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Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, July 15, 1998*

The House met at 9:00 a.m.

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

O gracious God, whose love is given freely to all creation and whose mercy is without end, accept our prayers and petitions this day.

We place before You, O God, our thanksgivings and praise for all Your goodness to us and to all people, for You have blessed us when we did not deserve and You have healed us in spite of our errors. We confess that we have too often missed the mark and not been receptive to Your grace.

Open our thoughts and minds to Your loving spirit, that we will be Your people and do the works of justice and of peace.

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 Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Thursday, June 25, 1998:

H.R. 2646, to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that during the joint meeting to hear an address by His Excellency, Emil Constantinescu, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

RECESS

The SPEAKER. Pursuant to the order of the House of Tuesday, July 14, 1998, the Chair declares the House in recess, subject to the call of the Chair.

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess, subject to the call of the Chair.

During the recess, beginning at about 9:54 a.m., the following proceedings were had:

□ 0954

JOINT MEETING BY THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY EMIL CONSTANTINESCU, PRESIDENT OF ROMANIA

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Richard Wilson, announced the President pro tempore and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency, Emil Constantinescu, into the Chamber:

The gentleman from Texas (Mr. ARMEY);

the gentleman from California (Mr. COX);

the gentleman from New York (Mr. GILMAN);

the gentleman from Nebraska (Mr. BEREUTER);

the gentleman from New York (Mr. SOLOMON);

the gentlewoman from Washington (Ms. Dunn);

the gentleman from Pennsylvania (Mr. FOX);

the gentlewoman from Connecticut (Mrs. KENNELLY);

the gentleman from Maryland (Mr. HOYER);

the gentleman from Indiana (Mr. HAMILTON);

the gentleman from California (Mr. LANTOS); and

the gentlewoman from California (Ms. PELOSI).

The PRESIDENT pro tempore. The President pro tempore of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of Romania into the House Chamber:

The Senator from Florida (Mr. MACK);

the Senator from Indiana (Mr. COATS);

the Senator from Indiana (Mr. LUGAR);

the Senator from Oregon (Mr. SMITH);

the Senator from South Dakota (Mr. DASCHLE); and

the Senator from Delaware (Mr. BIDEN).

□ 1000

The Assistant to the Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency

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

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Dunstan Weston Kamara, Ambassador of Zambia.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 10 o'clock and 5 minutes, a.m., the Assistant to the Sergeant at Arms announced His Excellency Emil Constantinescu, President of Romania.

His Excellency Emil Constantinescu, President of Romania, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of Congress, it is my great privilege and I deem it a high honor and personal pleasure to present to you His Excellency Emil Constantinescu, President of Romania.

(Applause, the Members rising.)

ADDRESS BY HIS EXCELLENCY EMIL CONSTANTINESCU, PRESIDENT OF ROMANIA

President CONSTANTINESCU. Mr. Speaker, Honorable Senators and Representatives, Ladies and Gentlemen: Thank you for your warm welcome.

It is a rare honor to be able to address those who make the laws of the United States, the laws of the country of freedom, and who stand as guardians of fundamental human rights in the United States and all over the world.

Throughout its history, your country has been a beacon of hope for the oppressed and the needy, a source of inspiration for the creative, the courageous and the achieving. It has always been, and may it ever remain, the land of the free and the home of the brave.

Romania and the United States have a strong and growing relationship. We are linked to the United States by technology, know-how and capital. We are joined by hundreds of thousands of Romania's sons and daughters, people who came to this country over the years and whose descendants now live in every corner of your magnificent land. But ever more importantly, Romanians have always sent to America their most cherished treasure: Their hopes for freedom.

We call America the Land of Freedom because this has been its guiding principle, as well as a source of inspiration to other countries around the world. But the term "Land of Freedom" stands also for a virtual community of like-minded and like-hearted people all over the world who believe in the defense of liberty, of human rights, and of human dignity. People of all races and backgrounds and religions are welcomed to join.

Regardless of where they live on the globe, people who believe in freedom are citizens of the virtual Land of Freedom. Since the fall of Communism, its numbers have grown steadily and enthusiastically. Since 1989, 23 million Romanians are among the proudest members.

Your Founding Fathers have written: When a long train of abuses and usurpation evinces a design to reduce people under absolute despotism, it is their right, it is their duty to throw off such government, and to provide new guards for their future security. This is what the Romania people have done.

My country threw off the yoke of Communism in 1989, and in 1996, it achieved its first fully democratic transfer of power. As President of a fully democratic Romania, I bring you the greetings and the hopes of my fellow citizens. It is their desire to live in the Land of Freedom alongside you and all other people who value freedom, human rights and human dignity. This desire has brought me to America and to this historic Chamber today.

In the new global order, this Land of Freedom spans the globe from West to East and from North to South.

□ 1015

It is an expansive land of constantly changing landscape and with ever-changing contours. Its elusive borders are defined by each and every individual who is willing to defend liberty, property, and respect the rule of law.

But in such an ever-changing landscape, people need anchors to keep steady and stable in a sea of change. As the messenger of the Romanian people, I am here to tell you that my country can and wants to be exactly that, an anchor of stability in the sometimes storm-ridden sea of southeastern Europe. But for that anchor to keep steady, we need the acknowledgment and support of the United States of America.

We, the people of Romania, think we have earned it. Even as Romania was dragged into World War II by the Nazi regime, 6,000 Romanian citizens joined countless Romanian Americans to serve proudly in the United States Army, seeing action in the Pacific and North Africa. Some of these veterans are here today. On behalf of the Romanian people, I salute you. In defiance of the country's unfortunate war alliance, more than 1,400 American pilots and soldiers were sheltered by the Romanian people, people who refused to see the Americans as enemies, and who insisted on seeing them as defenders of freedom.

During the 1950s and 1960s, hundreds of thousands of my countrymen were being thrown in concentration camps and jails, tortured and killed only because they refused to yield their freedom. Farmers were jailed because they would not allow their land to be confiscated. Priests were tortured when they refused to forsake their beliefs. Intellectuals were sent to camps because they chose to defend freedom and democracy.

In all the Eastern and Central European countries, the armed resistance against communism lasted longest in Romania. Romania's freedom fighters were thousands of anti-Communist guerilla fighters who operated in the Carpathian mountains, including one in my childhood village. The last members were not subdued until 1961. The terrible dramas of those death-sunken times, of suffering and humiliation, were, and perhaps still are, sealed off in silence and oblivion. Romanians paid a terrible price for their fierce refusal to surrender their freedom. Romania was subjected to the harshest totalitarian dictatorship in the region: The regime of the dictator Nicolae Ceausescu.

And yet, in 1989, Romanians summoned the courage to rise up against that dictatorship: Hundreds of thousands of people took to the streets, defying Ceausescu's tanks and troops. Bare-chested young people chanted: "We shall die, but we shall be free". Over 12,000 of them paid dearly with their lives, and thousands more were injured during the anti-Communist revolution in Romania, the only country in Central and Eastern Europe to have paid in blood the price of its freedom. Please allow me here, in this temple of democracy and of freedom, to pay homage to all the Romanians, known or unknown, who have suffered and died for liberty, and, indeed, to all people who fight in its cause, anywhere in the world.

I am here today as the representative of a free, Democratic and proud Romania. I am here to tell you that you may always count on us to be vigilant guardians of the Democratic values we share with you, the values we have fought so hard to regain.

But it is not enough to have freedom. Freedom must be maintained and defended on a constant basis. I feel the best way to meet this challenge is by working together in cooperative partnerships with other nations. For I think that all of those who believe in freedom ought to have the means to defend their beliefs, together. Romania was the first country to join the United States in its Partnership For Peace, and my fellow citizens have now invested their hopes in one day joining an expanded NATO.

Some of you have strongly supported the enlargement of NATO to include Romania. For that we are grateful. Others have a less positive view, especially of a so-called "second wave" of expansion. I respect your right to differ. But as the first Central European

head of state to address you since the congressional debate over NATO expansion, I want to say how deeply I admire the role of the United States Congress in making this historic decision. The expansion of NATO is a visionary undertaking, a milestone in the history of Europe and the world.

I hope you see it in the same way. As a geologist, I have learned that, while painfully climbing a mountain peak, without being able to see it from afar, you might fail to grasp its greatness. As a president, I have noticed that many a time debates and arguments prevent us from spotting, in a storm of events, the ones which will defy eternity. As an ordinary person who thinks about his fate, as well as the fate of his people and the Eastern European peoples, I have understood the tremendous force of an idea at work.

For more than 1,000 years, the borders of Europe have been drawn or changed by war, dictate or external pressure. Since the Second World War, NATO has succeeded in maintaining peace in, and for, Western Europe, and fostering well-being and progress in the nations that share its mission. At the same time, in Europe's Communist east, old conflicts laid frozen while new ones kept emerging. When the Berlin Wall collapsed at last, the peoples of the east won their freedom, but not the ability to put it to use together.

In this new and traumatic historical adventure, transition from totalitarian regimes to democracy and from centrally planned economies to a market economy, the idea of joining NATO did not merely grow out of a need to be a part of a defensive military alliance. As a vector of a set of fundamental values of modern civilization, it has become the supreme expression capable of harnessing the major goal of human solidarity. Issues that had seemed impossible to solve, both within and between the various Eastern European countries, can now find a solution through joint Democratic exercise that has replaced the harsh logic of confrontation by dialogue and cooperation.

Let us imagine for just one moment the European stage after the fall of communism, had NATO gotten frozen in its original project, leaving the east of Europe prey to violence and chaos. What would there have been left of Eastern Europe, save for ruins, and how long would it have lasted before Western Europe and then maybe the United States itself had lapsed into the grip of antagonisms?

Now that freedom has come to the people of Eastern Europe, we aspire to take the next step and join a community of nations bound together by freedom, human dignity and prosperity. We welcome the chance to share our part of the burden of securing a peaceful future for all of Europe. But to do that, we need your help.

In many ways this moment is as crucial to the future of Europe as were the years after World War II that first gave birth to NATO itself. Your country undertook, with great wisdom and vision, the responsibility of world balance and world peace. We urge you to do so again. Romania does not seek to add to this historic burden, but to share it, modestly, yet reliably, as a trusted ally and friend. In order to build a fully prosperous, Democratic and stable Europe, one that stretches from the Atlantic to the Urals and beyond, the United States needs to anchor its policies to countries on Europe's southeastern flank that share its Democratic ideas and its commitment to the region's stability.

Romania is such a country. I would even go so far as to say that Romania is a key to stability in the southern part of Europe. It is a bold statement, I know, but one that is supported by three important factors.

First, Romania is the second largest country in the region and centrally located in a place of strategic importance to the security of the entire area. We are truly a crossroads for many diverse cultures and civilizations, western secular, Southern Catholic, Eastern Orthodox and Muslim. Many observers have said conflicts seem almost inevitable, given Romania's ethnic patchwork and complex border situation.

Still, we have managed to avoid conflict, both within and along our borders, and to successfully find political solutions to all potentially divisive ethnic and external issues. Today, for example, the Hungarian ethnic minority is part of the governing majority. The sensitive issues of the relations with the Republic of Moldova and the Ukraine have been resolved without tension. Religious minorities are developing an increasing dialogue with the Orthodox majority. Romania's social peace is proof that when a democracy is firmly rooted, its institutions can weather the storms of social reform.

□ 1030

So the strength of our internal democracy is the first reason we are so important to regional stability.

Second, we have strong diplomatic and political ties with all countries in the area. For example, through goodwill and constant effort on the part of both countries, Romania has reached an historic agreement with Hungary to bring long-sought reconciliation between our two nations. The strength of this grassroots reconciliation has been successfully tested many times this past year. Recently, both our Hungarian minority and all Romanians were able to freely and peaceably commemorate the historic events of the 1848 democratic revolutions, when our two countries unfortunately fought against one another. We have concluded a sound treaty with the Ukraine, which provides for the mutual protection of our ethnic minorities and starts many common projects.

Romania's three-party agreements with Poland and the Ukraine, the Ukraine and the Republic of Moldova, and Bulgaria and Turkey, and soon with Greece and Bulgaria, and Hungary and Austria, as well as the excellent relations with all the Balkan countries, the Baltic States, and, naturally, Russia, are tokens of our contribution to the regional security architecture, in a zone still marked by simmering conflicts.

Third, Romania is a key to stability in the region because it is at the crossroads of the two largest Euro-Asian trade routes known for thousands of years: the East-West one, known as the "the Silk Road," running from China to Spain, and the North-South one, "the Amber Road," from Scandinavia to the Mediterranean Sea. These roads will find a new meaning in the global world of the third millennium. It is particularly the "Silk Road" project, which will tie Japan and China to Central Asia and Caucasian countries, Southeastern and Central Europe to Western Europe, from the Pacific to the Atlantic, that will most likely evolve into the biggest challenge of the early third millennium. Last week, I met with the presidents of Azerbaijan and Georgia to discuss the role our countries can play in securing the central tier of this vast trading route.

United States participation in this great effort is crucial. Not only does the United States lend tremendous credibility to such an undertaking, but it also helps ensure that future trade will be conducted in a stable region secured by open and cooperative Democratic structures. Ethnic conflict arises because of a major deficit of democracy, invariably triggered in our part of the world by the representatives of the old Communist structures, unwilling or unable to fit in the new context and to give up former privileges. Indeed, national-communism is not a residue but the ultimate expression of communism itself, with all its stock of hatred, grafted on the demons of chauvinistic nationalism. One of the admirable gestures of American democracy lies in its assuming, alongside Europe, moral responsibility for the Holocaust. Meditating upon this example helps us understand that we all have the imprescriptible duty to be alert to any chauvinistic, anti-Semitic and aggressive deviation. Because aggressive hatred is like plague; it may recur anytime. It is in Romania's interest to contribute to Southeastern Europe's becoming a region where different modern, open societies coexist peacefully, a region where democracy, tolerance, freedom and human rights are at home. I believe this to be in America's interest as well.

I would like to relate to you what Romanian opinion polls have repeatedly shown for the last several years, namely, that the Romanian people consider the United States to be our most reliable partner. There is, between our people, an underlying closeness of our souls. One sign of this, I believe, was the outpouring of enthusiasm that welcomed President Clinton to Bucharest last summer. Another more fundamental sign is the ongoing effort to build the closest possible strategic partnership between our country and the United States.

Romania is fully committed to forming and nurturing this special partnership. Democracy can only flourish in Romania and we can only become a more positive influence in the region if our role as a stabilizing force is acknowledged and supported by the United States and its allies. Romania is living proof that Eastern and Southeastern Europe are not doomed to a life of conflict. But we all have the duty to be on guard against hatred in any form.

Over the past year, Romania has proved that the occasional political storm matters less than having a sound political foundation that allows us to weather those storms. We have also learned that despite our profound and unflinching commitment to privatization and economic reform, it will be more difficult to rebuild the Romanian economy than we or our friends expected. We understand the need to balance our eagerness for speedy reform with the need to maintain social stability. We have been able to do this so far. Again, this is a tribute to our democratic institutions and the commitment of our people to those institutions. The next step is to speed up privatization while maintaining our social equilibrium.

All of these efforts, building the society, consolidating democratic institutions, reforming the economy, our contribution to the security of Eastern Europe would be more difficult without your assistance. But I can assure you they are well worth your efforts, as they do so much to advance peace and stability in such a vital part of the world.

As a representative of the American people, I want to thank you on behalf of my country for the friendship and help the United States has shown us.

The land of freedom, the land I spoke about a few minutes ago, is a unique place. It belongs to those who are willing to sacrifice for its attainment and its defense. It is a land your Founding Fathers conceived and the one envisioned by our own patriotic thinkers and fighters. It is the land of your brave military men and women, as it is the land of Romania's soldiers who volunteered to go to Albania, Angola, the Persian Gulf and Bosnia, in any country where peace is under attack. It is our challenge together, as allies and partners, to build the bridges to the next millennium from the Danube to the Potomac, from the Black Sea to the Pacific Ocean and beyond, wherever people believe in and fight for freedom.

I would like to close with a true story. One hundred and fifty years ago, a young Romanian who had fought for freedom in the 1848 revolution emigrated to America. His name was George Pomutz, which in Romanian means "little tree." Once on American soil, he volunteered for Lincoln's Army and fought in some of the key battles of the Civil War, including Vicksburg and Atlanta. Our "little tree" went on to become a general in your Army and later an American diplomat, serving in Russia, where he helped negotiate the American purchase of Alaska. In 1944, long after his death, the Romanian community in the United States donated money to build a battleship, named for Romanian-American General George Pomutz. The ship named for the "little tree" served in peace and war, always a symbol of strength and vigilance. Over the decades, Pomutz' story attests to the common roots shared by our two people, the closeness of their souls, their love of freedom and their willingness to fight in its defense.

God bless America. God bless Romania. God bless the land of freedom.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly (at 10 o'clock and 46 minutes a.m.) the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until 11:15 a.m.

□ 1117

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EWING) at 11 o'clock and 17 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 3156. An act to present a congressional gold medal to Nelson Rolihlahla Mandela.

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

H.R. 2870. An act to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2282) "An act to amend the Arms Export Control Act, and for other purposes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minute speeches on each side.

