerce and Ways and Means extended for a period ending not later than July 21, 1998.

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. SCHUMER (for himself and Mrs. LOWEY):

H.R. 4138. A bill to encourage the identification and return of stolen artwork; to the Committee on the Judiciary.

By Mr. BLILEY (for himself, Mr. WOLF, Mr. GOODE, Mr. PICKETT, Mr. BOUCHER, Mr. DAVIS of Virginia, Mr. GOODLATTE, Mr. BATEMAN, Mr. SCOTT, Mr. SISISKY, and Mr. MORAN of Virginia):

H.R. 4139. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received under State programs providing compensation for birth-related injuries; to the Committee on Ways and Means.

By Mr. RADANOVICH (for himself, Mr. EHRLICH, Mr. BOB SCHAFFER, Mr. FORBES, Mr. CALVERT, Mr. MCCOLLUM, and Mr. RIGGS):

H.R. 4140. A bill to amend the Internal Revenue Code of 1986 to repeal the special taxes on wholesale and retail dealers in liquor and beer, and for other purposes; to the Committee on Ways and Means.

By Mr. GINGRICH (for himself, Mr. COLLINS, and Mr. DEAL of Georgia):

H.R. 4141. A bill to amend the Act authorizing the establishment of the Chattahoochee River National Recreation Area to modify the boundaries of the Area, and to provide for the protection of lands, waters, and natural, cultural, and scenic resources within the national recreation area, and for other purposes; to the Committee on Resources.

By Mr. WATTS of Oklahoma:

H.R. 4142. A bill to provide that the wage of certain Department of Defense employees is determined by a recent wage survey; to the Committee on Government Reform and Oversight.

By Mr. LANTOS (for himself, Ms. PELOSI, Ms. ESHOO, Mr. CAMPBELL, Mr. MILLER of California, Ms. WOOLSEY, Mr. STARK, Mrs. TAUSCHER, Ms. LEE, and Ms. LOFGREN):

H.R. 4143. A bill to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes; to the Committee on Resources.

By Mr. KINGSTON:

H.R. 4144. A bill to ensure the protection of natural, cultural, and historical resources in Cumberland Island National Seashore and Cumberland Island Wilderness in the State of Georgia; to the Committee on Resources.

By Mr. JACKSON:

H.R. 4145. A bill to establish a program under the Secretary of Housing and Urban Development to eliminate redlining in the insurance business; to the Committee on Banking and Financial Services.

By Mr. DEFAZIO (for himself, Ms. FURSE, Mr. BLUMENAUER, Ms. HOOLEY of Oregon, and Mr. WISE):

H.R. 4146. A bill to encourage States to require a holding period for any student expelled for bringing a gun to school; to the Committee on Education and the Workforce.

By Mr. FOX of Pennsylvania (for himself, Mr. HORN, Mr. FATTAH, Ms. STABENOW, Mr. FOLEY, Mrs. THURMAN, and Ms. JACKSON-LEE):

H.R. 4147. A bill to amend the Internal Revenue Code of 1986 to increase the maximum annual contribution to education individual retirement accounts to $5,000 for higher education purposes; to the Committee on Ways and Means.

By Mr. SMITH of Oregon:

H.R. 4148. A bill to amend the Export Apple and Pear Act to limit the applicability of the Act to apples; to the Committee on Agriculture.

By Mr. SMITH of Oregon (for himself, Mr. COMBEST, Mr. HERGER, and Mr. TAYLOR of North Carolina):

H.R. 4149. A bill to reduce overhead and other costs associated with the management of the National Forest System, to improve

the fiscal accountability of the Forest Service through an improved financial accounting system, and for other purposes; to the Committee on Agriculture.

By Mr. STENHOLM (for himself, Mr. DOOLEY of California, Mr. MINGE, Mr. BOSWELL, and Mr. ETHERIDGE):

H.R. 4150. A bill to appropriate funds necessary for United States participation in a quota increase and the New Arrangements to Borrow of the International Monetary Fund, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. SHADEGG (for himself, Mr. CLEMENT, Ms. DELAURO, Mr. SANDERS, Mr. HOSTETTLER, Mr. HOEKSTRA, Mr. SOLOMON, Mr. COBURN, Mr. BLUNT, Ms. KILPATRICK, Mr. PASCRELL, Mr. WYNN, Ms. HOOLEY of Oregon, Mr. SANDLIN, Mr. SOUDER, Mr. FILNER, Mr. HINCHEY, Mr. MANTON, Mr. GUTIERREZ, Ms. SANCHEZ, Ms. PELOSI, Mrs. THURMAN, Mr. PITTS, Ms. STABENOW, Mr. STUMP, Mr. ALLEN, Mr. ENGEL, Mr. VENTO, Mr. KLECZKA, Mr. SALMON, Mr. HAYWORTH, Mr. MCINTOSH, Mr. SESSIONS, Ms. DUNN of Washington, Mr. BASS, and Mr. LARGENT):

H.R. 4151. A bill to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes; to the Committee on the Judiciary.

By Mr. GEJDENSON (for himself, Mr. NEAL of Massachusetts, Mr. GEPHARDT, Mr. BONIOR, Mr. FAZIO of California, Mrs. KENNELLY of Connecticut, Mr. FROST, Mr. RANGEL, Mr. CLAY, Mr. POMEROY, Ms. STABENOW, Mr. MATSUI, Mr. PAYNE, Mr. LEWIS of Georgia, Mr. YATES, Mr. SANDLIN, Ms. SANCHEZ, Mr. VENTO, Mr. UNDERWOOD, Mr. PASCRELL, Ms. DELAURO, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. LANTOS, Ms. LEE, Mr. FILNER, Mr. TOWNS, Mrs. LOWEY, Mr. RAHALL, Mr. HINCHEY, Mr. BALDACCI, Mr. GORDON, Mr. ANDREWS, Mr. JEFFERSON, Mrs. MINK of Hawaii, Mr. PRICE of North Carolina, Mr. MANTON, Mr. DELAHUNT, Ms. CARSON, Mr. NADLER, Mr. LEVIN, and Mr. BORSKI):

H.R. 4152. A bill to provide retirement security for all Americans; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Government Reform and Oversight, 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. ABERCROMBIE (for himself, Mr. JEFFERSON, Mr. SHERMAN, Mr. PAYNE, Mr. UNDERWOOD, Mr. STENHOLM, Mr. FROST, Mrs. MINK of Hawaii, and Ms. BROWN of Florida):

H.R. 4153. A bill to provide for equitable retirement for military reserve technicians who are covered under the Federal Employment Retirement System or the Civil Service Retirement System; to the Committee on Government Reform and Oversight.

By Mr. ADERHOLT (for himself, Mr. DELAY, Mr. RILEY, Mr. TIAHRT, Mr. MCINTOSH, Mr. PITTS, Mr. PICKERING, Mrs. CHENOWETH, Mr. HOSTETTLER, Mr. SOUDER, and Mr. GRAHAM):

H.R. 4154. A bill to declare rights to religious liberty; to the Committee on the Judiciary.

By Mr. LAZIO of New York (for himself, Mr. STARK, Mr. HASTERT, Mr. CAMP, Mrs. KELLY, Mrs. MORELLA, Mr. ROGAN, Mr. EHLERS, and Mr. BARRETT of Wisconsin):

H.R. 4155. A bill to amend title XIX of the Social Security Act to extend the authority of State Medicaid fraud control units to investigate and prosecute fraud in connection with Federal health care programs and abuse of residents of board and care facilities; to the Committee on Commerce.

By Mr. ALLEN:

H.R. 4156. A bill to limit the disposal of former naval vessels and Maritime Administration vessels for purpose of scrapping abroad and to require the Secretary of the Navy to carry out a ship scrapping pilot program; to the Committee on National Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARR of Georgia (for himself, Mr. LINDER, Mr. NEY, Mr. DEAL of Georgia, Mr. CHAMBLISS, and Mr. NORWOOD):

H.R. 4157. A bill to amend the Clean Air Act to modify the application of certain provisions regarding the inclusion of entire metropolitan statistical areas within nonattainment areas, and for other purposes; to the Committee on Commerce.

By Mr. BARTLETT of Maryland:

H.R. 4158. A bill to authorize the private ownership and use of certain secondary structures and surplus lands administered as part of any national historical park that are not consistent with the purposes for which the park was established, if adequate protection of natural, aesthetic, recreational, cultural, and historical values is assured by appropriate terms, convenants, conditions, or reservations; to the Committee on Resources.

By Mr. BLUNT (for himself, Mr. SESSIONS, Mr. HALL of Texas, Mrs. EMERSON, Mr. SHIMKUS, Mr. MCCOLLUM, Mr. HILL, Mr. REGULA, Mr. LEWIS of Kentucky, Mr. PITTS, Ms. GRANGER, Mr. SOUDER, Mr. SNOWBARGER, Mrs. MYRICK, Mr. GUTKNECHT, and Ms. PRYCE of Ohio):

H.R. 4159. A bill to amend section 1926 of the Public Health Service Act to waive sanctions against a State that provides for drivers'-license-related sanctions for minors who purchase or possess tobacco products for personal consumption; to the Committee on Commerce.

By Mr. BONILLA (for himself and Mr. DICKS):

H.R. 4160. A bill to amend title XVIII of the Social Security Act to provide for a special enrollment period for certain military retirees and their dependents to enroll under part B of such title, without penalty for late enrollment, in order to participate in the TRICARE Senior Prime demonstration sites pursuant to the Balanced Budget Act of 1997; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS:

H.R. 4161. A bill to amend title 28, United States Code, to provide for an additional place of holding court for the Western Division of the Central Judicial District of California; to the Committee on the Judiciary.

By Mrs. CHENOWETH:

H.R. 4162. A bill to improve public understanding of, and access to, the information and reasoning supporting significant Federal agency rulemaking proposals by specifying a consistent and informative format for Federal Register notices of such rulemaking actions; to the Committee on the Judiciary.

By Mr. CLAY:

H.R. 4163. A bill to direct the Secretary of the Interior to install a plaque commemorating the Dred Scott decision at the entrance to the Old Court House in the Jefferson National Expansion Memorial; to the Committee on Resources.

By Mr. COBLE:

H.R. 4164. A bill to amend title 28, United States Code, with respect to the enforcement of child custody and visitation orders; to the Committee on the Judiciary.

By Mr. CRANE:

H.R. 4165. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from the gas guzzler tax for automobiles that are lengthened by certain small manufacturers; to the Committee on Ways and Means.

By Mr. CRAPO (for himself and Mrs. CHENOWETH):

H.R. 4166. A bill to amend the Idaho Admission Act regarding the sale or lease of school land; to the Committee on Resources.

By Mrs. EMERSON (for herself, Mr. MCHUGH, Mr. CALVERT, Mr. WATTS of Oklahoma, Ms. DANNER, Mr. ROMERO-BARCELO, Mr. BLUNT, and Mr. BARR of Georgia):

H.R. 4167. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to military retirees for premiums paid for coverage under Medicare part B; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 4168. A bill to amend title 38, United States Code, to provide the same level of health care for certain Filipino World War II veterans residing in the Philippines that veterans residing in the United States receive; to the Committee on Veterans' Affairs.

By Mr. FORBES:

H.R. 4169. A bill to improve educational facilities, reduce class size, provide parents with additional educational choices for their children, and for certain other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTKNECHT (for himself and Ms. ESHOO):

H.R. 4170. A bill to amend title IV of the Public Health Service Act to establish a National Center for Bioengineering Research; to the Committee on Commerce.

By Mr. HALL of Ohio:

H.R. 4171. A bill to direct the Secretary of Transportation to conduct a study and transmit a report to Congress on improving the safety of persons present at roadside emergency scenes and to encourage States to enact and enforce laws based upon that report; to the Committee on Transportation and Infrastructure.

By Mr. HERGER (for himself, Mr. CLEMENT, Mr. CRANE, Mr. SHAW, Mr. BUNNING of Kentucky, Mr. MCCRERY, Mr. CAMP, Mr. RAMSTAD, Mr. PORTMAN, Mr. WATKINS, Mr. HAYWORTH, Mr. CALVERT, Mr. RADANOVICH, Mr. POMBO, Mr. COMBEST, Mr.