THE BEANIE BABY CAPERGATE

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

Mr. GIBBONS. Mr. Speaker, as we all know, the President and his entourage just recently returned from a 9-day, taxpayer-paid, $50 million trip to China. It appears that America's tough-talking trade representative, Charlene Barshefsky, has shunned and even ignored American trade law. My word, Mr. Speaker, we now have the Barshefsky Beanie Baby Capergate.

Apparently, the President's trade rep, who is supposed to know, who is supposed to understand, who is supposed to follow trade laws, was caught red-handed in China's unregulated back-alley Beanie-Baby black market. Barshefsky illegally acquired a boatload of Beanie Babies while in Beijing and tried to bring them back to the United States.

"Whoa, not so fast," said the U.S. Customs, since it is illegal to purchase these toys in China.

Well, what is next? I hope the Clinton Administration does not think that this is an even trade for the top-secret missile technology they just gave them. With a $50 billion U.S. trade deficit, maybe the Chinese were secretly paying off the Clinton Administration with Barshefsky Beanie Babies.

I yield back to the American people any legal Beanie Babies not hiding in the White House.

PATIENT'S BILL OF RIGHTS

(Ms. JACKSON-LEE of Texas asked and was given permission to address

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, you ask the question, what do the American people want? Well, they want a real Patient's Bill of Rights, not the whiplash health care bill that Speaker GINGRICH and the Republicans want us to buy in. Whiplash? It comes real sharp, and when you get through, it hurts badly.

Our Patient's Bill of Rights guarantees a patient's right to see a specialist when they need to. It emphasizes the patient's and the doctor's rights and relationships. It guarantees that our vulnerable patients will be able to choose their own doctors.

Yes, it bans the little parrots that are given to our doctors who say, "Don't give them any care to them; see them only for 10 minutes."

Do you know what the Republicans do? They do not allow you to choose your own doctor. They send women out of the hospital before 48 hours after they have had a mastectomy; and, yes, they keep asking you to pay for those high, high prescription drugs.

Americans want a real Patient's Bill of Rights, not the whiplash that comes quickly and hurts long. Support the Democratic Patient's Bill of Rights and get real health care reform, real managed care reform for America.

AMERICA VULNERABLE TO FOREIGN MISSILE ATTACK

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

Ms. DUNN. Mr. Speaker, the Preamble to the United States Constitution states that the Federal Government shall have the responsibility to provide for the common defense. Protecting our national security is, in fact, the first duty and the primary obligation of the President, our commander-in-chief.

But America is vulnerable today, vulnerable to a missile attack from abroad. It is a shame that it has taken nuclear blasts in India and Pakistan to convince American leaders that the time to act is now.

Many Americans are unaware of this, but if a missile were fired at an American city, the United States would be defenseless against it. This is a shocking realization when you consider that there are many nations that have the capability of reaching American soil with long-range nuclear missiles.

The potential threat to every child in America demands that we take decisive action to protect ourselves from the uncertainty that exists in the world today. It is time to honor our obligation to the Constitution and to the American people by building a missile defense system. No less than the security of our Nation and the safety of our children is at stake.

KEEPING WHAT IS ALREADY YOURS

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

Mr. TIAHRT. Mr. Speaker, this Congress intends to focus like a laser beam on an issue of particular importance to families. It's called tax cuts. Many Americans are moving ahead in these economic good times, but some families are having trouble making ends meet.

While the liberals believe that the way to improve the standard of living of hard-pressed working families is to propose more job training programs and more Washington-directed education programs, the same ones which have failed miserably in the past, Republicans have a much better idea. Republicans want to help ordinary working families by letting them keep more of their own money. No need for theory or hopes that some day these Federal training programs will trickle down to real people. No, the Republicans can help families make ends meet, save for that first home or pay off those credit cards by giving them a tax cut.

Actually, the government would not be giving them anything. It would mean that the government would let people keep more of their own hard-earned money.

ACCEPTING RESPONSIBILITY FOR TEACHING MORALS AND VALUES

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

Mr. TRAFICANT. Mr. Speaker, once in America, parents imparted their values and morals to their children. Today, it is out with parents, in with computers. Some even liken it to a Tower of Babble in each family room.

Check this out. Last month a woman gave birth on the Internet; and today two teenagers announced, through their attorney, no less, that they will surrender their virginity live on the Internet. Unbelievable. What is next? A late-term abortion? How about an online sacrifice to Satan, folks?

Beam-me-up.com.

I say it is time for these computer companies to shove their software up their hard drives live on the Internet.

One last thing, on a serious note. I believe America is in sad shape when computers begin to replace parents in passing down our morals and values.

I yield back any common sense left in the country.

FREEDOM AND PRIVACY RESTORATION ACT

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

Mr. PAUL. Mr. Speaker, I rise today to introduce the Freedom and Privacy Restoration Act, which repeals those sections of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 authorizing an establishment of Federal standards for birth certificates and drivers' licenses.

This obscure provision, which was part of a major piece of legislation passed at the end of the 104th Congress, represents a major power grab by the Federal Government and a threat to the liberties of every American, for it would transform State drivers' licenses into national ID cards.

If this scheme is not stopped, no American will be able to get a job, open a bank account, apply for Social Security or Medicare, exercise their second amendment rights, or even take an airplane flight until they can produce a State driver's license that is the equivalent of conforming to Federal specifications. Under the 1996 Kennedy-Kassebaum health care reform law, Americans may be forced to present a federally approved driver's license before consulting their doctors for medical treatment.

My fellow colleagues, make no doubt about this, this is a national I.D. card. We do not need it. Please join me in an effort to stop it.

PLEDGE TO FULLY FUND THE E-RATE PROGRAM

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

Mr. RUSH. Mr. Speaker, I rise today to alert my colleagues to the growing threat to the E-rate program. This key provision of the Telecommunications Act of 1996 makes sure that our Nation's poorest children do not get left behind along the information superhighway by providing telecommunications services at a discounted cost to poor and rural schools and libraries.

To date, more than 30,000 applications for the program have been received, including over 200 in my district. As part of the Telecommunications Act, long distance companies agree to support the E-rate program through their contributions to the Universal Service Fund. In exchange, the industry has reaped billions of dollars in lower access charges and expanded market share. Now they want to renege on the deal.

Today I am calling on my colleagues to pledge their commitment to seeing that the E-rate program is fully funded. To pull the plug on full funding of the E-rate program is to further exacerbate the great digital divide between the haves and have-nots and will leave our children unprepared to move into the new millennium. Let us not let that happen.

SIGN EDUCATION SAVINGS ACCOUNT INTO LAW

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

Mr. ROGAN. Mr. Speaker, the Republican-led House voted overwhelmingly for Education Savings Accounts to give every American family the power to improve the educational choices for their children. Not every family today can afford a home computer or the SAT prep course, but through IRA-style Education Savings Accounts, Republicans hope to make these education expenses more available to children.

Who is in a better position to use this money to help improve our Nation's education needs, Washington bureaucrats or American families? That is the decision that must be made.

Mr. Speaker, the best way to help improve education is to give each family more of their own money so they can choose what and how to help their children. For this to happen, President Clinton must free our children from the education bondage of special interests and sign the Education Savings Account conference report into law.

□ 1130

TRUTH IN BILLING

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

Mr. BLUMENAUER. Mr. Speaker, the authors of the Education Rate are distressed by the current controversy, since the discount was supposed to be paid for through the hefty savings the telephone companies received as a result of deregulation, almost $3 billion as of July 1998.

That is why I have introduced H.R. 4018 to give consumers "truth in billing." It would require a GAO report on how much money has actually been saved as a result of deregulation and how much of that savings has been passed back to consumers. In addition, it would require that those companies seeking to put additional line items on their bills reflect the full and accurate picture of both costs and savings that have resulted from the Federal regulatory action.

There is no reason for confusion. At a time when the majority of classrooms in America do not have Internet access, and when the numbers for the poor and the rural areas are even worse, it is important for Congress to cut through the confusion, keep our commitment to our schools and libraries, and most important, to America's children.

TRIBUTE TO THE COURAGE AND BRAVERY OF OUTSTANDING STUDENTS AT THURSTON HIGH SCHOOL IN SPRINGFIELD, OR

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

Mr. BARR of Georgia. Mr. Speaker, I rise today to honor Jake and Josh Ryker, Adam Walburger, and Doug and David Ure for their courage and bravery.

On May 21, 1998 these students witnessed a fellow classmate walk into the Thurston High School cafeteria in Springfield, Oregon, and begin shooting. Jake Ryker, after being shot through the chest, grabbed the suspect around the waist and threw him down, knocking the rifle out of his hands. His brother Josh and three other students followed Jake's lead and jumped on the suspect and held him on the floor until teachers arrived to provide assistance.

The Ryker brothers and their family attribute these boys' confidence and quick thinking to their familiarity with firearms and the training they received as Boy Scouts. I would add to this a strong family that taught these brothers courage, integrity and compassion for their fellow man.

Clearly, the actions of Jake and Josh Ryker, Adam Walburger, and Doug and David Ure saved more lives and prevented more students from being injured or killed.

Mr. Speaker, I take this moment to honor the courage and bravery of these fine young men for acting above and beyond the call of duty in defense of their fellow classmates at Thurston High School in Springfield, Oregon.

MANAGED CARE REFORM

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

Mr. GREEN. Mr. Speaker, I find it ironic that the same people that preached and lectured this Congress about the importance of personal responsibility and accountability for one's actions during the welfare reform bill are taking the opposite position on managed care reform.

This is really about the same thing: being accountable for the decisions we make. We should be responsible for our actions, whether one is a Member of Congress voting, a welfare recipient looking for work, or an HMO deciding not to pay for a test or a procedure that the doctor says is medically necessary.

Why should HMOs be given preferential treatment and held to a different standard than the doctors they employ or the patient that they are supposed to serve?

The Republican managed care bill will not hold HMOs accountable when they make these medical decisions.

One thing this decision does is clearly define where everyone stands on the issue. We should be fighting for a bill that requires timely internal and external appeals; access to specialists or special needs; point of service choice for employees and the patients; open communication between patients and their doctors; no gag rule; and accountability of the medical decision-maker. We need real health care reform, not a false hope.

DOLLARS TO THE CLASSROOM ACT

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

Mr. PITTS. Mr. Speaker, I rise to seek support for our Nation's children to learn and our teachers to teach by supporting H.R. 3248, the Dollars to the Classroom Act. This bill will send at least 95 cents of every Federal dollar for 31 K-through-12 education programs to our children's classrooms. That means that $2.7 billion will be taken from the grasp of bureaucrats and put into the hands of a teacher who knows our child's name. Mr. Speaker, that means that every classroom in America will get an additional $425 on an average of $9,300 per public school. I urge my colleagues to join this important effort to redistribute education tax dollars away from bureaucrats to students, parents and teachers.

Instead of paying for reports, studies, and layers of bureaucracy, I ask my colleagues to pay for teachers' salaries, textbooks, computers and other supplies. Let us put our children first, let us put their education first, let us turn rhetoric into action by passing the Dollars to the Classroom Act before our children return to school next fall.

DEMOCRATS LOVE TO TAX

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

Mr. KINGSTON. Mr. Speaker, today we have heard liberal after liberal, Democrat after Democrat, excuse me, I am being redundant, speak in favor of a new $2 billion tax increase. They are so proud of the Gore tax. Every time you call your mother, it is going to cost you a little bit more. Every time you have a medical emergency, a friend out of town, it is going to cost you more. Any time you have a loved one in California you want to call from the East Coast, it is going to cost you more, and the Democrats are so happy about it.

Why are they happy about it? Well, for one thing, any tax is a good tax. We love all taxes. Another reason they are happy: we did not have to vote on it. It got sneaked in by their comrades in

the Federal bureaucracy who sneaked it in. Not one congressional vote.

I would say to my liberal colleagues, we know you like taxes. Why do we not vote on it? Since you are so proud of tax increases, why not bring this matter to the floor so that the Vice President can run on a new platform: I increased your phone taxes. I increased it for the poor people, I increased it for the old, I increased it for those on fixed incomes, and let them brag about it on the House floor.

STRONG SUPPORT FOR E-RATE

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

Mr. REYES. Mr. Speaker, I am gladly standing this morning in support of the E-rate. I believe this country's most valuable resource to be our children, and education is key to their development. In a world where computers are defining their very lives, our educational institutions must include technology. The genius of American education is that whether rich or poor, our children are given the opportunity to gain that knowledge.

Today, the Internet is a tremendous tool to acquire that knowledge. It brings people and ideas thousands of miles apart to a child's desktop. We cannot afford to have this technology available only in financially strong schools. Through the E-rate, those schools and libraries with limited resources are given the necessary discounts to link up with everybody else.

The attacks on the E-rate are an assault on our children's future. Our society must not be divided by those who are computer literate and those who are not.

Mr. Speaker, if we do not support E-rate, we doom and handicap our children. Americans understand and want access to technology in their children's schools, and we must all support the E-rate.

PRESIDENT SHOULD SIGN EDUCATION SAVINGS ACCOUNTS LEGISLATION

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

Mr. PAPPAS. Mr. Speaker, the President has an opportunity to help middle class parents give their kids more opportunities in life. Congress passed legislation that would create education savings accounts, which means that middle class parents could save in tax-free accounts and use it towards their children's education. They could use it in any way that they wished, towards private schooling for extra tutoring, or for special help in meeting the needs of disabled children.

It is an insult to parents everywhere to suggest that they are incapable of saving for their children's education, and it is either naive or simply dishonest of liberals to say that the education savings accounts would not benefit poor parents because only private schools costing thousands and thousands of dollars are in existence.

Let us help parents save for their children's education. The President should sign this legislation today.

HEALTH CARE REFORM: PATIENTS' BILL OF RIGHTS IMPORTANT FIRST STEP

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

Mr. STUPAK. Mr. Speaker, the leadership of the majority in both the House and the other body have finally entered into the public discussion on the adoption of a "Patients' Bill of Rights."

This is an important step because it is an acknowledgment by the majority that American families are demanding protection in their dealings with Health Maintenance Organizations. It is an important step, too, because the Republican proposals will give the American people a clear choice. They can choose a Republican plan which affirms the rights of patients to appeal, but which appeals fall on deaf ears; and without real enforcement provisions, the Republican plan simply moves the consumer's appeal on a denial of coverage up the management ladder to a fancier wastebasket.

The Democratic plan, now that provides real enforcement. It gives you, the patient, the right to enforce all of the provisions of your HMO plan. That is why we need the Democratic Patients' Bill of Rights legislation. The Democratic proposal reaches beyond an election year quick fix to a fundamental problem by giving the consumers real power to enforce their plans.

HMOs have moved into the business of prescribing health care. The Democratic plan makes sure the HMOs are held responsible for such decisions.

CHILD CUSTODY PROTECTION ACT

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

Mr. LARGENT. Mr. Speaker, Americans value many things, but no value is stronger, deeper or greater than the love that a father and mother have for their children.

Mr. Speaker, no one loves their children more than their parents. Yet we see and hear more every day about how big government is coming between parents and children, about how government is stepping in without just cause and usurping parental rights.

Mr. Speaker, my office and many other offices have heard from families across the Nation that are concerned, frustrated, and even angry over government undermining their authority, and many times we feel helpless. We often find ourselves asking, what can we do about it.

Well, Mr. Speaker, today every Member of this House will have an opportunity to do something about it. Today, Mr. Speaker, parents from across the Nation will be watching our vote on the Child Custody Protection Act.

The act is simple. It says that one cannot transport minors across State lines for abortions in order to avoid notifying their parents. These are deeply held beliefs, Mr. Speaker, and today as we vote on the Child Custody Protection Act, the parents of America will be watching.

HMO REFORM

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

Mr. WYNN. Mr. Speaker, now that Congress is back in session, the debate over HMO reform will really begin. It will really heat up. We will hear from the Republican side of the aisle a lot of gimmicks. They will talk about health marks, and they will talk about medical savings accounts.

What we have to understand is that the key to HMO reform is simply this: timely access to needed medical services and the ability to enforce that right. That is what the Democratic plan would do, because it would give patients the right to sue HMOs when HMOs make decisions that deny their patients' rights and adversely affect their health care.

The Republican plan does not offer that benefit because they are afraid to take on the HMOs and the insurance industry.

Let me give my colleagues an example in my district. It is a typical example. A young man is in a bicycle accident. He faces facial disfigurement. His medical doctor says he ought to take a certain course of treatment, but the HMO says no, we are not going to pay for that treatment.

Let me tell my colleagues, if the HMO could be sued for failing to allow necessary treatment, they would change their tune. That is what the debate for HMO reform is all about. I hope we will adopt the Democratic approach.

ACCOMPLISHMENTS OF THE 105TH CONGRESS

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

Mr. HEFLEY. Mr. Speaker, it is time to take stock of the 105th Congress. Despite a slim majority in the House, a

Senate that lacks the 60 votes necessary to break a filibuster and a liberal Democrat in the White House, the Congress has managed to pass an historic balanced budget agreement, middle class tax cuts, and a transportation bill that addresses the needs for improved, safer roads in America.

But while Republicans are proud of that record, they are not satisfied. The cost of government is too great, Washington spending is still too careless, and education reform is being blocked by the usual suspects. The remaining time in the 105th Congress should be devoted to more progress in these areas.

The President has on his desk important legislation to help parents save for their children's education in the form of education savings accounts. Normally this would not even be controversial, but the special interests oppose it, and the prospects for the President signing it are slim.

That leaves us with more tax cuts and fiscal restraint. When it comes to tax cuts, Republicans believe in "more rather than less, sooner rather than later."

Of course, we intend to honor that pledge.

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WHY IS THE REPUBLICAN PARTY PROTECTING THE HEALTH INSURANCE COMPANIES?

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

Mr. ROTHMAN. Mr. Speaker, I hold in my hand a series of very thoughtful articles from my hometown newspaper about the devastating effects when HMOs deny doctors and their patients the right to see medically needed specialists or to receive special tests.

The problem is the Democratic Party and a handful of Republicans want to make HMOs accountable when they deny a specialist's care or special medical tests and that denial causes pain or injury or death to the person.

Right now if that happens, the patient who gets sick or dies, his family can sue the doctor, but they cannot sue the HMO who denied the test or denied the procedure that would have saved the person's life. The Republican Party will not allow HMOs to be held accountable.

We should ask yourselves, why? Why would the Republican party not allow HMOs to be sued or to be held accountable if the HMO's denial of a test or treatment caused the pain, injury, or death? In our society if somebody does something wrong to you, you can sue them. Why are they protecting the health insurance companies?

THE PRESIDENT'S ENTOURAGE TO CHINA AND OTHER LOCATIONS

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

Mr. STEARNS. Mr. Speaker, I rise to comment on the President's record-breaking trip to China.

The President broke every record imaginable in the size of the delegation he took with him to China and in the amount he spent on a foreign trip. His official entourage numbered more than 1,000. Its estimated cost was $40 million, according to the International Herald Tribune.

"The Presidential entourage filled four passenger planes and several military transports." In addition, the retinue included six Members of Congress, five cabinet officials, who each brought almost 40 staff members, a chief of staff, a deputy chief of staff, a national security adviser, a deputy national security adviser, a press secretary, a deputy press secretary, five stenographers, two White House television crews, a valet for the President and a hairdresser for Mrs. Clinton, the President's private secretary and the White House staff secretary, speechwriters and rewriters, doctors and lawyers, snipers, commandoes, bomb-sniffing dogs, and of course, 375 reporters and photographers.

Vice President GORE must have felt like the kid in "Home Alone." They spent more in 10 days than Judge Starr spent in 3 years.

CONGRESS SHOULD PASS LEGISLATION HOLDING HMOS RESPONSIBLE FOR DENIAL OF CARE

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

Ms. DELAURO. Mr. Speaker, I would like to share with my colleagues the story of one of my constituents, Sharon Crossley, from Wallingford, Connecticut. Last November Sharon was diagnosed with breast cancer. The day before her surgery her HMO canceled the procedure because it was scheduled for the wrong hospital. While Sharon was waiting to get on another doctor's schedule, precious days were passing by.

As a cancer survivor, I can tell the Members how frightening the diagnosis is and how essential it is to get quick medical attention. Every day of delay is another day that the cancer could be spreading through your body, threatening vital organs.

Sharon Crossley was one of the lucky ones. She called our office. We were able to convince her HMO to help her get emergency surgery scheduled immediately. But patients should not have to take that kind of a risk that Sharon had to take.

The American people deserve to have rights in the health care system. That is why we need to pass legislation today holding managed care plans responsible for the denial of care with real, reliable, and enforcible remedies.

THE SONNY BONO SALTON SEA RESTORATION ACT

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

Mr. HUNTER. Mr. Speaker, in an hour or so we will have an opportunity to vote for the Sonny Bono Salton Sea Restoration Act. I would urge every Member to vote for this great, commonsense conservation project.

It will take the Salton Sea, which is some 360 square miles in size, and it will convert that sea or rehab that sea into a wonderful fishing resource, a great place for birders, for people that like all the water sports. It is within driving distance of about 6 percent of America's population. This is a great blue collar playground where people who cannot afford to go off for fly fishing on New Zealand on their holidays will have an opportunity to recreate.

The gentlewoman from California (Mrs. BONO) will be leading our efforts on the floor in just about an hour, along with the gentlemen from California, Mr. JERRY LEWIS and Mr. KEN CALVERT. I hope every Member votes for this great conservation project.

GIVE CREDIT WHERE CREDIT IS DUE FOR AMERICA'S ECONOMIC SURGE

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

Mr. CHABOT. Mr. Speaker, it is time to review a little recent history. What was the value of the Dow Jones Industrial Average on November 3, 1992, the day President Clinton was elected? It was 3252. The next question, what was the Dow Jones average 2 years later, when the President had been in office 2 years, when Republicans finally took over the Congress for the first time in 4 years? 3830. So it went basically from 3200 to 3800, about a 500-point increase.

What happened to the economy and the Dow Jones after the Republicans took over the House? The New York Stock Exchange has gone up over 9000 now, so it is an increase of about 5000. The liberals like to say that the economy turned around when the President was elected.

That is not what happened at all. It turned around when the financial markets and the American people were confident, when we had a turnover in the House of Representatives, not when the President was elected, a 5100 point increase. So let us let credit go where credit is due. It is important.

We want jobs, lower taxes. That is what this country needs, not higher taxes and not bigger government solutions.

THE ACCOMPLISHMENTS OF THE 105TH CONGRESS

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

Mr. PORTMAN. Mr. Speaker, I have heard a lot about the do-nothing Congress. I am getting kind of tired of it. The 105th Congress has been a very active Congress. The balanced budget we all know about, the first balanced budget in over 30 years, the first tax cuts in over 16 years, welfare reform that has moved people from dependency to dignity.

This year we continue to be busy. Later today we are going to hear from the gentleman from New York (Mr. GILMAN) and others on major environmental legislation called the Tropical Forest Conservation Act. It comes out of this Congress. We will be saving millions of acres of rain forests every year around the world through this legislation.

We just heard about the Salton Sea Restoration Act Congress is going to pass today. The IRS reforms, just last week the Senate passed historic IRS reforms. Since 1952 the IRS has not seen major reform. We are going to actually make the IRS work for the taxpayers, rather than the other way around.

A do-nothing Congress? It sounds more to me like a Congress that is doing plenty, in response to the concerns of the American people.

TROPICAL FOREST CONSERVATION ACT OF 1998

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2870) to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. DEBT REDUCTION FOR DEVELOPING COUNTRIES WITH TROPICAL FORESTS.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following:

"PART V—DEBT REDUCTION FOR DEVELOPING COUNTRIES WITH TROPICAL FORESTS

"SEC. 801. SHORT TITLE.

"This part may be cited as the 'Tropical Forest Conservation Act of 1998'.

"SEC. 802. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds the following:

"(1) It is the established policy of the United States to support and seek protection of tropical forests around the world.

"(2) Tropical forests provide a wide range of benefits to humankind by—

"(A) harboring a major share of the Earth's biological and terrestrial resources, which are the basis for developing pharmaceutical products and revitalizing agricultural crops;

"(B) playing a critical role as carbon sinks in reducing greenhouse gases in the atmosphere, thus moderating potential global climate change; and

"(C) regulating hydrological cycles on which far-flung agricultural and coastal resources depend.

"(3) International negotiations and assistance programs to conserve forest resources have proliferated over the past decade, but the rapid rate of tropical deforestation continues unabated.

"(4) Developing countries with urgent needs for investment and capital for development have allocated a significant amount of their forests to logging concessions.

"(5) Poverty and economic pressures on the populations of developing countries have, over time, resulted in clearing of vast areas of forest for conversion to agriculture, which is often unsustainable in the poor soils underlying tropical forests.

"(6) Debt reduction can reduce economic pressures on developing countries and result in increased protection for tropical forests.

"(7) Finding economic benefits to local communities from sustainable uses of tropical forests is critical to the protection of tropical forests.

"(b) PURPOSES.—The purposes of this part are—

"(1) to recognize the values received by United States citizens from protection of tropical forests;

"(2) to facilitate greater protection of tropical forests (and to give priority to protecting tropical forests with the highest levels of biodiversity and under the most severe threat) by providing for the alleviation of debt in countries where tropical forests are located, thus allowing the use of additional resources to protect these critical resources and reduce economic pressures that have led to deforestation;

"(3) to ensure that resources freed from debt in such countries are targeted to protection of tropical forests and their associated values; and

"(4) to rechannel existing resources to facilitate the protection of tropical forests.

"SEC. 803. DEFINITIONS.

"As used in this part:

"(1) ADMINISTERING BODY.—The term 'administering body' means the entity provided for in section 809(c).

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(3) BENEFICIARY COUNTRY.—The term 'beneficiary country' means an eligible country with respect to which the authority of section 806(a)(1), section 807(a)(1), or paragraph (1) or (2) of section 808(a) is exercised.

"(4) BOARD.—The term 'Board' means the board referred to in section 811.

"(5) DEVELOPING COUNTRY WITH A TROPICAL FOREST.—The term 'developing country with a tropical forest' means—

"(A)(i) a country that has a per capita income of $725 or less in 1994 United States dollars (commonly referred to as 'low-income country'), as determined and adjusted on an annual basis by the International Bank for Reconstruction and Development in its World Development Report; or

"(ii) a country that has a per capita income of more than $725 but less than $8,956 in 1994 United States dollars (commonly referred to as 'middle-income country'), as determined and adjusted on an annual basis by the International Bank for Reconstruction and Development in its World Development Report; and

"(B) a country that contains at least one tropical forest that is globally outstanding in terms of its biological diversity or represents one of the larger intact blocks of tropical forests left, on a regional, continental, or global scale.

"(6) ELIGIBLE COUNTRY.—The term 'eligible country' means a country designated by the President in accordance with section 805.

"(7) TROPICAL FOREST AGREEMENT.—The term 'Tropical Forest Agreement' or 'Agreement' means a Tropical Forest Agreement provided for in section 809.

"(8) TROPICAL FOREST FACILITY.—The term 'Tropical Forest Facility' or 'Facility' means the Tropical Forest Facility established in the Department of the Treasury by section 804.

"(9) TROPICAL FOREST FUND.—The term 'Tropical Forest Fund' or 'Fund' means a Tropical Forest Fund provided for in section 810.

"SEC. 804. ESTABLISHMENT OF THE FACILITY.

"There is established in the Department of the Treasury an entity to be known as the 'Tropical Forest Facility' for the purpose of providing for the administration of debt reduction in accordance with this part.

"SEC. 805. ELIGIBILITY FOR BENEFITS.

"(a) IN GENERAL.—To be eligible for benefits from the Facility under this part, a country shall be a developing country with a tropical forest—

"(1) whose government meets the requirements applicable to Latin American or Caribbean countries under paragraphs (1) through (5) and (7) of section 703(a) of this Act; and

"(2) that has put in place major investment reforms, as evidenced by the conclusion of a bilateral investment treaty with the United States, implementation of an investment sector loan with the Inter-American Development Bank, World Bank-supported investment reforms, or other measures, as appropriate.

"(b) ELIGIBILITY DETERMINATIONS.—

"(1) IN GENERAL.—Consistent with subsection (a), the President shall determine whether a country is eligible to receive benefits under this part.

"(2) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees of his intention to designate a country as an eligible country at least 15 days in advance of any formal determination.

"SEC. 806. REDUCTION OF DEBT OWED TO THE UNITED STATES AS A RESULT OF CONCESSIONAL LOANS UNDER THE FOREIGN ASSISTANCE ACT OF 1961.

"(a) AUTHORITY TO REDUCE DEBT.—

"(1) AUTHORITY.—The President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1998, as a result of concessional loans made to an eligible country by the United States under part I of this Act, chapter 4 of part II of this Act, or predecessor foreign economic assistance legislation.

"(2) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to this section, there are authorized to be appropriated to the President—

"(A) $25,000,000 for fiscal year 1999;

"(B) $75,000,000 for fiscal year 2000; and

"(C) $100,000,000 for fiscal year 2001.

"(3) CERTAIN PROHIBITIONS INAPPLICABLE.—

"(A) IN GENERAL.—A reduction of debt pursuant to this section shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

"(B) ADDITIONAL REQUIREMENT.—The authority of this section may be exercised notwithstanding section 620(r) of this Act or section 321 of the International Development and Food Assistance Act of 1975.

"(b) IMPLEMENTATION OF DEBT REDUCTION.—

"(1) IN GENERAL.—Any debt reduction pursuant to subsection (a) shall be accomplished at the direction of the Facility by the exchange of a new obligation for obligations of the type referred to in subsection (a) outstanding as of the date specified in subsection (a)(1).

"(2) EXCHANGE OF OBLIGATIONS.—

"(A) IN GENERAL.—The Facility shall notify the agency primarily responsible for administering part I of this Act of an agreement entered into under paragraph (1) with an eligible country to exchange a new obligation for outstanding obligations.

"(B) ADDITIONAL REQUIREMENT.—At the direction of the Facility, the old obligations that are the subject of the agreement shall be canceled and a new debt obligation for the country shall be established relating to the agreement, and the agency primarily responsible for administering part I of this Act shall make an adjustment in its accounts to reflect the debt reduction.

"(c) ADDITIONAL TERMS AND CONDITIONS.—The following additional terms and conditions shall apply to the reduction of debt under subsection (a)(1) in the same manner as such terms and conditions apply to the reduction of debt under section 704(a)(1) of this Act:

"(1) The provisions relating to repayment of principal under section 705 of this Act.

"(2) The provisions relating to interest on new obligations under section 706 of this Act.

"SEC. 807. REDUCTION OF DEBT OWED TO THE UNITED STATES AS A RESULT OF CREDITS EXTENDED UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.

"(a) AUTHORITY TO REDUCE DEBT.—

"(1) AUTHORITY.—Notwithstanding any other provision of law, the President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1998, as a result of any credits extended under title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.) to a country eligible for benefits from the Facility.

"(2) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to this section, there are authorized to be appropriated to the President—

"(i) $25,000,000 for fiscal year 1999;

"(ii) $50,000,000 for fiscal year 2000; and

"(iii) $50,000,000 for fiscal year 2001.

"(B) LIMITATION.—The authority provided by this section shall be available only to the extent that appropriations for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of the modification of any debt pursuant to this section are made in advance.

"(b) IMPLEMENTATION OF DEBT REDUCTION.—

"(1) IN GENERAL.—Any debt reduction pursuant to subsection (a) shall be accomplished at the direction of the Facility by the exchange of a new obligation for obligations of the type referred to in subsection (a) outstanding as of the date specified in subsection (a)(1).

"(2) EXCHANGE OF OBLIGATIONS.—

"(A) IN GENERAL.—The Facility shall notify the Commodity Credit Corporation of an agreement entered into under paragraph (1) with an eligible country to exchange a new obligation for outstanding obligations.

"(B) ADDITIONAL REQUIREMENT.—At the direction of the Facility, the old obligations that are the subject of the agreement shall be canceled and a new debt obligation shall be established for the country relating to the agreement, and the Commodity Credit Corporation shall make an adjustment in its accounts to reflect the debt reduction.

"(c) ADDITIONAL TERMS AND CONDITIONS.—The following additional terms and conditions shall apply to the reduction of debt under subsection (a)(1) in the same manner as such terms and conditions apply to the reduction of debt under section 604(a)(1) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738c):

"(1) The provisions relating to repayment of principal under section 605 of such Act.

"(2) The provisions relating to interest on new obligations under section 606 of such Act.

"SEC. 808. AUTHORITY TO ENGAGE IN DEBT-FOR-NATURE SWAPS AND DEBT BUYBACKS.

"(a) LOANS AND CREDITS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

"(1) DEBT-FOR-NATURE SWAPS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser described in subparagraph (B) any concessional loans described in section 806(a)(1) or any credits described in section 807(a)(1), or on receipt of payment from an eligible purchaser described in subparagraph (B), reduce or cancel such loans (or credits) or portion thereof, only for the purpose of facilitating a debt-for-nature swap to support eligible activities described in section 809(d).

"(B) ELIGIBLE PURCHASER DESCRIBED.—A loan or credit may be sold, reduced, or canceled under subparagraph (A) only to a purchaser who presents plans satisfactory to the President for using the loan or credit for the purpose of engaging in debt-for-nature swaps to support eligible activities described in section 809(d).

"(C) CONSULTATION REQUIREMENT.—Before the sale under subparagraph (A) to any eligible purchaser described in subparagraph (B), or any reduction or cancellation under such subparagraph (A), of any loan or credit made to an eligible country, the President shall consult with the country concerning the amount of loans or credits to be sold, reduced, or canceled and their uses for debt-for-nature swaps to support eligible activities described in section 809(d).

"(D) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to subparagraph (A), amounts authorized to appropriated under sections 806(a)(2) and 807(a)(2) shall be made available for such reduction of debt pursuant to subparagraph (A).

"(2) DEBT BUYBACKS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible country any concessional loans described in section 806(a)(1) or any credits described in section 807(a)(1), or on receipt of payment from an eligible country, reduce or cancel such loans (or credits) or portion thereof, only for the purpose of facilitating a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than the lessor of 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support eligible activities described in section 809(d).

"(3) LIMITATION.—The authority provided by paragraphs (1) and (2) shall be available only to the extent that appropriations for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of the modification of any debt pursuant to such paragraphs are made in advance.

"(4) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans and credits may be sold, reduced, or canceled pursuant to this section.