BEREUTER, Mr. PAPPAS, Mrs. CHENOWETH, Mr. HUNTER, Mr. HILLEARY, and Ms. DANNER):

H.R. 4172. A bill to require the Commissioner of Social Security to provide prisoner information obtained from the States to Federal and federally assisted benefit programs as a means of preventing the erroneous provision of benefits to prisoners; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself, Mr. LEVIN, Mr. CRANE, Mr. MATSUI, Mr. SAM JOHNSON, Mr. HERGER, Mr. ENGLISH of Pennsylvania, and Mr. NEAL of Massachusetts):

H.R. 4173. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States business operating abroad, and for other purposes; to the Committee on Ways and Means.

By Mr. KASICH:

H.R. 4174. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; to the Committee on the Budget, and in addition to the Committee on Rules, 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. KUCINICH (for himself, Mr. PETERSON of Pennsylvania, Mr. ROMERO-BARCELO, Mr. ABERCROMBIE, Mrs. MCCARTHY of New York, Mr. LATOURETTE, Mr. MARTINEZ, Mr. ENGLISH of Pennsylvania, Mr. HILLIARD, Ms. WOOLSEY, Ms. CARSON, Ms. CHRISTIAN-GREEN, Mr. FORD, Mr. NADLER, Mr. HINOJOSA, Mr. SANDERS, Mr. FROST, Ms. LOFGREN, and Ms. VELÁZQUEZ):

H.R. 4175. A bill to promote youth entrepreneurship education and training; to the Committee on Education and the Workforce.

By Mr. MARKEY:

H.R. 4176. A bill to amend the Communications Act of 1934 to protect consumers against "spamming," "slamming," and "cramming," and for other purposes; to the Committee on Commerce.

By Mrs. MINK of Hawaii (for herself, Mr. ABERCROMBIE, Mr. FILNER, Mr. GILMAN, and Ms. ROYBAL-ALLARD):

H.R. 4177. A bill to amend the Social Security Act to further extend health care coverage under the Medicare program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of North Carolina:

H.R. 4178. A bill to amend the Internal Revenue Code of 1986 to provide that periods of leave required to be permitted by the Family and Medical Leave Act of 1993 shall be treated as hours of service for purposes of the pension participation and vesting rules; to the Committee on Ways and Means, and in addition to the Committee on 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. RUSH:

H.R. 4179. A bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. SAXTON (for himself and Mr. DELAHUNT):

H.R. 4180. A bill to reduce fishing capacity in United States fisheries; to the Committee on Resources.

By Mr. SHERMAN (for himself, Mr. SAXTON, Mr. SALMON, Ms. MCCARTHY of Missouri, Mr. PALLONE, Mr. MCNULTY, Ms. ROS-LEHTINEN, Mr. WATTS of Oklahoma, Mr. LOBIONDO, Mr. PAPPAS, Mr. ENGLISH of Pennsylvania, Mr. FORBES, Mr. HAYWORTH, Mr. RYUN, Mr. CALVERT, and Mr. SNOWBARGER):

H.R. 4181. A bill to require the expenditure of funds for the construction of United States chancery facilities in Berlin and Jerusalem in such a manner as to ensure comparable rates of construction and occupation of the 2 facilities; to the Committee on International Relations.

By Mr. SNYDER (for himself, Mr. BERRY, Mr. HUTCHINSON, Mr. DICKEY, Mr. LEWIS of Georgia, and Mr. THOMPSON):

H.R. 4182. A bill to establish the Little Rock Central High School National Historic Site in the State of Arkansas, and for other purposes; to the Committee on Resources.

By Mr. SOLOMON (for himself, Mr. HOUGHTON, and Mr. TOWNS):

H.R. 4183. A bill to protect the Nation's electricity ratepayers by amending the Public Utility Regulatory Policies Act of 1978 to ensure that rates charged by qualifying small power producers and qualifying cogenerators do not exceed the incremental cost to the purchasing utility of alternative electric energy at the time of delivery, and for other purposes; to the Committee on Commerce.

By Ms. STABENOW (for herself, Mr. KILDEE, Ms. LOFGREN, Mr. MORAN of Virginia, Mr. KIND of Wisconsin, Mr. SAWYER, Ms. HOOLEY of Oregon, Mr. WEYGAND, and Mr. MCGOVERN):

H.R. 4184. A bill to amend the Internal Revenue Code of 1986 to provide incentives to elementary and secondary teachers for acquisition of computer hardware and software; to the Committee on Ways and Means.

By Ms. STABENOW (for herself, Mr. KILDEE, Ms. LOFGREN, Mr. MORAN of Virginia, Mr. KIND of Wisconsin, Mr. SAWYER, Ms. HOOLEY of Oregon, Mr. WEYGAND, Mr. MCGOVERN, and Mr. LEVIN):

H.R. 4185. A bill to amend the Internal Revenue Code of 1986 to provide incentives to elementary and secondary teachers for technology-related training for purposes of integrating educational technologies into the courses taught in our Nation's classrooms; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 4186. A bill to amend title XVIII of the Social Security Act to provide flexibility in contracting for claims processing under the Medicare program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 4187. A bill to amend title XVIII of the Social Security Act to require disclosure of certain information about benefit management for prescription drugs by Medicare+Choice organizations; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. STUMP, Mr. SNYDER, Mr. HAYWORTH, and Mr. FILNER):

H.R. 4188. A bill to amend title 38, United States Code, to provide for a portion of funds received from national tobacco legislation to be made available for health care for veterans; to the Committee on Veterans' Affairs.

By Mr. THOMPSON (for himself, Mr. UNDERWOOD, Mr. BECERRA, Mr. KILDEE, Mrs. MINK of Hawaii, Ms. WATERS, Ms. BROWN of Florida, Mr. BROWN of California, Ms. CARSON, Ms. CHRISTIAN-GREEN, Mr. CLAY, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DIXON, Mr. ENGEL, Mr. FATTAH, Mr. FALEOMAVAEGA, Mr. FILNER, Ms. FURSE, Mr. FORD, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINOJOSA, Mr. HILLIARD, Mr. HINCHEY, Mr. JACKSON, Ms. JACKSON-LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Mr. LANTOS, Ms. LEE, Mr. LEWIS of Georgia, Mr. MATSUI, Mr. MEEKS of New York, Mrs. MEEK of Florida, Mr. MCDERMOTT, Ms. MILLENDER-MCDONALD, Mr. NADLER, Ms. NORTON, Mr. OWENS, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. RANGEL, Mr. RODRIGUEZ, Mr. ROMERO-BARCELO, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SCOTT, Mr. SERRANO, Mr. STOKES, Mr. TORRES, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. WAXMAN, Mr. WYNN, Mr. MEEHAN, and Mr. GEPHARDT):

H.R. 4189. A bill to amend the Public Health Service Act to establish authorities of the departmental Office of Minority Health with respect to tobacco products, and for other purposes; to the Committee on Commerce.