"(5) ADMINISTRATION.—

"(A) IN GENERAL.—The Facility shall notify the administrator of the agency primarily responsible for administering part I of this Act or the Commodity Credit Corporation, as the case may be, of eligible purchasers described in paragraph (1)(B) that the President has determined to be eligible under paragraph (1), and shall direct such agency or Corporation, as the case may be, to carry out the sale, reduction, or cancellation of a loan pursuant to such paragraph.

"(B) ADDITIONAL REQUIREMENT.—Such agency or Corporation, as the case may be, shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

"(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

"SEC. 809. TROPICAL FOREST AGREEMENT.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary of State is authorized, in consultation with other appropriate officials of the Federal Government, to enter into a Tropical Forest Agreement with any eligible country concerning the operation and use of the Fund for that country.

"(2) CONSULTATION.—In the negotiation of such an Agreement, the Secretary shall consult with the Board in accordance with section 811.

"(b) CONTENTS OF AGREEMENT.—The requirements contained in section 708(b) of this Act (relating to contents of an agreement) shall apply to an Agreement in the same manner as such requirements apply to an Americas Framework Agreement.

"(c) ADMINISTERING BODY.—

"(1) IN GENERAL.—Amounts disbursed from the Fund in each beneficiary country shall be administered by a body constituted under the laws of that country.

"(2) COMPOSITION.—

"(A) IN GENERAL.—The administering body shall consist of—

"(i) one or more individuals appointed by the United States Government;

"(ii) one or more individuals appointed by the government of the beneficiary country; and

"(iii) individuals who represent a broad range of—

"(I) environmental nongovernmental organizations of, or active in, the beneficiary country;

"(II) local community development nongovernmental organizations of the beneficiary country; and

"(III) scientific, academic, or forestry organizations of the beneficiary country.

"(B) ADDITIONAL REQUIREMENT.—A majority of the members of the administering body shall be individuals described in subparagraph (A)(iii).

"(3) RESPONSIBILITIES.—The requirements contained in section 708(c)(3) of this Act (relating to responsibilities of the administering body) shall apply to an administering body described in paragraph (1) in the same manner as such requirements apply to an administering body described in section 708(c)(1) of this Act.

"(d) ELIGIBLE ACTIVITIES.—Amounts deposited in a Fund shall be used only to provide grants to conserve, maintain, and restore the

tropical forests in the beneficiary country, through one or more of the following activities:

"(1) Establishment, restoration, protection, and maintenance of parks, protected areas, and reserves.

"(2) Development and implementation of scientifically sound systems of natural resource management, including land and ecosystem management practices.

"(3) Training programs to increase the scientific, technical, and managerial capacities of individuals and organizations involved in conservation efforts.

"(4) Restoration, protection, or sustainable use of diverse animal and plant species.

"(5) Research and identification of medicinal uses of tropical forest plant life to treat human diseases and illnesses and health related concerns.

"(6) Development and support of the livelihoods of individuals living in or near a tropical forest in a manner consistent with protecting such tropical forest.

"(e) GRANT RECIPIENTS.—

"(1) IN GENERAL.—Grants made from a Fund shall be made to—

"(A) nongovernmental environmental, forestry, conservation, and indigenous peoples organizations of, or active in, the beneficiary country;

"(B) other appropriate local or regional entities of, or active in, the beneficiary country; or

"(C) in exceptional circumstances, the government of the beneficiary country.

"(2) PRIORITY.—In providing grants under paragraph (1), priority shall be given to projects that are run by nongovernmental organizations and other private entities and that involve local communities in their planning and execution.

"(f) REVIEW OF LARGER GRANTS.—Any grant of more than $100,000 from a Fund shall be subject to veto by the Government of the United States or the government of the beneficiary country.

"(g) ELIGIBILITY CRITERIA.—In the event that a country ceases to meet the eligibility requirements set forth in section 805(a), as determined by the President pursuant to section 805(b), then grants from the Fund for that country may only be made to nongovernmental organizations until such time as the President determines that such country meets the eligibility requirements set forth in section 805(a).

"SEC. 810. TROPICAL FOREST FUND.

"(a) ESTABLISHMENT.—Each beneficiary country that enters into a Tropical Forest Agreement under section 809 shall be required to establish a Tropical Forest Fund to receive payments of interest on new obligations undertaken by the beneficiary country under this part.

"(b) REQUIREMENTS RELATING TO OPERATION OF FUND.—The following terms and conditions shall apply to the Fund in the same manner as such terms as conditions apply to an Enterprise for the Americas Fund under section 707 of this Act:

"(1) The provision relating to deposits under subsection (b) of such section.

"(2) The provision relating to investments under subsection (c) of such section.

"(3) The provision relating to disbursements under subsection (d) of such section.

"SEC. 811. BOARD.

"(a) ENTERPRISE FOR THE AMERICAS BOARD.—The Enterprise for the Americas Board established under section 610(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738i(a)) shall, in addition to carrying out the responsibilities of the Board under section 610(c) of such Act, carry out the duties described in subsection (c) of this section for the purposes of this part.

"(b) ADDITIONAL MEMBERSHIP.—

"(1) IN GENERAL.—The Enterprise for the Americas Board shall be composed of an additional four members appointed by the President as follows:

"(A) Two representatives from the United States Government, including a representative of the International Forestry Division of the United States Forest Service.

"(B) Two representatives from private nongovernmental environmental, scientific, forestry, or academic organizations with experience and expertise in preservation, maintenance, sustainable uses, and restoration of tropical forests.

"(2) CHAIRPERSON.—Notwithstanding section 610(b)(2) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738i(b)(2)), the Enterprise for the Americas Board shall be headed by a chairperson who shall be appointed by the President from among the representatives appointed under section 610(b)(1)(A) of such Act or paragraph (1)(A) of this subsection.

"(c) DUTIES.—The duties described in this subsection are as follows:

"(1) Advise the Secretary of State on the negotiations of Tropical Forest Agreements.

"(2) Ensure, in consultation with—

"(A) the government of the beneficiary country,

"(B) nongovernmental organizations of the beneficiary country,

"(C) nongovernmental organizations of the region (if appropriate),

"(D) environmental, scientific, forestry, and academic leaders of the beneficiary country, and

"(E) environmental, scientific, forestry, and academic leaders of the region (as appropriate), that a suitable administering body is identified for each Fund.

"(3) Review the programs, operations, and fiscal audits of each administering body.

"SEC. 812. CONSULTATIONS WITH THE CONGRESS.

"The President shall consult with the appropriate congressional committees on a periodic basis to review the operation of the Facility under this part and the eligibility of countries for benefits from the Facility under this part.

"SEC. 813. ANNUAL REPORTS TO THE CONGRESS.

"(a) IN GENERAL.—Not later than December 31 of each year, the President shall prepare and transmit to the Congress an annual report concerning the operation of the Facility for the prior fiscal year. Such report shall include—

"(1) a description of the activities undertaken by the Facility during the previous fiscal year;

"(2) a description of any Agreement entered into under this part;

"(3) a report on any Funds that have been established under this part and on the operations of such Funds; and

"(4) a description of any grants that have been provided by administering bodies pursuant to Agreements under this part.

"(b) SUPPLEMENTAL VIEWS IN ANNUAL REPORT.—Not later than December 15 of each year, each member of the Board shall be entitled to receive a copy of the report required under subsection (a). Each member of the Board may prepare and submit supplemental views to the President on the implementation of this part by December 31 for inclusion in the annual report when it is transmitted to Congress pursuant to this section.".

Mr. GILMAN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

Mr. PORTMAN. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York (Mr. GILMAN), to explain the measure.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Ohio for yielding to me.

Mr. Speaker, this measure was introduced last November by the gentlemen from Ohio, Mr. PORTMAN and Mr. KASICH, and the gentleman from Indiana (Mr. HAMILTON). The bill enjoys wide bipartisan support and is supported by the administration.

Mr. Speaker, tropical forests are home to roughly half of all known species of plants and animals. Under pressure from man, these forests are disappearing at the rate of almost 1 percent per year, roughly 1 football field lost every second, or an area the size of Pennsylvania each year.

Most of these forests are also located in developing countries, and most of these countries are poor, with crushing debt burdens. In short, this bill authorizes the President to offer up to $325 million in debt owed to our government by the developing nations, a small fraction of the $15 billion they currently owe. The loans were made by the Agency for International Development and the Department of Agriculture.

The bill specifically references the conditions for the government to obtain such debt relief. These conditions include having a democratic government, a favorable climate for private sector investment, cooperation on narcotics matters, and no State-sponsored terrorism.

The bill enjoys wide support from environmental groups, such groups as the World Wildlife Fund, Conservation International, The Nature Conservancy, the Environmental Defense Fund, and the Sierra Club.

The Senate passed H.R. 2870 with a number of technical changes and clarifying amendments.

First, the Senate restored provisions of importance to the House after the Senate companion bill was reported from the Senate Foreign Relations Committee and before the Senate passed the House bill, as amended.

These include insuring, one, tropical forests that are important on a regional basis may be protected under the bill, and secondly, one of the eligible activities under the bill is research and identification of medicinal uses of tropical forest plant life to treat human diseases.

In sum, the Senate amendments also accomplish the following four objectives:

First, they made a number of changes to ensure that the funds for this program are used only to conserve and protect tropical forests through a specific list of eligible activities that were enumerated in the House bill but were tightened up in the Senate.

Secondly, they deleted the requirement that a Nation have a minimal level of environmental policies and practices in place to qualify for its eligibility. The Senate noted that the administration should have flexibility in administering the program, and that one of the purposes of the Act was to encourage such policies and practices.

Third, they made forestry organizations with expertise in conserving tropical forests part of the local administering bodies and board overseeing this program, including a representative of the International Forestry Division of the U.S. Forest Service.

Fourth, they deleted a House provision requiring the President to notify congressional committees 15 days in advance of debt reduction, in exchange for the letter agreement by the Treasury Department to give the authorizing committees the same notification they currently give the Committee on Appropriations with respect to debt reduction transactions.

This has the benefit of standardizing procedures so that the administrative burden at the Treasury Department will not be increased. Congress can give Treasury early notification of countries that are suspect for such transactions, and Congress will receive more information about these transactions than it does now. I also note our support for debt relief to Bangladesh under this bill.

I urge support for the bill, and I commend the gentleman from Ohio (Mr. PORTMAN), the gentleman from Indiana (Mr. HAMILTON), and the gentleman from Ohio (Mr. KASICH), for introducing this important environmental measure.

Mr. PORTMAN. Mr. Speaker, reclaiming my time, I want to thank the chairman for that explanation of the changes in the bill, and tell him that I very much appreciate his willingness to work closely with us over the past several months in putting this product together. It was his willingness to take this bill to his committee and expedite it that enabled us to be here today on the floor to pass what is truly historic legislation.

As the gentleman from New York (Mr. GILMAN) said, we passed this bill on March 19 by a strong vote of 356 to 61. Since then, as the gentleman from New York (Mr. GILMAN) has said, we worked closely with the Senate on a day-to-day basis. They made what I think were very good and technical and clarifying changes, as the gentleman from New York (Mr. GILMAN) has just explained, and actually improves the legislation and makes it a better bill.

I want to thank Senator LUGAR, who took the lead in the Senate, and also Senator BROWNBACK, who improved the bill, and Senators BIDEN, CHAFEE, and LEAHY for their hard work on this legislation.

The bill links two very important facts of life. One is that tropical forests are disappearing at a very rapid rate. He mentioned the state of Pennsylvania. An area larger than the State of Ohio is being destroyed every year in terms of our tropical forests worldwide.

This has an impact on us, directly on our environment, our air quality, but also with regard to medicinal benefits and so on, as the gentleman from New York (Mr. GILMAN) said. That is one fact of life.

The second is that these tropical forests happen to be located in countries that have tremendous debts to the United States. Therefore, we have an opportunity here, and this bill does in 3 years what is cost-free to the taxpayers, which is debt buybacks authorized by this bill.

Building on President Bush's Enterprise for the Americas initiative, it also permits us as a Congress to be able to do what are called debt-for-nature swaps; in other words, the so-called swapping their debt for their ability to preserve tropical forests in their countries.

Next is to allow third parties to come in and purchase debt, which will save tropical forests worldwide. It is a very commonsense free market approach to one of our most pressing environmental problems globally. I want to again thank the chairman for taking the lead on this.

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I also want to thank two other Members who could not be here with us right now. One is the gentleman from Indiana (Mr. HAMILTON) on the other side of the aisle, and the other is the gentleman from Ohio (Mr. KASICH) who took the lead as being original cosponsors of this legislation and pushing it through the process. There are many other people to thank: the Nature Conservancy, Conservation International, World Wildlife Fund and other outside groups, my chief of staff, John Bridgeland.

This is a great example of how working together we can truly address pressing problems, in this case a pressing environmental problem. I look forward to working with the gentleman from New York (Mr. GILMAN) and others to ensure this bill is funded this year. Again, we have expedited it so that that is possible, also that it be implemented in a manner that truly protects these invaluable resources round the globe.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, again, I want to thank the gentleman from Ohio (Mr. PORTMAN) for his leadership on a very important environmental measure that our side of the aisle fully supports.

Mr. HAMILTON. Mr. Speaker, I rise in support of this bill.

The Tropical Forest Conservation Act of 1998 has two important objectives:

First, it seeks to preserve tropical forests by establishing a framework that brings together environmental resources and expertise in the U.S. with non-governmental and environmental organizations in the beneficiary country.

Second, the bill seeks to address the issue of debt reduction. Most tropical forests are located in countries saddled with massive debt. Some of these debts are owed to the U.S. This bill enables a participating country to reduce the debt it owes to the U.S. by restructuring its loans or by participating in debt buybacks or debt-swaps.

Third, this bill focuses on the establishment, restoration, protection, and management of tropical forests to ensure a well-planned and well-managed program. It also ensures accountability and results by establishing strict oversight controls.

This bill was passed by the House on March 19, 1998 by a bipartisan vote of 356–61. The Senate passed this bill unanimously yesterday with several positive amendments. The Senate: (1) deleted the requirement that a country have a minimum level of environmental policies and practices in place to qualify under the program. The purpose of this bill is to encourage such activities and policies; (2) made clear that funds under the program may only be used to conserve and protect tropical forests; (3) deleted two purposes for these programs, the mitigation of greenhouse gases and support for local cultures from eligible activities under the bill. These were viewed as unnecessary; (4) deleted a requirement for 634A notification before funds are obligated for debt reduction. It is understood that the Administration will voluntarily provide such notice; and (5) added forestry organizations in the beneficiary countries to membership in the administering body and board and makes them eligible to receive grants.

This is a good bill. I urge my colleagues to join me in passing this bill.

Mr. BEREUTER. Mr. Speaker, this Member rises in the strong support of H.R. 2870, the Tropical Forest Protection Act and congratulates the distinguished gentleman from Ohio [Mr. ROBB PORTMAN] for introducing this important legislation. The world's tropical forests, which are biodiverse, economically crucial, and ecologically irreplaceable, are now rapidly disappearing. Many of these forests are located within developing nations that are heavily dependent upon foreign aid and burdened by extensive external debt. H.R. 2870 enacts measures to protect these fragile and complex ecosystems from further exploitation by providing a unique solution to two pressing global problems—third world debt and deforestation.

Mr. Speaker, twelve years ago this Member offered one of the first "Debt-for-Nature" swaps as an amendment to the International Financial Institutions Act. This earlier legislation called on the World Bank to initiate discussions to "facilitate debt-for-development swaps for human welfare and environmental conservation."

Also, this Member strongly supported the 1990 legislative initiative known as "Enterprise for the Americas" (EAI) introduced by President George Bush which provided debt relief for the countries of Latin America in return for investments by these nations in environmental

protection. This initiative remains in effect today, serving as an engine of growth to the Latin American economy and establishing as its legacy some of the largest tropical forest parks in the world throughout the region.

H.R. 2870 is a creative variation on the EAI theme. Several constituents from this Member's home state of Nebraska have expressed their support for this legislation. One letter in particular detailed a family's involvement in making a record of the plants and herbs found in tropical forests in an on-going effort to identify new medicines. This legislation will preserve and protect rain forests in order that these efforts can continue, benefiting mankind by identifying new cures to diseases.

Mr. Speaker, this Member is particularly pleased that Bangladesh is eligible for debt relief under the provisions of H.R. 2870. Bangladesh is a country the size of the state of Wisconsin with a population estimated at 125 million. Due to the pressure put on this small nation's land resources, there is now a serious deforestation problem in Bangladesh. Bangladesh's topography makes it prone to natural disasters, especially floods, which were particularly severe in 1988 when two-thirds of Bangladesh's sixty-four districts experienced extensive flood damage.

Bangladesh, one of the world's poorest nations, is also struggling with overwhelming PL–480 debt. At the beginning of this year, Bangladesh's PL–480 debt amounted to $501.7 million. This debt, accumulated over more than a decade, now requires substantial payments which Bangladesh, one of the world's poorest nations, can ill afford. My colleagues may recall that an oversight prevented this matter from being addressed in 1993 when debt forgiveness legislation was approved for many other significant debtor countries. Any financial assistance given to Bangladesh is negated by the payments it is now required to make on its PL–480 debt, rather than being directed towards worthwhile projects designed to stabilize population growth, establish health programs, and build democracy.

To be eligible for debt reduction under H.R. 2870, a country must contain an appropriate tropical forest and meet specific economic and political criteria. At the March 10, 1998, markup of this legislation by the Committee on International Relations, the Administration testified that Bangladesh did indeed possess the requisite tropical forests of regional importance.

The region in Bangladesh known as Chittagong and the Chittagong Hill Tracts contain much of Bangladesh's tropical rain forests. Over the years, however, this area has suffered greatly from the effects of consistent soil erosion and deforestation due to Bangladesh's ever-expanding human population as well as the effects of natural disasters. It remains, however, the home of biodiversity as well as a variety of wild animals, to include the world-famous and endangered Royal Bengal Tiger.

The political eligibility criteria in H.R. 2870 require the debtor country to have a democratically-elected government which is not pursuing egregious policies in the area of human rights, narcotics, or terrorism. The State Department has confirmed that Bangladesh meets this political criteria.

The economic eligibility criteria requires the debtor country to have in place or be making progress toward an IMF arrangement, World Bank structural or sectoral adjustment loans if necessary; to have put in place major investment reforms; and, if appropriate, to have agreed with its commercial bank lenders on a satisfactory lending program.

It is this Member's understanding that the IMF is negotiating a potential staff-monitored program with Bangladesh. In addition, as evidence of major investment reforms, Bangladesh has concluded a bilateral investment treaty with the United States.

On a preliminary basis, the Department of the Treasury has determined that if Bangladesh concludes its negotiations on an IMF staff-monitored program, it should meet with economic eligibility requirements for debt reduction under this legislation.

Based on the above, this Member concludes that Bangladesh does indeed meet all three provisions of this legislation. Debt buybacks such as are envisioned in this legislation would permit Bangladesh to address its lingering debt problem, while preserving its threatened tropical forests.

In conclusion, Mr. Speaker, this Member would again like to thank the distinguished gentleman from Ohio [Mr. PORTMAN] for introducing this important piece of legislation. This Member would also commend the efforts of the Chairman of the Committee on International Relations, the distinguished gentleman from New York [Mr. GILMAN] for the leadership he has demonstrated over the years on environmental matters.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the matter being considered.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PORTMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

CHILD CUSTODY PROTECTION ACT

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 499 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 499

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3682) 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. The bill shall be considered as read for amendment. The amendment recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) two hours of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose 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 consideration of this resolution, all time yielded is for the purpose of debate only.

Yesterday, the Committee on Rules met and granted a closed rule for H.R. 3682, the Child Custody Protection Act. The rule provides for consideration of H.R. 3682 in the House with 2 hours of debate equally divided between the chairman and ranking minority member of the Committee on the Judiciary. It also provides the Committee on the Judiciary amendment now printed in the bill will be considered as adopted. Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, the Child Custody Protection Act is important to any parent who has a teenage daughter. As we know, people in 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 pregnancy, 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.

Last month, though, 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 Mrs. Farley's child out of school, provided her with alcohol, transported her out of State to have an abortion, falsified 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. This is wrong, and it has to be stopped.

According to the Reproductive Law and Policy Center, a pro-abortion group in New York, thousands of adults across the country carry children over State lines to get abortions in States without parental notification laws. These clinics advertise in the yellow pages that no parental consent is needed. So-called men in their 20s and 30s coerce teenage girls to have abortions out of State and without their parents' knowledge.

The Child Custody Protection Act will put a stop to this child 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.

Right now a parent in Charlotte, North Carolina, must grant permission before the school nurse gives their child an aspirin, but a parent cannot prevent a stranger from taking their child out of school and up to New York City for an abortion. This is plain nonsense. It has to be stopped.

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's teenage daughter into a different State for an abortion.

I urge my colleagues to support this rule and support the underlying legislation.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume. I thank the gentlewoman from North Carolina for yielding me the customary 30 minutes.

Mr. Speaker, I oppose this closed rule. The majority claims to favor full and free debate on important issues but, however, on this controversial bill the majority has chosen to prohibit any amendments from being offered. Although no amendments will be allowed, the rule allows two hours of debate instead of the usual one. This proposed rule for floor consideration might lead a cynic to believe that the majority does not want to actually perfect legislation on a health and privacy issue. But, no, this process and this rule do not foster deliberation, but are more conducive to a 2-hour campaign sound bite designed to label opponents of this bill as antiparent and antifamily.

I must also voice my strong concerns with the bill made in order by this rule. The so-called Child Custody Protection Act has the potential to increase the number of unsafe, back-alley abortions in this country and to place the lives and health of young women at risk.

This bill would criminalize the act of bringing a minor across State lines to obtain an abortion without parental consent. Make no mistake, I have very serious concerns about unwanted pregnancies and abortions among young women, but my colleagues who support this bill fail to understand that those young women who have healthy family relationships will seek parental involvement and consent. But we know that far too many young people do not live in either intact or supportive families. Indeed, a family member may have been responsible for the pregnancy.

Congress cannot legislate healthy, open family relationships. This bill will force some young women to seek unsafe abortions placing their health and even their lives at risk.

We would all hope that a pregnant minor would have the support and the proper medical care that she needs. However, if the medical well-being of the minor is our concern, Members should vote against the bill.

Does anyone believe that a minor driven by this bill to seek an abortion alone by herself, because the bill does allow her to go alone, will fare better than a minor who has a relative or friend to go with her to make sure that she is all right?

This bill could result in the death or permanent disability of young women forced to seek abortions without the support of the adults that she may trust because they will be afraid of imprisonment if they help her, even if they talk with her.

Now, some claim that this bill is about States rights to enforce States laws, but if that is the rationale of this bill, this bill is far too narrow. Why not put a prohibition on selling any guns to out-of-State buyers who are evading their own State's guns regulation? My State of New York would be far safer if that prohibition were law.

Perhaps we should consider passing a law to prevent people from shopping in other States where the sales taxes are lower than in their State. Maybe Americans should be prevented from going to casinos if they are from a State where gambling is illegal.

Of course, such laws would be both ridiculous and unconstitutional. Harvard Professor Lawrence Tribe has stated that H.R. 3682 violates the Constitution in the three following ways:

One, it breaches the constitutional principles of federalism; two, it imposes an undue burden upon the constitutional right to choose an abortion; three, it lacks the constitutionally required emergency exception for circumstances where the health of the pregnant minor would require travel across State lines for an abortion.

When a distinguished scholar raises constitutional objections about a bill, it is folly to prohibit Members from amending the bill to meet those objections. But, unfortunately, the supporters of this law have decided once again to flout the Constitution and the principles of health care and confidentiality in their unending quest to make abortion inaccessible, if not illegal.

They do not expect this bill to become law. In fact, they know that it will not. They do expect, however, to score political points with particular special interest groups. President Clinton's advisors have recommended he veto the bill in its current form.

If the bill's proponents are serious about enacting this bill into law, they will join me in voting to defeat the previous question. And if the previous question is defeated, I will offer an amendment to the rule to make in order all of the amendments submitted to the Committee on Rules. That would allow the House to perfect the bill so that it might really have a chance of enactment into law.

Mr. Speaker, I oppose this closed rule because it circumvents thoughtful consideration of an important public health issue. I urge my colleagues to defeat the previous question, defeat the closed rule, and, most importantly, defeat the underlying bill.

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

Mrs. MYRICK. Mr. Speaker, it is my understanding that State parental notification laws already have all medical exceptions and judicial bypass procedures to provide for a child's health in them.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in strong support of the rule to H.R. 3682, the Child Custody Protection Act.

This much-needed legislation will assure that the rights of parents across the Nation are not trampled by strangers who, without the knowledge of the parents, take the minor girls to obtain an abortion. This bill, H.R. 3682, would assure that the State's parental consent or notification laws are not evaded by these unscrupulous persons who seek to play and pretend to be mother and father to our children.

Right now 16 States have parental consent laws on abortion, and 10 others have parental notification laws. Yet these are for naught because the abortion clinics are able to bypass these laws. This common-sense legislation that is before us today is what is needed to make sure that our State laws are respected.

This bill will assure that what will not happen is what happened to Joyce Farley who was with us this morning. She described a terrible situation in her family where her daughter, without Mrs. Farley even knowing about it, was transferred to another State in order

to have an abortion. And then what happened was, because abortion is a serious medical procedure that could have life-threatening ramifications, Mrs. Farley had her young daughter in a very difficult physical state, and this is not legislation that we should really worry so much about.

Some Members are saying, this is a constitutionally sacred, protected right of abortion. Yet nowhere in these Supreme Court decisions does it say that the abortion mills should have the right to transfer and transport girls across State lines to have an abortion without the girl's parents even knowing about it.

This bill will assure that this does not happen, again, by making it a Federal offense for an adult to transport a minor across State lines from a State which has consent or notification laws to a State without them in order to obtain an abortion.

Across the Nation, Mr. Speaker, our children are required to obtain parental permission slips for field trips, for medication in schools and other things. I know in my community of Miami, Florida, we have one of the largest public school systems, and we have forms that the parents need to fill out if your child is going to be given an aspirin or given any kind of medication in school. We have forms that parents have to fill out if your child is going to be taken with the school on an organized and supervised field trip.

□ 1215

We have forms that the parents have to fill out if they want to take their child early from the school grounds. Yet for an abortion, no such consent or notification is required and, in fact, a child can be transported across State lines for this sensitive and serious operation.

These requirements in the schools are in place to ensure that parents are aware of their minor children's activities and to ensure their safety. Is it too much to ask that our children, who require parental consent to take aspirins in schools, that they receive these forms, yet for a possibly life-threatening medical procedure, with serious physical and mental ramifications, no such consent should be given? I do not think so, Mr. Speaker.

I would like to show my colleagues some of the ads that have been placed in publications in Pennsylvania. These are ads in the Pennsylvania telephone directory saying, "Come to Pennsylvania?" No. "Come to Maryland." This is an ad in Pennsylvania saying come to Maryland for this abortion procedure because, children, there is no parental consent in our State of Maryland.

Here is another ad, again in Pennsylvania, where it says, "Come to a clinic in Pennsylvania?" No. "Come to a clinic in New Jersey." An ad in Pennsylvania for an abortion clinic in New Jersey, and they are trying to lure children from their parents, lure children away at this very sensitive time, where they could be discussing this difficult decision with their parent.

Now, is this a common sense bill? Of course, it is, Mr. Speaker. In fact, there was a poll recently done, and I know the gentlewoman from North Carolina (Mrs. MYRICK) alluded to it, showing 85 percent of the people say yes to the Ros-Lehtinen and Abraham Child Custody Protection Act. When they were asked should a person be able to take a minor girl across State lines to obtain an abortion without her parents' knowledge, they say no, of course not. No, strongly agreed, 78 percent; no, somewhat disagree, 7 percent. So 85 percent say, of course, parents should have the right to be informed about this decision. Parents should be there to help their minor girls. And I urge my colleagues to support the rule for 3682.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her leadership.

Frankly, I think that most Americans would opt to answer a question when asked if some person should be able to take our children across State lines to encourage or to create the opportunity for an abortion, all parents and people who care would be in great opposition to something posed in that manner.

This is a debate among friends. Frankly, there is a great deal of respect for those who support this legislation, and I hope for those who oppose it. But what we need to discuss now is the reality of what this very good sounding legislation will do.

First of all, it will be intrusive, because 33 States do have these laws and the remainder do not. In fact, the law that we are trying to pass does not answer the concern of what is going on in American families. All of us would hope and advocate that every family in America be an Ozzie and Harriet family. Two parents discussing issues with their children, sitting at the dinner table, having the family picnic, and the regular vacation.

But my friends we must open our eyes. Most young women have to entertain in their lives abuse and/or incest. One-third of those who seek abortions, young women, have been the victim of violence in the home. They have been the victim of incest. And that is the reason that this particular legislation, although it sounds pretty, does not answer the question of reality.

And frankly, I am disappointed in the Committee on Rules, because I thought that they would welcome a more open and a more deliberative dialogue and debate. But yet they have offered to have a closed rule so that those of us who have opposition to the limitations of this law could not readily come to the floor and debate it in an open manner. It is a shame to say that a fix is in in the Committee on Rules. And it happens time after time after time when Democrats have reasonably thought out amendments, amendments that make sense, and yet the Committee on Rules sees fit to have a closed rule.

What am I talking about? The grandmother rule. Do my colleagues realize that this legislation will hold a grandmother criminally liable, with a sentence of 1 year in jail, if because of her caring, loving attitude the young woman has come to her and asked her for advice. What about the male partner; does he not have any responsibility? Are our minds so limited that we cannot recall the tragedy of the two New Jersey teenagers? What did they do? Alleged and convicted of killing their baby because they had no one to talk to. But yet they both came from prominent families.

This does not make sense. Or maybe we are not familiar with Alisha.

My mom is a single parent and is in a treatment facility for drugs and alcohol. I got pregnant while my mom was still in treatment. I am not ready to raise a child at this point in my life. The father of my child doesn't want the child. My mother is not financially able. I am also a patient through MHMRA, which is a mental health and retardation system.

Do we not realize that Americans are made up of all shapes and sizes? Yes, this bill has a good purpose to it, but it is misdirected because it penalizes grandmothers, it penalizes a single parent, a mother who comes from a two-parent notification state. If that mother took that child across State lines, she would be criminally prosecuted because the father was not notified.

We need to think back to our own teenagehood. I simply wish the Committee on Rules had been fair with us Democrats who come time and time again, expressing the views of many of those who find these kinds of one-sided pieces of legislation misdirected and unfair. But yet there they were again. I would ask my colleagues to oppose this rule primarily because it is patently unfair. It does not take into consideration incest and violence against teenagers. It does not take into consideration that we, unfortunately, are not a Land of Oz full of Ozzie and Harriet families.

Mr. Speaker, thank you for the opportunity to speak on this important issue. I am strongly opposing the closed rule imposed upon us by the Rules Committee. This bill will impose restrictions upon our young women which will have devastating consequences.

I hope that my colleagues will consider the importance of this legislation. During markup, and in front of the Rules Committee, I offered amendments which would have allowed grandparents, aunts and uncles, and clergy or

religious leaders to transport a young woman in crisis across State lines to obtain a safe abortion.

Unfortunately, due to the closed rule we face today, family members, including a minor's grandparents can be criminally prosecuted for assisting their granddaughter in obtaining an abortion. A pregnant minor needs someone to speak with, and someone to trust. If we force our daughters, our granddaughters, our sisters, and our nieces and cousins to act without the guidance of someone they can trust, where will they turn? Perhaps this bill should be called the teen endangerment act!

In fact, yesterday, the House passed legislation which recognized the importance of grandparents in the lives of their grandchildren. Republicans and Democrats alike spoke about how grandparents could offer guidance and love and encouragement to their grandchildren. Yet, the legislation before us today would criminalize grandparents' involvement in their granddaughters' lives.

I am very concerned about children and teenagers in America and I want teenage women to have the right to reproductive health care.

Currently parental involvement laws are in effect in 30 States. Although my home State of Texas does not require parental consent or notification, Louisiana, which borders my home State requires parental consent before a minor can receive an abortion. If H.R. 3682 is passed, the bill would have the effect of federally criminalizing these laws, extending their effect to States that have chosen not to enact such an obstructive and potentially dangerous statute.

I received a letter from a constituent in Houston, Texas, a fifteen year old girl whose mother, a single parent was in a treatment facility for drugs and alcohol. This young woman found herself pregnant while her mother was still in treatment, and without any offer of help from her boyfriend, she made the decision to have an abortion. As a child herself, she did not feel ready to care for a child.

The true victims of this act will be young girls and young women. The enactment of this law would undoubtedly isolate these young women at a time of crisis. If a minor feels she is unable to tell her parents about her pregnancy, she would have no recourse to receive the medical treatment she needs at a time early enough in the pregnancy to perform a safe abortion.

I agree that adolescents should be encouraged to speak with their parents about issues such as family planning and abortion. However, the Government cannot mandate healthy family relations where they do not already exist. We need to protect our young women from being forced to seek unsafe options to terminate their pregnancies, and we need to encourage them to speak with other family members, including their grandparents and religious leaders to guide them through this time of crisis.

I am hopeful that my colleagues will also oppose this restrictive rule and this bill in order to allow young women to access adult guidance and safe, legal abortions.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume to respond to my colleague that, yes, this is a closed rule. I will say that the majority of the rules on this House floor since we have been in the majority have been open.

This is just a clean and simple bill that is designed to help States enforce their parental notification laws. We decided that Congress should not override the wishes of voters in 20 States by allowing amendments that would weaken parental notification laws, and that is the reason for the closed rule.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Speaker, this legislation, and I am proud to be a cosponsor of it today, the Ros-Lehtinen Abraham legislation, is extraordinarily important and I think it is fitting and just that we adopt it today and, hopefully, with a very, very large bipartisan margin.

Poll after poll after poll shows that the overwhelming majority of the American people support the right of the parents to be notified if their children are going to have abortions. And as the gentlewoman from North Carolina (Mrs. MYRICK) has stated, 20 States have adopted laws to require parents to be notified.

But an industry has developed, in effect, to void, to evade, to dodge those laws passed by the sovereign will of the people of 20 States who have said we want there to be parental notification. So what we are saying is, no, no, they should not be able to, by subterfuge, by plan, evade and dodge those laws. We are saying no, no, they cannot create an industry that, in effect, even in writing, in publications such as the phone books, the yellow pages, an industry that says evade the law, dodge the law in one State, come across the border, and the law will not apply. That is something that is very serious.