By Mr. WELLER (for himself and Mr. NEAL of Massachusetts):

H.R. 4190. A bill to suspend temporarily the duty on a certain drug substance used as an HIV antiviral drug; to the Committee on Ways and Means.

By Mr. WELLER (for himself and Mr. NEAL of Massachusetts):

H.R. 4191. A bill to suspend temporarily the duty on certain drug substances used as an HIV antiviral drug; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. MILLER of California, and Mr. HAYWORTH):

H.R. 4192. A bill to amend the Internal Revenue Code of 1986 to clarify the tax treatment of Settlement Trusts established pursuant to the Alaska Native Claims Settlement Act; to the Committee on Ways and Means.

By Mr. BARR of Georgia:

H.J. Res. 124. A joint resolution proposing an amendment to the Constitution of the United States to authorize the line item veto; to the Committee on the Judiciary.

By Mr. GINGRICH (for himself and Mr. GILMAN):

H.J. Res. 125. A joint resolution finding the Government of Iraq in material and unacceptable breach of its international obligations; to the Committee on International Relations.

By Mr. GOSS:

H. Con. Res. 297. Concurrent resolution providing for an adjournment of the two Houses; considered and agreed to.

By Ms. CHRISTIAN-GREEN (for herself, Ms. KILPATRICK, Ms. JACKSON-LEE, Mr. JEFFERSON, and Mr. CONYERS):

H. Res. 495. A resolution relating to the recognition of the connection between the emancipation of African slaves in the Danish West Indies, now the United States Virgin Islands, to the American Declaration of Independence from the British Government; to the Committee on the Judiciary.

By Mr. TIAHRT:

H. Res. 496. A resolution amending the Rules of the House of Representatives to require a three-fifths vote to increase the minimum wage; to the Committee on Rules.

By Mr. TRAFICANT:

H. Res. 497. A resolution amending the Rules of the House of Representatives to require a two-thirds vote on any bill or joint resolution that either authorizes the President to enter into a trade agreement that is implemented pursuant to fast-track procedures or that implements a trade agreement pusuant to such procedures; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

L035. The SPEAKER presented a memorial of the Senate of the State of Colorado, relative to Senate Joint Memorial 98-001 memorializing Congress to adopt legislation amending 4 U.S.C. sec. 114 to include severance payments and termination payments within the retirement income of a nonresident individual upon which states may not impose income tax; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows

H.R. 80: Mr. PAPPAS.

H.R. 121: Mr. ROYCE.

H.R. 145: Ms. WATERS, Ms. ROYBAL-ALLARD, Mr. BALDACCI, Mr. DAVIS of Florida, and Mr. PAYNE.

H.R. 350: Mr. YATES, Ms. SLAUGHTER, Mr. DOOLEY of California, Mr. PICKERING, Mr. ROTHMAN, Mr. WALSH, Mr. SNOWBARGER, Mr. MCNULTY, Mr. MORAN of Virginia, and Mr. DAVIS of Virginia.

H.R. 352: Mr. LUTHER and Mr. PAPPAS.

H.R. 414: Mr. LUTHER and Mr. ROYCE.

H.R. 502: Mr. ROYCE.

H.R. 547: Mr. LUTHER.

H.R. 593: Mr. ROYCE.

H.R. 603: Mr. ROYCE and Mr. PAPPAS.

H.R. 699: Mr. GOODLATTE.

H.R. 718: Mr. PAPPAS and Mr. ROYCE.

H.R. 915: Ms. LEE, Mrs. LINDA SMITH of Washington, and Mr. WAXMAN.

H.R. 959: Mr. UPTON and Mr. PASCRELL.

H.R. 972: Mr. BACHUS.

H.R. 993: Mr. ROYCE.

H.R. 1005: Mr. BACHUS and Mr. PAPPAS.

H.R. 1126: Ms. STABENOW and Mr. BAESLER.

H.R. 1140: Mr. BARCIA of Michigan.

H.R. 1173: Ms. NORTON, Mr. BOEHLERT, Mr. GILMAN, and Mr. KANJORSKI.

H.R. 1231: Mr. LUCAS of Oklahoma.

H.R. 1232: Mr. LEWIS of Georgia.

H.R. 1334: Mr. LAZIO of New York.

H.R. 1340: Mr. PAPPAS.

H.R. 1401: Mr. LAMPSON and Mr. BALDACCI.

H.R. 1410: Mr. GOODLING.

H.R. 1438: Mr. BACHUS.

H.R. 1475: Mr. PAPPAS.

H.R. 1524: Mr. CAMP.

H.R. 1571: Mr. DIXON.

H.R. 1577: Mr. BACHUS.

H.R. 1666: Mr. ROYCE.

H.R. 1699: Mr. FROST.

H.R. 1711: Mr. BARCIA of Michigan, Mr. CANNON, Mr. DOYLE, Mrs. CUBIN, and Mr. MCINNIS.

H.R. 1756: Mr. SCHUMER, Mr. HINCHEY, Mr. ENGEL, and Mr. ACKERMAN.

H.R. 1821: Ms. FURSE, Mr. ENGLISH of Pennsylvania, Mrs. MALONEY of New York, and Mr. COOK.

H.R. 1828: Mr. BACHUS and Mr. PAPPAS.

H.R. 1864: Mr. PAPPAS.

H.R. 1951: Mr. NEY.

H.R. 1975: Mr. LAFALCE, Mr. DAVIS of Illinois, and Mr. OLVER.

H.R. 1995: Mr. BERRY.

H.R. 2001: Mr. BARCIA of Michigan.

H.R. 2026: Mr. DEUTSCH and Mr. NADLER.

H.R. 2053: Mr. GREEN.

H.R. 2070: Mr. MCNULTY.

H.R. 2174: Ms. PRYCE of Ohio, Mr. SABO, and Mr. WYNN.

H.R. 2276: Mr. GOODLING.