Obviously, the underlying topic that is dealt with here is very serious as well. If there is a child with a problem, the parent should know about that child's problem, to work with that child in finding the most just, the most humane solution precisely for that child. That is why 20 States have taken the step of requiring that the parents of the child be notified.

So what we are saying is, no, they cannot avoid, they cannot evade, they cannot dodge the laws by creating what has happened, which is this industry that has risen precisely to make the laws, the State laws, worthless. And that is why this legislation is so very important and so timely, and I commend the leadership for bringing it forward, for supporting the gentlewoman from Florida (Ms. ROS-LEHTINEN) and, of course, my colleagues on the Committee on Rules for having brought it forth as expeditiously as it has been brought forth.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her leadership on this issue and many others. I rise in opposition to this rule and to this bill, as I have risen in opposition to every other piece of legislation that has moved through this Congress which attacks abortion rights.

This Congress is working to dismantle a woman's most hard fought rights, the right of a safe, legal abortion. Procedure by procedure, obstruction after obstruction this antiwoman Congress is succeeding. This time the targets are on our Nation's young people.

This bill will criminalize the act of taking a noncustodial minor out of State, which requires parental consent, to have an abortion. All of us would hope that our children would be able to confide in us. I am sure that the parents of Amy Grossberg felt that she could confide in them. However, family loyalty kept her from doing that and the situation turned tragic. Sometimes a teenager simply cannot confide in her own family. And if she has no other alternative, no other adult who will help her, she will inevitably resort to an unsafe, unclean, underground clinic, or worse.

Family values simply cannot be legislated. This Congress has no business making laws which force one family member to confide in another. There may be very good reasons a pregnant teen does not want to deal with a parent. He or she could be abusive. There could be a history of incest. Alcohol or drug use could be a factor, or she simply does not feel comfortable telling a parent.

This legislation is not about protecting young women from undue influence, it is about stripping our young people of essential support. It is not about helping our children, it is about abortion politics, and it puts our kids at risk.

I urge a "no" vote against this so-called child custody bill and against this rule which did not allow one single Democratic amendment. I urge a "no" vote on this rule.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I am struck, as I listen to the debate here today, by the fact that the opponents of this bill really are here expressing opposition to the acts of State legislatures. They are here, in effect, expressing opposition to the decisions of the Supreme Court. Because it is the State legislatures that have passed the parental involvement laws that we are seeking to help them enforce, and it is the Supreme Court of the United States which has upheld, under the Constitution, the validity of these parental involvement laws.

So the arguments that we are hearing time and time again that are being urged on us as reasons for not supporting this bill are really arguments that are aimed at the Supreme Court of the United States and of the State legislatures which have seen fit to adopt constitutional valid parental involvement laws.

Now, I think it is also somewhat ironic that we keep hearing about the health of young girls. And I would ask that the Members read something that appeared on the op-ed page of The New York Times on Sunday, July the 12th. The heading for the column: "Is Parental Guidance Needed?" It is very interesting because it is by Bruce Luccio, a prominent abortion doctor, and a prominent advocate of abortion rights.

□ 1230

Now, I do not agree with Dr. Luccio's position on abortion, and I would be quick to point that out, but I do agree with his conclusion about this bill, because Dr. Luccio recognizes, and I quote, that the passage of this bill is important to the health of teenage girls.

Dr. Luccio recognizes that it is the parents who are in the best position to help ensure that the health concerns that are relevant when an abortion is being contemplated are fully considered, and if there are complications in an abortion, it is the parents who are in the best position to ensure that effective and speedy treatment is provided.

I would ask that every Member of this House, regardless of their position on the overall issue of abortion, read this article in the New York Times by Dr. Luccio; and I think it will be very enlightening to them on the issue of the health of the young girls who are involved in this.

Now, I am also struck by the constitutional argument that has been made here. If we listen, in essence, what the opponents of this bill are arguing is that minors have a constitutional right that ensures their right of interstate travel to evade parental supervision.

Well, that is absurd. There is no such right of minors to interstate travel to evade parental supervision. The Supreme Court has never found that there is any such right. And, on the contrary, the Supreme Court has found that parental involvement laws, whether they be consent laws or notification laws, that they meet certain standards that have been articulated by the Supreme Court are valid and constitutional; and those are the kinds of laws that we are seeking to enforce through the bill that we have here today.

All we are saying is that someone should not be able to move a minor across State lines in an effort to evade and thwart the legitimate purposes of those valid constitutional State laws.

Now, let me say this: The Supreme Court has recognized the right of parents. The Supreme Court in this context has not recognized the right of cousins, siblings, grandparents, aunts, uncles, pastors, teachers, or anybody else to be involved in a minor's decision to have an abortion. It is the parents who have that right to be involved.

The courts have recognized that, and the legislatures have recognized it. And I think it is an entirely appropriate use of our power in the Congress to help the States carry out their policy in this area.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, first I think we ought to remind ourselves what this bill does. It does not require parental notification or consent when a minor goes across State lines. What it does is prohibit someone from accompanying them.

In this bill, the child can still evade the parental consent laws of the State and go across State lines alone, but this bill would criminalize anybody accompanying them.

Mr. Speaker, I want to speak against the closed rule. It prohibits the ability, our ability, to consider some very important amendments. The administration, in a statement of administration policy, has indicated that the senior advisors of the President will recommend a veto unless these amendments are in the bill.

In recent letters from the White House Chief of Staff to the House and Senate Committees on the Judiciary, the administration in fact said it would support legislation of this nature if it had these few amendments, specifically an amendment to exclude close family members from criminal and civil liability. Under the legislation, grandmothers, aunts, uncles, minor and adult siblings could face criminal prosecution for coming to the aid of a relative; also, to ensure that persons who only provide information, counseling, medical services to the minor would not be subject to liability; and address several constitutional and legal infirmities that the Department of Justice has identified in the legislation. Those concerns were transmitted to the House Committee on the Judiciary on June 24, 1998.

The administration also has serious concerns about the federalism issues. However, as indicated, if the amendments that they have suggested are adopted, they could support the legislation. This closed rule prohibits our ability to consider that legislation. And, therefore, the senior advisors, even if this bill were to pass, will recommend a veto.

We should oppose the closed rule, oppose the motion on the previous question. We should vote no on the previous question so that the rule could be amended to consider these various amendments. If the previous question is ordered, we should just vote no on the rule.

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

Ms. SLAUGHTER. Mr. Speaker, may I have the division of the time, please.

The SPEAKER pro tempore (Mr. EWING). The gentlewoman from New York (Ms. SLAUGHTER) has 16½ minutes remaining, and the gentlewoman from North Carolina (Mrs. MYRICK) has 13½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I have the deepest personal respect for those whose religion or other personal conviction causes them to take a different view than I have on the question of abortion. But my respect does not go so far as to suggest that I believe they ought to be able to impose their religious views on this issue on someone who does not share those views.

Further, I think personally of my own experience as a father. With my wife of 29 years, we have raised two wonderful daughters. And it is troubling to think that there would be a time in a crisis, including a crisis involving an unwanted pregnancy, when they would not want to come to one of us and discuss this matter.

And yet, I know that this piece of legislation is not about strengthening family ties, because the whole difference of opinion that I have with those who feel so strongly on this abortion question is that the Federal Government and the Members of this House cannot replace broken family ties or the inability of families to communicate.

This piece of legislation does not concern strengthening families, it concerns advancing an agenda of the most fanatical people with reference to this question of invading personal choice.

If we read what they have written, the fanatics on this issue, we will find that they believe that in this country their ultimate goal is to make it a criminal offence, they view it as murder, for anyone at any time after conception to have an abortion. They want to put women who exercise this choice in jail. And they also want to place in jail every health care provider who provides for an abortion at any time after conception.

And recognizing that that fanatic agenda which they have written about cannot be implemented because it is opposed by the vast majority of the American people, they have decided to approach this issue one group at a time and one procedure at a time. So they have done their polls.

And next week I think we have a chance to consider this question of one very rare procedure that President

Clinton had the courage to veto when they passed legislation last year. And so they are going to criminalize it one procedure at a time, and today they propose to criminalize it one group at a time. And this particular group includes people like big sisters, grandmothers, stepparents, best friends, even members of the clergy, that might be consulted by a young woman in a very troubled situation and advise or help her to cross a State line to receive these kind of services. That person could be put in jail.

I maintain that what is at stake here today is this fanatic movement to ultimately criminalize the choice being exercised on this very private decision by a woman—to put women in jail and to put every health care provider involved in jail. And I see my colleague from New York (Mrs. LOWEY). She knows, well, we face this same issue later today on other legislation.

This same group of fanatics also wants to limit access to contraceptives because they seem to believe that the right of motherhood is more than that. It will be imposed without any choice on the part of women in our society.

So it is essential that we vote down this agenda and stop the path toward criminalizing choice for women in this country.

The surveys show that 30 percent of the young women who choose not to notify their parents, when you look at those who do not seek parental consent, are people that have been victims of family violence.

I thought it was all summed up by a colleague of mine in the Texas Senate from west Texas, who said, when asked about these parental consent laws, "well, you know, I have not met very many young girls who ask parental consent for conception. Why do we think they are going to ask it with reference to the choice of abortion?"

The idea of putting a grandmother in jail, putting a big sister in jail, putting a clergy member in jail because they were willing to help a desperate young woman make a tough choice is wrong, and we ought to vote down this bill.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PAPPAS).

Mr. PAPPAS. Mr. Speaker, I rise today in strong support of the Child Custody Protection Act. Ending human life through abortion is harmful to all involved no matter what age they are. It is further worsened when an adult nonparent violates the law by taking a child across State lines to obtain an abortion.

Our world is often an uncertain place for young people. Abortion providers and other strangers cannot offer the permanent support that only parents can give. What they want to do is promote their abortion agenda with complete disregard for family input in such an important decision.

Contrary to what seems to be the emphasis of the opposition to this bill, parents are not generally evil. They are and should be encouraged to be part of the healing process, and their rights must be respected, too. This bill does just that.

This is why I urge my colleagues to vote in favor of life and in favor of protecting our daughters and families. Vote for the Child Custody Protection Act.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. WATT), a constitutional scholar.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentlewoman for yielding time.

I have very strong feelings about the bill itself. It is an unprecedented piece of legislation. It is an unconstitutional piece of legislation, and it has some severe unintended consequences.

I do not want to talk about the bill in this rules debate. I want to talk about democracy and how democracy works.

We had a bunch of amendments to try to address some of the concerns that we had about this bill. We took those amendments and we presented them up on the third floor to the Rules Committee, and the Rules Committee said, no, we will not allow you to have a debate on those amendments. They might improve the bill. They might allow the President to sign a bill into law if some of them were passed. They might enlighten the general public. They might foster democracy, but you are not going to be allowed to have a debate on those amendments.

That is what this rule is about. It is about democracy and how democracy works in this House.

We have amendments where in the minority not one single amendment of a Democratic Member, or any Member of this House, was allowed to be considered under the rule under which we will be debating this issue.

It was not because I did not show up. I showed up at the Rules Committee, even though they scheduled the Rules Committee hearing on this bill at a time when we were not even back in session. They announced it while we were out of session so that we would not know that it was going on. I came back in here and got straight off the plane, picked up my papers, went to the Rules Committee and I said, I have two amendments that I think would help make this bill constitutional.

□ 1245

So I am not here as one that did not do what I was supposed to do in the democratic process. I respect the rights of the Committee on Rules, I respect the rules of this House, but when the Committee on Rules looks at me and says, "Notwithstanding the fact that you came here and asked us to make your amendment in order, and you told us that you would like to help make this bill a constitutional bill rather than an unconstitutional bill," and when the chairman of the Committee on Rules looks at me saying, "I'm the arbiter of what is constitutional in this country; I'm the only person that gets to make that decision," then that is a violation of democracy.

And that is what this rule is all about. And that is why, my colleagues, without regard to how they feel about abortion, without regard to how they feel about choice, without regard to whether this is a good or a bad bill or not, this rule ought to be defeated. Because if my colleagues support democracy and debate and an informed electorate, there ought to be a debate on these amendments, there ought to be consideration of these amendments on the floor of the United States House of Representatives.

That is what this is about.

Vote no on this rule so that we can send it back just to have the opportunity to debate some amendments that we think are important.

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

Mr. Speaker, just a point of clarification:

The Committee on Rules did give more than the normal required 48 hours notice, and, yes, we were out of town, most of the Members for 2 weeks, but our staffs were here. And, as my colleagues know, usually that is what they do, is notify us that this is going to happen.

Also, the reason the rule is closed is because Congress felt; I mean that we felt that Congress should not override the wishes of the voters in 20 States while allowing amendments that would weaken their parental notification laws.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise today in support of the Child Custody Protection Act.

I served in the Pennsylvania legislature when we established the parental consent law for the specific purpose of keeping our young girls safe and under the authority of their parents especially for such a decision as an abortion. That law was specifically designed to prevent situations like the one that occurred in 1995 where a 12-year-old Pennsylvania girl became pregnant after sexual involvement with an 18-year-old man. As many of my colleagues have heard by now, this frightened 12-year-old was taken by the man's mother from Pennsylvania to New York, and in New York she underwent a painful and serious medical procedure and abortion. She had this abortion without her parents even knowing that she was pregnant. Yet abortion clinics in Pennsylvania's neighboring

States, New York, New Jersey, Maryland, seek still to pedal their services through Pennsylvania newspapers and even to anyone who opens up a Pennsylvania phone book.

Mr. Speaker, I brought a copy of an ad from the yellow pages in the capitol where I served in Harrisburg titled "Abortion." Here it says: Hillcrest Women's Medical Center, and it gives a 1-800 number that can be called in Rockville, Maryland, and it specifically says: No parental consent.

I have here a letter with me today from the Attorney General of Pennsylvania, Mike Fisher. I would not call him a fanatic. He defended the judgment of the woman who interfered with the mother's custody of her child. Here is what he says.

Quote: We must do what we can to ensure that a parent's right to be involved in their daughter's decision regarding abortion is protected. I will continue to protect the rights of parents throughout Pennsylvania by defending our parental consent laws. I respectfully urge you to protect the rights of parents across the Nation by supporting H.R. 3682. The legislation will help those of us in law enforcement protect vulnerable children by insuring that parents have a say in their child's decision. End quote.

By passing the Child Custody Protection Act this body will take a clear stand against the bizarre notion that the U.S. Constitution confers a right upon strangers to take one's minor daughter across State lines for a secret abortion even when a State law specifically requires the involvement of a parent or a judge in the daughter's abortion decision. As moms and dads, it is our job to protect our young women, our daughters. The government should not allow our daughter's lives to be endangered by turning them over to strangers for serious medical procedures. Let us protect our States' rights, our parental authority, but, most importantly, let us protect our Nation's young women. Let us pass the Child Custody Protection Act.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to this rule, and I ask my colleagues to join me in defeating it.

This bill is dangerous; and, as we have heard from so many of our colleagues, the Committee on Rules has refused to allow us to propose even the most reasonable changes to it. This bill will put our daughters at risk. Under this legislation young women, who feel they cannot turn to their parents when facing an unintended pregnancy, will be forced to fend for themselves without any help from a responsible adult. Some will seek dangerous back-alley abortions close to home. Others will travel alone to unfamiliar places for abortions. This measure will isolate young women, not protect them.

And, unfortunately, despite a veto threat from the White House, the Committee on Rules has prohibited us from offering even one amendment to make the bill better. The President has said he will sign the bill if it is altered, but, once again, the GOP leadership has demonstrated that it would rather have an election-year issue than a bill.

One of our principal objections to the legislation is that it will subject grandmothers and siblings and other close relatives to criminal prosecution for coming to the aid of a relative in distress. The gentlewoman from Texas (Ms. JACKSON-LEE) went to the Committee on Rules to address this issue. Her amendment would have exempted grandparents and other close relatives from criminal prosecution under this bill. Unfortunately, that amendment was rejected by the Committee on Rules; and so under this legislation grandmothers will be jailed for helping their granddaughters, aunts imprisoned for assisting their nieces, brothers for aiding their sisters, all in the name of so-called family values.

What will the police do? Set up granny checkpoints to catch grandmothers helping their granddaughters? Will we have dogs and searchlights at State borders to lock up aunts and uncles?

Mr. Speaker, I am a grandmother of two, and I believe grandparents should be able to help their grandchildren without getting thrown in jail. As much as we wish otherwise, family communication, open and honest parent-child relationships, just cannot be legislated. When a young woman for many reasons cannot turn to their parents, she should certainly be able to turn to a grandmother, or a favorite aunt, or a relative.

Democrats made other efforts to improve the legislation. The gentleman from North Carolina (Mr. WATT) offered an amendment to add a health exception to the bill. His amendment would have allowed a relative to accompany a young woman for an abortion if the young woman's health was endangered. Demonstrating its "high" regard for women's health, the Committee on Rules rejected that amendment as well.

Mr. Speaker, I firmly believe that we should make abortion less necessary for teenagers, not more dangerous and difficult. We need to encourage teenagers to be abstinent and responsible. We need a comprehensive approach to keeping teenagers safe and healthy. We need to encourage family involvement, not tear families apart.

Mr. Speaker, in the remaining time I would just like to respond to some comments of a good friend, the gentleman from Florida (Mr. CANADY). We have heard a lot of talk today about States rights, and the Republican Party is the party, say they are the party, of States rights. And yet, here they are supporting legislation that tramples all over States rights. The bill will grant the Federal Government brand new authority to enforce State law. It interferes with the rights of citizens to travel between States by saddling a young woman with the laws of her home State no matter where she goes. I wonder if the gentleman from Florida might be as willing to apply this novel approach to other areas of the law like gun control.

For example, in New York we have very tough, sensible restrictions on gun ownership. His State of Florida has very weak gun control laws. Would the gentleman support legislation that applied New York's gun control laws to New Yorkers seeking to purchase guns in Florida? We have heard a lot of talk about States rights, but I wonder if the gentleman would respond or if someone else would respond whether our tough New York gun control laws could be enforced in the State of Florida, for example.

If we are really for States rights, let us think about that.

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

As my colleagues know, the other side does have a motion to recommit with instructions, and it is wide open for any amendments that they would like to include in that. So I just wanted to make that point for the record.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Washington State (Mrs. LINDA SMITH).

Mrs. LINDA SMITH of Washington. Mr. Speaker, I want to again say what H.R. 3682 does, because sometimes in the debate what it does gets lost.

This bill simply makes it a Federal offense to transfer a minor girl across State lines to obtain an abortion in order to circumvent that State's parental consent laws.

It is very simple. It is a fundamental principle that parents protect their children and have the rights, unless they are not good parents, and then they are given to a guardian, sometimes a grandparent, sometimes someone else. But someone is ultimately in charge of that child because someone needs to be responsible to protect that child. Without this bill our children are at risk.

Now we hear situations today described as if every family is normal and every uncle, every grandma and every cousin and everyone that would like to should be able to take a little girl, 12, 13, 14, to another State for an abortion.

I am a grandma of six. I have one grandchild reaching teenage years in a couple years, and I would not want her to be taken across a State line by some of the relatives I have had in my background. The fact that they are a relative does not mean that they could not be the problem.

I guess ultimately we have to start thinking about whether or not parents

have any rights or not. This is an issue of parental rights, and it is about the rights of the parents. Do they have the rights in the child's life to be ultimately responsible for that child?

Now we have heard the example of the 12-year-old. It is real where the mother of the 18-year-old took the child across State lines; and, by the way, charges against her were dropped. She did not do anything wrong. Well, I would tell my colleagues, as a mother of someone that had teenagers, I would be incensed because my little girl could not even get aspirin at the school without permission, she definitely could not get dental work, and no hospital would accept her, no clinic, no reputable physician, without her mother or her father's permission.

Now let us just get right down to what an abortion is and what it does. Most of the time we are dealing with a person that is going to bleed extensively. We are dealing with a young woman that needs after-care. We are dealing with someone that needs her mother. Now my colleagues can stand and say she has a right to this, but I say she has a right to her mother, and, if someone has parents that are not good enough to be parents, we have procedures to let someone else be their guardian.

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Little girls of 12, 13, 14, and I know some would say they are women with the same rights as any other women, no, they are little girls, are going to go through cramps, they are going to go through bleeding, they are going to sometimes go through the need of surgery, and you are telling me that I do not have a right as a mother to know? I do. And that is what this bill is a part of. But now you are going to say that if we do not pass this bill, everything will be just fine?

This just says you cannot take kids across State lines where States say parents should be involved, at least being notified. You are saying they can take them to a State, bring them back, and they are not notified, they are not involved, until the little girl starts bleeding to death or she is sterile because she did not take care of herself, because she did not want to tell anybody because she got across State lines. No, you see, this is not even reasonable.

This bill makes sense. If we have got bad parents, we have procedures for them. But to assume all parents are bad and we have to take their children away somewhere to have abortions is a wrong assumption.

This is a very good bill. It is reasonable, whether you are pro-life or pro-choice, because we are all pro-parent and we are all pro-family.

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

Mr. Speaker, if I could respond to my friend from Washington State, anyone who impregnates a 12-year-old girl has committed statutory rape and should be imprisoned for a very long time, and I hope he was. But the issue is then, the 12-year-old girl; should she be forced to carry a child to term? That is probably where we have a division of opinion. I think requiring girls as young as 9 years old to bear children is a question that society needs to talk about. I think it is barbaric.

We certainly live in a strange time. This body has for years attempted to take away a woman's control over her reproductive system at the same time that it rejoices over the introduction of Viagra!

Congress believes it is wise enough to outlaw medical procedures it doesn't like—perhaps vasectomy should require parental consent so at least that would ease the double standard.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in support of the rule but in opposition to H.R. 3682, the Child Custody Protection Act, because it is seriously flawed. Although well motivated, the problem we are dealing with is the breakdown of the American family, respect for life and abortion, not too much freedom to travel between States.

Having delivered nearly 4,000 babies in my three decades of medical practice and having seen the destructiveness of abortion, I strongly agree that legalized abortion is the most egregious of all current social policies. It clearly symbolizes the moral decline America has experienced in the last 30 years.

However, Federal law restricting interstate travel, no matter how well intended, will serve no useful purpose, will not prevent abortions, and, indeed, will have many unintended consequences.

It is ironic that if this bill is passed into law, it will go into effect at approximately the same time that the Department of Transportation will impose a National I.D. card on all Americans. This bill only gives the Federal Government and big government proponents one more reason to impose the National I.D. card on all of us. So be prepared to show your papers as you travel about the U.S. You may be transporting a teenager.

There is already a legal vehicle for dealing with this problem. Many States currently prohibit adults from taking underage teenagers across State lines for the purpose of marriage. States have reciprocal agreements respecting this approach. This is the proper way to handle this problem.

Most importantly, this bill fails to directly address the cause of the problem we face regarding abortion, which is the absurdity of our laws permitting the killing of an infant 1 minute before birth, or even during birth, and a doctor getting paid for it, while calling this same action murder 1 minute after birth.

The solution will ultimately come when the Federal Government and Federal courts get out of the way and allow States to protect the unborn. If that were the case, we would not have to consider dangerous legislation like this with the many unforeseen circumstances.

Our federal government is, constitutionally, a government of limited powers. Article one, Section eight, enumerates the legislative areas for which the U.S. Congress is allowed to act or enact legislation. For every other issue, the federal government lacks any authority or consent of the governed and only the state governments, their designees, or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Our nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently.

Nevertheless, rather than abide by our constitutional limits, Congress today will likely pass H.R. 3682. H.R. 3682 amends title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions. Should parents be involved in decisions regarding the health of their children? Absolutely. Should the law respect parents rights to not have their children taken across state lines for contemptible purposes? Absolutely. Can a state pass an enforceable statute to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions? Absolutely. But when asked if there exists constitutional authority for the federal criminalizing of just such an action the answer is absolutely not.

This federalizing may have the effect of nationalizing a law with criminal penalties which may be less than those desired by some states. To the extent the federal and state laws could co-exist, the necessity for a federal law is undermined and an important bill of rights protection is virtually obliterated. Concurrent jurisdiction crimes erode the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no "person be subject for the same offense to be twice put in jeopardy of life or limb . . ." In other words, no person shall be tried twice for the same offense. However in United States v. Lanza, the high court in 1922 sustained a ruling that being tried by both the federal government and a state government for the same offense did not offend the doctrine of double jeopardy. One danger of unconstitutionally expanding the federal criminal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same offense. Despite the various pleas

for federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

The argument which springs from the criticism of a federalized criminal code and a federal police force is that states may be less effective than a centralized federal government in dealing with those who leave one state jurisdiction for another. Fortunately, the Constitution provides for the procedural means for preserving the integrity of state sovereignty over those issues delegated to it via the tenth amendment. The privilege and immunities clause as well as full faith and credit clause allow states to exact judgments from those who violate their state laws. The Constitution even allows the federal government to legislatively preserve the procedural mechanisms which allow states to enforce their substantive laws without the federal government imposing its substantive edicts on the states. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one state to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon states in working with one another rather than relying on a national, unified police force. At the same time, there is a greater cost to centralization of police power.

It is important to be reminded of the benefits of federalism as well as the costs. There are sound reasons to maintain a system of smaller, independent jurisdictions. An inadequate federal law, or an "adequate" federal law improperly interpreted by the Supreme Court, preempts states' rights to adequately address public health concerns. Roe v. Wade should serve as a sad reminder of the danger of making matters worse in all states by federalizing an issue.

It is my erstwhile hope that parents will become more involved in vigilantly monitoring the activities of their own children rather than shifting parental responsibility further upon the federal government. There was a time when a popular bumper sticker read "It's ten o'clock; do you know where your children are?" I suppose we have devolved to a point where it reads "It's ten o'clock; does the federal government know where your children are." Further socializing and burden-shifting of the responsibilities of parenthood upon the federal government is simply not creating the proper incentive for parents to be more involved.

For each of these reasons, among others, I must oppose the further and unconstitutional centralization of police power in the national government and, accordingly, H.R. 3682.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today in strong support of this rule and H.R. 3682, the Child Custody Protection Act. I want to commend my good friend, the gentlewoman from Florida (Ms. ROS-LEHTINEN) for introducing this important legislation.

The legislation before the House today is the product of extensive consideration and examination by the Committee on the Judiciary. The Subcommittee on the Constitution held a markup during which more than 10 amendments were considered. The full committee markup lasted 2 days, and more than 20 amendments were considered.

This bill has been examined and debated more exhaustively than much of the legislation that comes before this body. It is now time for Congress to pass this bill and protect the fundamental rights of parents to be involved in their children's lives.

Mr. Speaker, the American people overwhelmingly support this legislation. This is a common-sense bill that will protect the integrity of State laws which require a child seeking to obtain an abortion to involve her parents in that decision.

State parental notification laws are designed to secure the rights of parents to protect their daughters' physical and emotional health. However, these laws are frequently circumvented by individuals who transport minors to States without parental involvement laws. Some abortion clinics even advertise their own State's lack of parental involvement laws to encourage minors from other States to cross State lines so they may obtain an abortion without involving their parents.

Loving parents, not friends, counselors, boyfriends or other adults, should be the ones most intimately involved in a minor child's decision as important as obtaining an abortion. An abortion is a complicated medical procedure that poses significant risks to the mother upon which the abortion is performed. Someone transporting a young girl to another State to obtain an abortion exposes her to many physical and emotional dangers that could be avoided by involving her parents, who may possess essential information about her medical and psychological history.

Mr. Speaker, it is simply outrageous that any individual should be allowed to subvert State laws designed to protect families and children simply by going behind a parent's back. This bill protects the rights of parents to be involved in the decisions of their own children, it protects the rights of States to enforce their own laws, and it protects the safety of our children.

I urge my colleagues to support this rule and to vote yes on the Child Custody Protection Act.

Ms. SLAUGHTER. Mr. Speaker, I yield myslef such time as I may consume.

Mr. Speaker, these amendments would all have been in order under an open rule. I will insert these materials for the RECORD.

TEST OF PREVIOUS QUESTION FOR H. RES. 499
H.R. 3682—CHILD CUSTODY PROTECTION ACT

Providing for consideration of the bill (H.R. 3682) 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.

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. 3682) 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. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those specified in section 2 of this resolution. Each amendment may be offered only in the order listed in section 2, may be offered only by a Member specified in section 2 or his designee, shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments specified in section 2 are waived. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The following amendments are in order pursuant to the first section of this resolution:

AMENDMENT TO H.R. 3682, AS REPORTED, OFFERED BY MR. WATT OF NORTH CAROLINA

Page 4, strike line 1 and all that follows through line 6 and insert the following:

"(b) EXCEPTION.—(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor or to prevent serious physical illness or disability or because her life or physical health was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition or serious physical health condition caused by or arising from the pregnancy itself.

AMENDMENT TO H.R. 3682, AS REPORTED, OFFERED BY MR. WATT OF NORTH CAROLINA

Page 3, strike line 6 and all that follows through line 23 and insert the following:

"(a) OFFENSE.—Except as provided in subsection (b), whoever knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent to evade the requirements of a law requiring parental involvement in a minor's abortion decision, in the State where the individual resides shall be fined under this title or imprisoned not more than one year, or both.

AMENDMENT TO H.R. 3682, AS REPORTED, OFFERED BY MS. JACKSON-LEE OF TEXAS

Add at the end the following:

(c) STUDY.—Not later than one year after the date of enactment of this Act, the General Accounting Office shall study the impact the amendment made by this Act has on the number of illegal and unsafe abortions and increased parental abuse, and report to Congress the results of that study.

AMENDMENT TO H.R. 3682, AS REPORTED, OFFERED BY MS. JACKSON-LEE OF TEXAS

Page 4, after line 11, insert the following:

"(3) The prohibitions of this section do not apply with respect to conduct by ministers, rabbis, pastors, priests, or other religious leaders.

AMENDMENT TO H.R. 3682, AS REPORTED, OFFERED BY MS. JACKSON-LEE OF TEXAS

Page 4, after line 11, insert the following:

"(3) The prohibitions of this section do not apply with respect to conduct by a grandparent of the minor.

AMENDMENT TO H.R. 3682, AS REPORTED, OFFERED BY MS. JACKSON-LEE OF TEXAS

Page 4, after line 11, insert the following:

"(3) The prohibitions of this section do not apply with respect to conduct by an aunt or uncle of the minor.

Mr. Speaker, I urge Members to vote no on the previous question, so we may add these responsible amendments to the rule.

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 item 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, I yield back the balance of my time.

GENERAL LEAVE

Mrs. MYRICK. 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 House Resolution 499.

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

There was no objection.

Mr. GOSS. Mr. Speaker, I thank my friend from North Carolina and I rise in support of the rule and the underlying bill. While it is a closed rule, I think that it is an appropriate one, given the very narrow, significant scope of this bill.

The family is the building block of every community in this Nation. Not only is this a recognized principle in our culture, but something we have actively encouraged by enacting laws promoting more family involvement in education decisions, stronger child support enforcement, and special tax benefits for families.

We recognize the rights of parental notification and consent when a child gets a tattoo, or a body piercing, or even takes an aspirin at school. How can we tell moms and dads across the country they have no right to know if a perfect stranger takes their daughter miles away from home, to another State, to have a life altering medical procedure without their knowledge. Today, we seek to ensure that basic right is not emasculated.

Opponents of the Child Custody Protection Act want to turn this into a debate about abortion. This is not about abortion. It's about family, parental support and parental responsibility and about children growing up in a society of confusing mixed messages. States have the right to pass consent or notification laws for minors, yet these laws become meaningless when a young girl is assisted taking a trip to another State to avoid the difficult task of counseling with her parents about an unplanned pregnancy.

I urge all of my colleagues to think about the natural role of a parent, the importance of States' rights and, most importantly, the well-being of the children—at risk in these situations. I think these justify a closed rule and I urge support for the rule and H.R. 3682.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on 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.

Ms. SLAUGHTER. 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, rule XV, 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 resolution.

The vote was taken by electronic device, and there were—yeas 252, nays 174, not voting 8, as follows:

[Roll No. 277]

YEAS—252

Aderholt	Bunning	Cubin
Archer	Burr	Cunningham
Armey	Burton	Davis (VA)
Bachus	Buyer	Deal
Baker	Callahan	DeLay
Ballenger	Calvert	Diaz-Balart
Barcia	Camp	Dickey
Barr	Campbell	Doolittle
Barrett (NE)	Canady	Doyle
Bartlett	Cannon	Dreier
Barton	Chabot	Duncan
Bass	Chambliss	Dunn
Bateman	Chenoweth	Ehlers
Bereuter	Christensen	Ehrlich
Berry	Coble	Emerson
Bilbray	Coburn	English
Bilirakis	Collins	Ensign
Bliley	Combest	Everett
Blunt	Cook	Ewing
Boehner	Cooksey	Fawell
Bonilla	Costello	Foley
Bono	Cox	Forbes
Brady (TX)	Crane	Fossella
Bryant	Crapo	Fowler

Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—174

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Condit
Conyers
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilman
Gordon
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (VA)
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—8

Clyburn
Dingell
Gonzalez
Goode
McNulty
Moakley
Payne
Rogan

□ 1330

Mr. PORTER changed his vote from "yea" to "nay."

Messrs. RAHALL, HALL OF TEXAS, GILCHREST, KLINK, MURTHA, DOYLE, KANJORSKI, MASCARA, GOODLING, HOUGHTON, LAFALCE, RADANOVICH, SKELTON, OBERSTAR, and DAVIS of Virginia changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ROGAN. Mr. Speaker, on rollcall No. 277, I was inadvertently detained. Had I been present, I would have voted "yes."

The SPEAKER pro tempore (Mr. EWING). 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

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule XV, this will be a five-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 173, not voting 14, as follows:

[Roll No. 278]

AYES—247

Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Doolittle
Doyle
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
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—173

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Castle
Clay
Clayton
Clement
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilman
Gordon
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.

Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Kolbe
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (VA)
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—14

Aderholt
Capps
Clyburn
Dickey
Dingell
Gonzalez
Goode
Hefner
McDade
McNulty
Meek (FL)
Moakley
Payne
Rogan

□ 1339

Mr. SNYDER changed his vote from "no" to "aye."

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.

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, during rollcall vote No. 278 on H. Res. 499, I was unavoidably detained. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. ROGAN. Mr. Speaker, on rollcall No. 278, I was inadvertently detained. Had I been present, I would have voted "yes."