H.R. 2332: Mr. FRANK of Massachusetts.

H.R. 2379: Mr. WATT of North Carolina.

H.R. 2490: Mr. ROYCE.

H.R. 2499: Mr. FORD, Ms. SANCHEZ, Ms. ROYBAL-ALLARD, Mr. MORAN of Virginia, and Mr. SMITH of New Jersey.

H.R. 2509: Mr. MILLER of California.

H.R. 2526: Mr. SESSIONS.

H.R. 2592: Mr. WICKER.

H.R. 2609: Mr. MICA.

H.R. 2699: Mr. GOODE.

H.R. 2713: Mr. SNYDER.

H.R. 2727: Mr. TRAFICANT and Mr. DEFAZIO.

H.R. 2733: Mr. DEFAZIO, Mr. DAVIS of Florida, Mrs. MEEK of Florida, Mr. ENGEL, Mr. SKELTON, Mr. LIPINSKI, Mr. CONDIT, Mr. PETERSON of Minnesota, Mr. BOSWELL, and Mr. LANTOS.

H.R. 2748: Mr. PICKERING.

H.R. 2754: Mr. FARR of California and Mr. SISISKY.

H.R. 2755: Mrs. THURMAN, Mr. MALONEY of Connecticut, Mr. CAMPBELL, Mr. LOBIONDO, and Mr. PASCRELL.

H.R. 2817: Ms. HOOLEY of Oregon, Mr. HINOJOSA, and Ms. HARMAN.

H.R. 2819: Mr. BUNNING of Kentucky, Mr. MCNULTY, and Mr. DAVIS of Florida.

H.R. 2820: Mr. SANDLIN.

H.R. 2849: Mr. ABERCROMBIE, Mrs. MORELLA, Mr. CUMMINGS, Mr. LANTOS, Mr. BILBRAY, Mrs. MALONEY of New York, Ms. BROWN of Florida, and Mr. NEAL of Massachusetts.

H.R. 2867: Mr. KING of New York.

H.R. 2956: Mr. FATTAH.

H.R. 2963: Mr. SHAYS.

H.R. 3053: Ms. CHRISTIAN-GREEN.

H.R. 3063: Mr. ROYCE.

H.R. 3137: Mr. FORD and Ms. CARSON.

H.R. 3217: Mr. COOK.

H.R. 3236: Mr. INGLIS of South Carolina.

H.R. 3243: Mr. DEAL of Georgia.

H.R. 3251: Ms. KILPATRICK, Mr. MATSUI, and Mr. BROWN of California.

H.R. 3267: Mr. KLUG, Mr. QUINN, Mr. MCHUGH, Mr. RADANOVICH, Mr. BUYER, Mr. SPENCE, Mr. WATTS of Oklahoma, and Mr. SAXTON.

H.R. 3281: Mr. BROWN of California, Ms. ESHOO, Mr. FROST, Ms. SANCHEZ, and Mr. TIERNEY.

H.R. 3290: Mr. HORN, Mr. GILMAN, Mr. ROTHMAN, and Mr. GILCHREST.

H.R. 3318: Ms. PRYCE of Ohio and Ms. NORTON.

H.R. 3341: Ms. FURSE.

H.R. 3342: Ms. KILPATRICK.

H.R. 3435: Mr. BOSWELL and Mr. MARTINEZ.

H.R. 3499: Mr. FATTAH and Mr. DAVIS of Virginia.

H.R. 3501: Mr. MOLLOHAN.

H.R. 3506: Mr. HILLIARD, Mr. BARRETT of Wisconsin, Mrs. THURMAN, Mr. CHRISTENSEN, Mr. CRAPO, Mr. ENSIGN, Mr. WELLER, Mr. GEJDENSON, Ms. HARMAN, Mr. KANJORSKI, Ms. LOFGREN, Mr. LUTHER, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. OLVER, Ms. PELOSI, Mr. POSHARD, Mr. ROEMER, Ms. ROYBAL-ALLARD, Ms. SLAUGHTER, Mr. STENHOLM, Mr. TORRES, Ms. WOOLSEY, Mr. YATES, Mr. COBURN, Mr. TALENT, Mr. ALLEN, Mr. HEFNER, Mr. LANTOS, Mr. MCDERMOTT, Mr. MCHALE, Mr. TAYLOR of Mississippi, Mr. SMITH of Texas, and Mr. PAPPAS.

H.R. 3514: Mr. MALONEY of Connecticut and Mr. RANGEL.

H.R. 3523: Mr. MARTINEZ.

H.R. 3524: Mr. POMEROY, Ms. HOOLEY of Oregon, Mr. BERMAN, and Mr. PRICE of North Carolina.

H.R. 3551: Ms. PELOSI.

H.R. 3567: Mr. LEWIS of Georgia, Ms. CARSON, and Mr. MARTINEZ.

H.R. 3570: Mr. WEYGAND.

H.R. 3572: Mrs. ROUKEMA, Mr. SANDERS, Mr. BOEHLERT, Mr. MORAN of Virginia, Mr. EHLERS, Mrs. CUBIN, Mr. PORTER, Mr. DUNCAN, Ms. PRYCE of Ohio, and Mr. TAYLOR of North Carolina.

H.R. 3610: Mr. TALENT.

H.R. 3615: Mr. NEAL of Massachusetts.

H.R. 3651: Mrs. MALONEY of New York and Mrs. LOWEY.

H.R. 3652: Mr. PASTOR, Mr. MANTON, Mr. HINCHEY, Mr. TOWNS, and Mr. FORBES.

H.R. 3667: Ms. DANNER.

H.R. 3674: Mr. MCHUGH, Mr. TRAFICANT, and Mr. STUPAK.

H.R. 3682: Mr. BERRY, Mr. COSTELLO, and Mr. RILEY.

H.R. 3704: Mr. CALLAHAN and Mr. BOEHLERT.

H.R. 3779: Ms. HARMAN, Ms. ESHOO, Mr. LATOURETTE, Mr. FORBES, Mr. ALLEN, Mr. DAVIS of Illinois, and Mrs. THURMAN.

H.R. 3780: Mr. WELLER and Ms. WOOLSEY.

H.R. 3783: Mr. HALL of Texas, Ms. DANNER, Mr. CALLAHAN, and Mr. WELDON of Florida.

H.R. 3788: Mr. HOUGHTON, Mr. WATKINS, and Mr. RAMSTAD.

H.R. 3821: Mr. COLLINS, Mr. HAYWORTH, Mr. BLAGOJEVICH, Mr. NEY, Mr. BUNNING of Kentucky, Mr. PAPPAS, Mr. MCINTOSH, Mr. COYNE, Mr. CHABOT, Mr. GREENWOOD, Mrs. EMERSON, Mr. CONDIT, Mr. BOEHNER, Mrs. KENNELLY of Connecticut, Mr. DREIER, Mr. SESSIONS, and Mr. BARTON of Texas.

H.R. 3865: Mr. YATES, Mr. COSTELLO, and Mr. CONDIT.

H.R. 3868: Mr. UNDERWOOD, Mr. ADAM SMITH of Washington, Mr. HINOJOSA, Mr. TORRES, Mr. ROMERO-BARCELÓ, Ms. MCCARTHY of Missouri, Ms. HARMAN, Mr. MARTINEZ, Ms. VELÁZQUEZ, Mr. SERRANO, Mr. BECERRA, Mr. TIERNEY, Mr. SKAGGS, Mr. ALLEN, Mrs. KENNELLY of Connecticut, Mr. BRADY of Pennsylvania, Mr. FALEOMAVAEGA, and Mr. DEUTSCH.

H.R. 3869: Mr. PETRI, Mr. NADLER, Mr. BATEMAN, Ms. DANNER, Mr. KIM, Mr. CUMMINGS, Mr. MCCOLLUM, Mr. MASCARA, Ms. GRANGER, Mrs. TAUSCHER, Mr. QUINN, Mrs. FOWLER, Mr. MICA, Mr. FRANKS of New Jersey, Mr. HORN, Mr. CLYBURN, Mr. FILNER, Mr. SANDLIN, Mr. BLUMENAUER, Ms. MILLENDER-MCDONALD, Mr. PASCRELL, Mr. JOHNSON of Wisconsin, Mr. BOSWELL, Mr. MCGOVERN, Mr. BALDACCI, Mr. BERRY, Mr. TORRES, Mr. GILCHREST, Mr. BASS, Mr. LAHOOD, Mr.

THUNE, Mr. FOSSELLA, Mr. EHLERS, Mr. PICKERING, and Mr. FOX of Pennsylvania.

H.R. 3875: Ms. FURSE.

H.R. 3905: Mr. BRYANT, Mr. RAHALL, and Mr. CONYERS.

H.R. 3917: Mr. ISTOOK.

H.R. 3918: Ms. FURSE, Mr. MCGOVERN, and Mr. YATES.

H.R. 3946: Mr. GILMAN and Mr. PALLONE.

H.R. 3949: Mr. BUNNING of Kentucky, Mr. DEAL of Georgia, Mr. RAHALL, Mr. HILL, Mr. YOUNG of Alaska, Mr. WATKINS, Mr. ADERHOLT, Mr. TALENT, Mr. NORWOOD, Mr. KINGSTON, and Mr. COLLINS.

H.R. 3980: Mr. BILIRAKIS, Mr. BUYER, Mr. EVERETT, Mrs. CHENOWETH, Mr. SNYDER, Mr. BACHUS, Mr. HAYWORTH, Ms. BROWN of Florida, Mr. REYES, Mr. RODRIGUEZ, Mr. BALDACCI, Mr. MANTON, Mr. CRAMER, and Mr. QUINN.

H.R. 3981: Mr. BEREUTER, Mr. LEACH, Mr. LIPINSKI, Mr. CUNNINGHAM, Mr. MCKEON, Mr. MCINTOSH, Ms. FURSE, and Mr. ROMERO-BARCELO.

H.R. 3994: Mr. CAMP.

H.R. 3995: Ms. LOFGREN.

H.R. 4009: Mr. FROST, Ms. DELAURO, Mr. DOOLEY of California, Mr. SANDLIN, Mr. ROTHMAN, Mr. EVANS, Ms. ROYBAL-ALLARD, and Mr. HOYER.

H.R. 4016: Mr. GRAHAM.

H.R. 4018: Mr. REYES, Mr. BROWN of California, Mr. LANTOS, and Mr. ALLEN.

H.R. 4019: Mr. RAMSTAD.

H.R. 4028: Mr. DEFAZIO, Ms. JACKSON-LEE, Mr. BENTSEN, Mr. WAXMAN, Mr. TOWNS, Mr. FROST, Ms. ESHOO, and Mr. ROEMER.

H.R. 4030: Ms. ROYBAL-ALLARD, Mr. LAFALCE, Mr. CLYBURN, Ms. ESHOO, Mr. BERMAN, Mr. HILLIARD, and Mr. KILDEE.

H.R. 4031: Mr. RAHALL and Mrs. THURMAN.

H.R. 4065: Mr. HERGER, Mrs. LINDA SMITH of Washington, Mr. BALLENGER, Mr. TALENT, Mr. THORNBERRY, and Mr. PORTER.

H.R. 4070: Mr. OLVER, Mr. KENNEDY of Massachusetts, Mr. RAHALL, Mr. COSTELLO, Mr. BALDACCI, Mr. MCDERMOTT, and Mr. BOUCHER.

H.R. 4075: Mr. EHLERS.

H.R. 4092: Mr. FROST, Ms. LOFGREN, Mr. MALONEY of Connecticut, and Mr. HILLIARD.

H.R. 4096: Mr. BONILLA.

H.R. 4110: Mr. ROMERO-BARCELO and Mr. BISHOP.

H.R. 4117: Mr. NADLER, Mrs. LOWEY, and Mr. SCHUMER.

H.R. 4118: Ms. DEGETTE.

H.R. 4121: Mr. FOLEY, Mr. CANADY of Florida, and Mr. MEEHAN.

H.R. 4134: Ms. STABENOW, Mrs. TAUSCHER, and Mr. MATSUI.

H.J. Res. 123: Mr. SUNUNU, Mr. PETERSON of Pennsylvania, Mr. HALL of Texas, and Mr. HILLEARY.

H. Con. Res. 27: Mr. SANDLIN.

H. Con. Res. 52: Mr. HILLEARY and Mr. ROEMER.

H. Con. Res. 154: Mr. CAMPBELL.

H. Con. Res. 181: Mr. MOLLOHAN.

H. Con. Res. 203: Mr. GILLMOR, Mr. HEFNER, Mr. PAPPAS, Mr. HILL, Mr. TURNER, Mr. ETHERIDGE, Mr. PAUL, Mr. FOLEY, and Mr. JEFFERSON.

H. Con. Res. 210: Mr. HOBSON.

H. Con. Res. 229: Mr. CANADY of Florida and Mr. PASTOR.

H. Con. Res. 264: Mr. COMBEST and Mr. MANZULLO.

H. Con. Res. 274: Mr. GIBBONS, Mr. LANTOS, Mr. NEAL of Massachusetts, and Mr. HOBSON.

H. Con. Res. 278: Mr. CUNNINGHAM, Mr. SNOWBARGER, Ms. CHRISTIAN-GREEN, Mr. CALVERT, Mr. DELAY, Mr. STUMP, and Mr. CANNON.

H. Con. Res. 283: Mr. SCARBOROUGH, Mr. DIXON, Mr. MENENDEZ, Mr. NADLER, Mr. HINCHEY, Mr. SKAGGS, Mr. BORSKI, Mr. FARR of California, Ms. WOOLSEY, Mr. PAPPAS, Mr. LOBIONDO, and Mr. FRANK of Massachusetts.

H. Con. Res. 292: Ms. JACKSON-LEE.

H. Res. 381: Mrs. ROUKEMA.

H. Res. 406: Mr. FARR of California.

H. Res. 469: Ms. MILLENDER-MCDONALD, Mr. LAMPSON, and Mr. CALVERT.

H. Res. 475: Mr. HOUGHTON, Mr. HALL of Ohio, Mrs. MORELLA, Mr. BENTSEN, Mr. MEEHAN, Mr. OLVER, Mr. FILNER, Mr. ETHERIDGE, Mr. TIERNEY, Mr. BILBRAY, Mr. HILLIARD, Mr. BONIOR, Mr. MCGOVERN, and Ms. LOFGREN.

H. Res. 483: Mr. HILLIARD and Mr. HASTINGS of Florida.

DISCHARGE PETITIONS

Under clause 3 of rule XXVII, the following discharge petition was filed:

Petition 5. June 23, 1998, by Mrs. MALONEY on House Resolution 467, was signed by the following Members: Carolyn B. Maloney, Brian P. Bilbray, Martin T. Meehan, Anna G. Eshoo, Frank Pallone, Jr., and Elizabeth Furse.

Petition 6. June 25, 1998, by Mr. OBEY on House Resolution 473, was signed by the following Members: David R. Obey, W.G. (Bill) Hefner, Harold E. Ford, Jr., David E. Price, John W. Olver, Ken Bentsen, James P. Moran, Norman D. Dicks, Vic Snyder, Sidney R. Yates, Robert E. (Bud) Cramer, Jr., Ron Kind, Thomas H. Allen, Leonard L. Boswell, Jim McDermott, Nancy Pelosi, Earl Pomeroy, Anna G. Eshoo, Robert T. Matsui, Jane Harman, David E. Skaggs, David Minge, Lynn C. Woolsey, Barney Frank, Martin Frost, Bruce F. Vento, Karen McCarthy, Lynn N. Rivers, Howard L. Berman, Chet Edwards, Steny H. Hoyer, Debbie Stabenow, Sander M. Levin, Martin Olav Sabo, Carolyn B. Maloney, Frank Pallone, Jr., Vic Fazio, and Sheila Jackson-Lee.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1 by Mr. YATES on House Resolution 141: Sanford D. Bishop, Jr. and Vic Fazio.

Petition 4 by Mrs. SLAUGHTER on H.R. 306: Gene Green, Ken Bentsen, and Sanford D. Bishop, Jr.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2183

OFFERED BY: MR. BOB SCHAFFER OF COLORADO

(To the Amendment Offered By: Mr. Campbell)

AMENDMENT NO. 155: Amend title II to read as follows:

TITLE II—PAYCHECK PROTECTION

SEC. 201. PROHIBITING INVOLUNTARY ASSESSMENT OF EMPLOYEE FUNDS FOR POLITICAL ACTIVITIES.

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activity in which the national bank or corporation is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activity in which the labor organization is engaged.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time. Each entity collecting from or assessing amounts from an individual with an authorization in effect under such paragraph shall provide the individual with a statement that the individual may at any time revoke the authorization.

"(3) For purposes of this subsection, the term 'political activity' means any activity carried out for the purpose of influencing (in whole or in part) any election for Federal office or educating individuals about candidates for election for Federal office or any Federal legislation, law, or regulations.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts collected or assessed on or after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MR. BOB SCHAFFER OF COLORADO

(To the Amendment Offered By: Mr. Doolittle)

AMENDMENT NO. 156: Add at the end the following new section:

SEC. 7. PROHIBITING INVOLUNTARY ASSESSMENT OF EMPLOYEE FUNDS FOR POLITICAL ACTIVITIES.

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activity in which the national bank or corporation is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activity in which the labor organization is engaged.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time. Each entity collecting from or assessing amounts from an individual with an authorization in effect under such paragraph shall provide the individual with a statement that the individual may at any time revoke the authorization.

"(3) For purposes of this subsection, the term 'political activity' means any activity carried out for the purpose of influencing (in whole or in part) any election for Federal office or educating individuals about candidates for election for Federal office or any Federal legislation, law, or regulations.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts collected or assessed on or after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MR. BOB SCHAFFER OF COLORADO

(To the Amendment Offered By: Mr. Bass)

AMENDMENT NO. 157: Strike section 501 and insert the following (and conform the table of contents accordingly):

SEC. 501. PROHIBITING INVOLUNTARY ASSESSMENT OF EMPLOYEE FUNDS FOR POLITICAL ACTIVITIES.

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activity in which the national bank or corporation is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activity in which the labor organization is engaged.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time. Each entity collecting from or assessing amounts from an individual with an authorization in effect under such paragraph shall provide the individual with a statement that the individual may at any time revoke the authorization.

"(3) For purposes of this subsection, the term 'political activity' means any activity carried out for the purpose of influencing (in whole or in part) any election for Federal office or educating individuals about candidates for election for Federal office or any Federal legislation, law, or regulations.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts collected or assessed on or after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MR. BOB SCHAFFER OF COLORADO

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 158: Strike section 501 and insert the following (and conform the table of contents accordingly):

SEC. 501. PROHIBITING INVOLUNTARY ASSESSMENT OF EMPLOYEE FUNDS FOR POLITICAL ACTIVITIES.

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activity in which the national bank or corporation is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activity in which the labor organization is engaged.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time. Each entity collecting from or assessing amounts from an individual with an authorization in effect under such paragraph shall provide the individual with a statement that the individual may at any time revoke the authorization.

"(3) For purposes of this subsection, the term 'political activity' means any activity carried out for the purpose of influencing (in whole or in part) any election for Federal office or educating individuals about candidates for election for Federal office or any Federal legislation, law, or regulations.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts collected or assessed on or after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MR. BOB SCHAFFER OF COLORADO

(To the Amendment Offered By: Mr. Snowbarger)

AMENDMENT NO. 159: Amend section 5(b) to read as follows:

(b) PROHIBITING INVOLUNTARY ASSESSMENT OF EMPLOYEE FUNDS FOR POLITICAL ACTIVITIES.—

(1) IN GENERAL.—Section 316 of such Act (2 U.S.C. 441b), as amended by subsection (a), is further amended by adding at the end the following new subsection:

"(d)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activity in which the national bank or corporation is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activity in which the labor organization is engaged.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time. Each entity collecting from or assessing amounts from an individual with an authorization in effect under such paragraph shall provide the individual with a statement that the individual may at any time revoke the authorization.

"(3) For purposes of this subsection, the term 'political activity' means any activity carried out for the purpose of influencing (in whole or in part) any election for Federal office or educating individuals about candidates for election for Federal office or any Federal legislation, law, or regulations.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to amounts collected or assessed on or after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MR. BOB SCHAFFER OF COLORADO

AMENDMENT NO. 160: Insert after title III the following new title (and redesignate the succeeding provisions accordingly):

TITLE IV—PAYCHECK PROTECTION

SEC. 401. PROHIBITING INVOLUNTARY ASSESSMENT OF EMPLOYEE FUNDS FOR POLITICAL ACTIVITIES.

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activity in which the national bank or corporation is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activity in which the labor organization is engaged.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time. Each entity collecting from or assessing amounts from an individual with an authorization in effect under such paragraph shall provide the individual with a statement that the individual may at any time revoke the authorization.

"(3) For purposes of this subsection, the term 'political activity' means any activity carried out for the purpose of influencing (in whole or in part) any election for Federal office or educating individuals about candidates for election for Federal office or any Federal legislation, law, or regulations.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts collected or assessed on or after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MR. BOB SCHAFFER OF COLORADO

(To the Amendment Offered By: Mr. Hutchinson or Mr. Allen)

AMENDMENT NO. 161: Insert after title III the following new title (and redesignate the succeeding provisions accordingly):

TITLE IV—PAYCHECK PROTECTION

SEC. 401. PROHIBITING INVOLUNTARY ASSESSMENT OF EMPLOYEE FUNDS FOR POLITICAL ACTIVITIES.

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activity in which the national bank or corporation is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activity in which the labor organization is engaged.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time. Each entity collecting from or assessing amounts from an individual with an authorization in effect under such paragraph shall provide the individual with a statement that the individual may at any time revoke the authorization.

"(3) For purposes of this subsection, the term 'political activity' means any activity

carried out for the purpose of influencing (in whole or in part) any election for Federal office or educating individuals about candidates for election for Federal office or any Federal legislation, law, or regulations.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts collected or assessed on or after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MR. BOB SCHAFFER OF COLORADO

(To the Amendment Offered By: Mr. Obey)

AMENDMENT NO. 162: Insert after title V the following new title (and redesignate the succeeding provisions accordingly):

TITLE VI—PAYCHECK PROTECTION

SEC. 601. PROHIBITING INVOLUNTARY ASSESSMENT OF EMPLOYEE FUNDS FOR POLITICAL ACTIVITIES.

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activity in which the national bank or corporation is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activity in which the labor organization is engaged.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time. Each entity collecting from or assessing amounts from an individual with an authorization in effect under such paragraph shall provide the individual with a statement that the individual may at any time revoke the authorization.

"(3) For purposes of this subsection, the term 'political activity' means any activity carried out for the purpose of influencing (in whole or in part) any election for Federal office or educating individuals about candidates for election for Federal office or any Federal legislation, law, or regulations.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts collected or assessed on or after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MR. BOB SCHAFFER OF COLORADO

(To the Amendment Offered By: Mr. Tierney)

AMENDMENT NO. 163: Insert after title V the following new title (and redesignate the succeeding provisions and conform the table of contents accordingly):

TITLE VI—PAYCHECK PROTECTION

SEC. 601. PROHIBITING INVOLUNTARY ASSESSMENT OF EMPLOYEE FUNDS FOR POLITICAL ACTIVITIES.

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activity in which the national bank or corporation is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activity in which the labor organization is engaged.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time. Each entity collecting from or assessing amounts from an individual with an authorization in effect under such paragraph shall provide the individual with a statement that the individual may at any time revoke the authorization.

"(3) For purposes of this subsection, the term 'political activity' means any activity carried out for the purpose of influencing (in whole or in part) any election for Federal office or educating individuals about candidates for election for Federal office or any Federal legislation, law, or regulations.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts collected or assessed on or after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MR. BOB SCHAFFER OF COLORADO

(To the Amendment Offered By: Mr. Farr)

AMENDMENT NO. 164: Add at the end of title VII the following new section (and conform the table of contents accordingly):

SEC. 704. PROHIBITING INVOLUNTARY ASSESSMENT OF EMPLOYEE FUNDS FOR POLITICAL ACTIVITIES.

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b), as amended by section 304, is further amended by adding at the end the following new subsection:

"(d)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activity in which the national bank or corporation is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activity in which the labor organization is engaged.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time. Each entity collecting from or assessing amounts from an individual with an authorization in effect under such paragraph shall provide the individual with a statement that the individual may at any time revoke the authorization.

"(3) For purposes of this subsection, the term 'political activity' means any activity carried out for the purpose of influencing (in whole or in part) any election for Federal office or educating individuals about candidates for election for Federal office or any Federal legislation, law, or regulations.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts collected or assessed on or after the date of the enactment of this Act.