Mr. CANADY of Florida. Mr. Speaker, pursuant to House Resolution 499, I call up the bill (H.R. 3682) 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.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The bill is considered as having been read for amendment.

The text of H.R. 3682 is as follows:

H.R. 3682

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Custody Protection Act".

SEC. 2. TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 117A—TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION

"Sec.
"2401. Transportation of minors to avoid certain laws relating to abortion.

"§ 2401. Transportation of minors to avoid certain laws relating to abortion

"(a) OFFENSE.—Except as provided in subsection (b), whoever knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent such individual obtain an abortion, if in fact the requirements of a law, requiring parental involvement in a minor's abortion decision, in the State where the individual resides, are not met before the individual obtains the abortion, shall be fined under this title or imprisoned not more than one year, or both.

"(b) EXCEPTION.—The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

"(c) CIVIL ACTION.—Any parent or guardian who suffers legal harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

"(d) DEFINITIONS.—For the purposes of this section—

"(1) a law requiring parental involvement in a minor's abortion decision is a law—

"(A) requiring, before an abortion is performed on a minor, either—

"(i) the notification to, or consent of, a parent or guardian of that minor; or

"(ii) proceedings in a State court; and

"(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

"(2) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

"(3) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

"117A. Transportation of minors to avoid certain laws relating to abortion ..... 2401.".

The SPEAKER pro tempore. Pursuant to House Resolution 499, the amendment printed in the bill is adopted.

The text of H.R. 3682, as amended, is as follows:

H.R. 3682

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Custody Protection Act".

SEC. 2. TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 117A—TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION

"Sec.
"2401. Transportation of minors to avoid certain laws relating to abortion.

"§ 2401. Transportation of minors to avoid certain laws relating to abortion

"(a) OFFENSE.—

"(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent that such individual obtain an abortion, and thereby in fact abridges the right of a parent under a law, requiring parental involvement in a minor's abortion decision, of the State where the individual resides, shall be fined under this title or imprisoned not more than one year, or both.

"(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the individual, in a State other than the State where the individual resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the individual resides.

"(b) EXCEPTIONS.—(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

"(2) An individual transported in violation of this section, and any parent of that individual, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the individual or other compelling facts, that before the individual obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the individual resides.

"(d) CIVIL ACTION.—Any parent who suffers legal harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

"(e) DEFINITIONS.—For the purposes of this section—

"(1) a law requiring parental involvement in a minor's abortion decision is a law—

"(A) requiring, before an abortion is performed on a minor, either—

"(i) the notification to, or consent of, a parent of that minor; or

"(ii) proceedings in a State court; and

"(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

"(2) the term 'parent' means—

"(A) a parent or guardian;

"(B) a legal custodian; or

"(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides;

who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

"(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in

a State court, under the law requiring parental involvement in a minor's abortion decision; and

"(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

"117A. Transportation of minors to avoid certain laws relating to abortion ..... 2401.".

The SPEAKER pro tempore. The gentleman from Florida (Mr. CANADY) and the gentleman from Michigan (Mr. CONYERS) will each control 1 hour.

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

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation under consideration.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield 5 minutes to my good friend, the gentlewoman from Florida (Ms. ROS-LEHTINEN), the sponsor of the bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from Florida (Mr. CANADY) for his help throughout this process in passing the Child Custody Protection Act.

As a writer stated, of all the rights of women, the greatest is to be a mother. I and every mother will assure the Members that an immediate bond exists as our newborn child is placed in our hands, a bond that is sacred, a bond that lasts forever, a bond that is innate, a bond between parent and child.

This legislation is about one thing and one thing only, Mr. Speaker, protecting the rights of parents from being stripped by strangers who dare to play and pretend to be mothers and fathers with our children.

□ 1345

This bill will make it a Federal misdemeanor for an adult to transport a minor across State lines in order to evade parental consent or notification laws on abortion. Already 16 States have parental consent laws, and 10 more have parental notification laws on abortion.

Unfortunately, these laws are being evaded by those who unscrupulously take our minor daughters to obtain an abortion without our consent or notification. This law-breaking activity is encouraged by the abortion mills in States with consent or notification laws. They advertise in publications in States which do have those laws. They entice law-breaking without consideration of the physical and mental ramifications that this life-threatening medical procedure can have on a minor. Indeed, even the United States Supreme Court noted that the procedure leaves lasting medical, emotional and psychological consequences and, it said, particularly so when the patient is immature.

Parents are required in schools across our Nation to provide consent for our daughters for field trips or even to take an aspirin while in school custody. However, when it comes to our daughters being subjected to a possible life-threatening medical procedure, a stranger can take our daughters with no repercussions whatsoever.

This is simply not acceptable. This bill, Mr. Speaker, does not implement a Federal notification or consent law. It merely helps States to enforce their laws to ensure that parents are able to comfort and advise their minor daughters during this crisis pregnancy. Congress should send a clear message across America that we stand for parental rights, that we will not allow strangers to take advantage and exploit our young daughters.

Today I spoke with Joyce Farley, a mother from Pennsylvania whose inherent right to comfort her daughter during this difficult time was stripped away by a complete stranger. Joyce's daughter became gravely ill after being subjected to a botched abortion where she was taken by the stepmother of the man who raped her. And it was only after Joyce Farley noticed that her daughter was ill that she learned that the abortion had been committed on her daughter.

For mothers like Joyce Farley and her daughter, this legislation is about women's rights, the right of every mother in our Nation to protect her child from the unknown hand of a stranger, the right of every mother to protect her relationship with her daughter. This issue goes above and beyond the abortion issue. It is about your rights, my rights and every single parent's right to protect our children.

The Child Custody Protection Act will provide peace of mind to countless mothers and fathers across this great land. I urge our colleagues to protect our daughters and, of course, to protect the sacred bond that exists between parents and children.

I thank the gentleman from Florida (Mr. CANADY) for yielding me the time.

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

Mr. Speaker, I rise in strong opposition to the bill, H.R. 3682. The bill purports to protect children by making it a crime to accompany them as they travel across State lines to get an abortion if they are not in compliance with their home State's parental consent or notification laws. This bill will endanger children more than it will protect them. It will have the cruel practical effect of requiring young girls to risk their lives by traveling across State lines to obtain a safe and legal procedure, despite the fact that it is in their best medical interest to have someone accompany them.

Make no mistake about it, under this bill it is not a crime, not a crime for the minor to go across State lines without having complied with the parental consent laws. It is a crime to have someone accompany them across State lines. It is not strangers. It is brothers and sisters, grandmothers and grandfathers who would be made criminals. Unfortunately, again we are paying politics with the lives and well-being of women by attempting to pass laws that will have the effect of making it more dangerous to obtain a legal abortion.

The overwhelming majority of minors seeking abortions consult their parents before they undergo the procedure. Even in States that have no mandatory parental consent or notification, more than 57 percent of minors under the age of 16 involve one or more of their parents. No big government mandate can make minors talk to their parents more than they already do.

More than half of all minors not involving their parents in an abortion decision do involve an adult, including many who involve a stepparent or adult relative. These are the very same people that we will make criminals if this law is enacted and the same minors that will be isolated because of this bill.

The compassionate older sibling or grandparent who insists on accompanying a minor in order to ensure their safety will be sent to jail if this bill becomes law. Even those ministers, relatives or family friends who oppose abortion but wish to ensure that the minor undergoes a safe procedure and comes home unharmed will be considered criminals based on the scheme proposed in this bill.

Again, it is not a crime for the minor to go across State lines without complying with parental consent laws if they go alone. It is only a crime if they are accompanied.

For the subcommittee hearing, Mr. Speaker, I had moving testimony from Bill and Mary Bell submitted for the record. The Bells are parents of a daughter who died receiving an illegal abortion because she did not want her parents to know about her pregnancy, but Indiana law required parental notice before she could have a legal abortion. A Planned Parenthood counselor in Indiana informed Becky that she would either have to notify her parents or petition a judge in order to get the abortion, and she responded that she did not want to tell her parents because she did not want to hurt them. And she also replied that if she could not tell her parents, she certainly could not tell a judge who she did not even know. The counselor suggested that Becky travel 110 miles away to Kentucky where she would not need to

notify her parents, but instead she underwent a botched illegal procedure closer to home and died as a result.

Although this bill would not have hurt Becky Bell, it will hurt young women in similar situations who are unable to cross State lines with someone else to obtain a safe and legal abortion.

In addition, Mr. Speaker, we heard testimony at the hearing that this bill could make doctors and nurses criminals for the simple task of providing a safe and legal abortion to a woman who happened to live in another State. We should resist at all cost this vile attempt to scare and intimidate doctors and nurses by creating a criminal scheme that could have them thrown in jail even when they are not aware that a minor intends to evade a State's consent laws. By taking down a name and address and setting up an appointment, clinic nurses could be accessories to the crime. Even assisting in having a cab drive a woman home, someone could be found criminally responsible as an accessory after the fact and, therefore, also subject to civil liability.

The civil liability provisions of the bill create a blanket Federal cause of action for a parent who suffers "legal harm." Based on agency principles, the doctor, the nurse, a cab driver, a bus driver could be held civilly liable for providing safe and legal assistance to a minor. This federalization of tort law is unprecedented and counterproductive to what should be the compelling interest of ensuring doctors and other health professionals the freedom and comfort to provide the best medical care available.

How will insurance companies respond to this new Federal tort? Will they force doctors to interrogate any woman looking under the age of 25? Will they require birth certificates and residence cards to prove their residence before they are able to get the medical care they are seeking? The civil liability provision should be eliminated.

For these and many other reasons, Mr. Speaker, I urge my colleagues to pause and take a long, hard look at the consequences that will result from this bill which will be encouraging the isolation and endangerment of the young Becky Bells of the world.

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

Mr. CANADY of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HYDE) the chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I think the greatest threat to society today is the assault on the family. No matter what direction we look in, the authority of the parents is being eroded. It is particularly true in entertainment. I have yet to see a movie where the parents are smart or know as much as the children do. But the fact is, parental authority is certainly a far cry from what it once was.

Now, this bill seeks to reinforce the primacy of the parent. Parents are most suitable, when it comes to caring for, nurturing care for their young daughter. We pass laws for the normal situation, not the abnormal. We deal with the abnormal situation in the judicial bypass. But the fact is, the overwhelming majority of parents love their daughters, care for their daughters, are concerned for their daughter's welfare, health, safety more than anybody else is, more than a social worker, more than a relative no matter how close. There is something about parental love that is unique.

Now, what about the parents that are not there? What about the abusive parents? What about the child that is terrified that telling a parent would result in some bodily harm or some irrevocable estrangement? That is why we have a judicial bypass. Twenty-two States have these laws requiring parental notification, but every law requires the placement of a judicial bypass for those circumstances where it is inappropriate for whatever reason to try to notify the parents.

How do you get to the judge if you are a young girl and you have this problem pregnancy? Well, the abortion clinic, euphemistically so-called, should require the parents be notified if that is the law of the State. And if the parents are not notified, they can direct the young lady to a social worker who will take care of the judicial bypass. So the mechanics are there. The process is there. But what you have to have is an adult, preferably the parent, the loving, caring, nurturing, uniquely caring parent making a decision, providing advice, supporting, helping the child in this very important operation.

Now, to me it is grotesque that in a school you cannot take a Tylenol, you cannot have your ears pierced without parental consent. But abortion, which is an irrevocable act that has consequences perhaps permanent, if it is not done just properly, if the uterus is damaged or perforated; and that reminds me of another thing, do not forget, follow-up care following an abortion. What if the young lady goes across the State with whomsoever, has the abortion and then comes back and has adverse consequences, starts hemorrhaging?

Well, the clinic that performed the abortion on her is nowhere to be found. That is when you need your parents. That is when you need somebody to care about whether you live or die and that you get the medical care you need.

So it is a terrible mistake to avoid parental authority, parental responsibility, to camouflage that and to go to another State to avoid the laws of the State of residence of the young lady for the purposes of an abortion.

Now, lastly, as a grandparent, I would be very concerned if my daughter were to be young and have an abortion and I not know about it, because I have an interest as a parent, too, in the children of my children. But this protects the child. This provides the follow-up care that may be necessary, if you obey the law.

Let us reinforce the family. Let us not tear it down. I hope Members will support this well thought out, necessary bill.

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. LOWEY).

□ 1400

Mrs. LOWEY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in opposition to this bill. This is a dangerous misguided bill that isolates our daughters and puts them at grave risk. That is why the President has threatened to veto it.

Under this legislation, young women who cannot turn to their parents when facing an unintended pregnancy will be forced to fend for themselves without any help from any responsible adult. Thankfully, most young women, more than 75 percent of minors under age 16, already involve their parents in the decision to seek an abortion, and that is the good news. But not every child is so lucky. Not every child has loving parents.

Now, I believe that those young women who cannot go to their parents should be encouraged to involve another responsible adult, a grandmother or an aunt, in this difficult decision. Already more than half of all young women who do not involve a parent in the decision to terminate a pregnancy choose to involve another adult, including 15 percent who involve another adult relative, and that is a good thing. Unfortunately, this bill will impose criminal penalties on adults like grandmothers who come to the aid of their granddaughters.

We have tried to address this problem at the Committee on Rules by exempting close family relatives from criminal liability under the bill, but that amendment was denied. As a result, this bill will throw grandmothers in jail for assisting their granddaughters. Mr. Speaker, I am a grandmother of two, and I believe grandparents should be able to help their grandchildren without the risk of being thrown in jail. Unfortunately, this legislation would criminalize that involvement.

And so this bill tells young women who cannot tell their parents, "Don't tell anyone else. Don't tell your grandmother. Don't tell an aunt. No one can help you. You are on your own."

Let me give you one tragic example. Ten years ago Becky Bell was 17. Unfortunately, she became pregnant. Hoping to keep the pregnancy from her parents, she went to a local Planned

Parenthood clinic. They told her that under Indiana law, if she wanted an abortion, she would have to obtain her parents' permission or ask a judge for a waiver. Well, Becky was ashamed to tell her parents and said, "If I can't tell my mom and dad, how can I tell a judge, who doesn't even know me?" So Becky obtained an illegal back-alley abortion, an illegal, unsafe abortion that killed her.

Parental consent laws did not force Becky to involve her parents in her hour of need. Just the opposite. At her most desperate hour, Indiana's parental consent law drove Becky away from the arms of her parents and straight into the back alley.

Mr. Speaker, parental consent laws do not protect our daughters, they kill them. They do not bring families together, they tear them apart. And so I ask the gentleman from Florida (Mr. CANADY), how many young women like Becky Bell will lose their lives because of this legislation? How many more of our daughters will be killed by these misguided laws?

Mr. Speaker, I firmly believe that we should make abortion less necessary for teenagers, not more dangerous and difficult. We need to encourage teenagers to be abstinent and responsible. We need a comprehensive approach to keeping teenagers safe and healthy. We do not need a bill that isolates teenagers and puts them at risk.

I urge my colleagues to vote "no" on this legislation.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from Florida (Mr. CANADY) for yielding me this time because I want to refute what the gentlewoman from New York (Mrs. LOWEY) said, and the other speakers, about this Becky Bell case. It reminds me of what Benjamin Franklin said about the death of a beautiful theory by a gang of brutal facts.

Let me give my colleagues the brutal facts about this Becky Bell case. Abortion advocates claim that this case came from an illegal or self-induced abortion; that this young lady sought this illegal abortion because she was afraid to tell her parents about the pregnancy as required by Indiana law. And certainly that Becky died is a tragedy. However, there is no solid evidence whatsoever to support the claim that she died of an illegal or self-induced abortion.

In fact, several abortion advocates have expressed concerns about using this case as an example of an illegal abortion death. And let me give my colleagues some of the most recent opinions and statements and evidence to date.

The head of forensic pathology at Indiana University said, "I cannot prove she had an illegal abortion. I cannot prove she had anything but a spontaneous abortion." The pathologist on the case found no evidence of internal injury, which he felt ruled out a self-induced abortion. And even the Executive Director of Planned Parenthood said, and I quote, "I have some reservations about hyping this whole thing when it is so mixed about what actually went on."

A well-known doctor, very well known on the abortion issue says, and I quote, "The most reasonable probability is that Rebecca Bell died of an overwhelming pneumonia death, the same condition that puppeteer Jim Henson died of. Ms. Bell probably had an incomplete spontaneous abortion, which is a miscarriage, with tissue still remaining in the uterus, which is typical of a spontaneous miscarriage."

The facts clearly point to the fact that although it seems like a good example to use, Becky Bell did die, there is no doubt about that, but she did not die from an abortion as a result of not wanting to go to her parents with the news of her pregnancy. Those are the facts.

Mr. Speaker, I submit for the RECORD further documentation relating to the case of Becky Bell.

NEW YORK, NY,
September 4, 1990.

Re Rebecca Suzanne Bell.

BECKY MOORE,
United Families,
Eugene, OR.

DEAR MS. MOORE: There is no evidence of any septic abortion contained in the coroner's report; there is no infection in or around the uterus, no pus, no odor to the uterus and no peritonitis. The serosa of the uterus is described as "smooth and glistening." In the case of a septic abortion this tissue would be shaggy and discolored. Further, all blood cultures were consistently negative. Indeed, there is no evidence for an induced abortion at all: no marks or stigmata of instrumentation (dilation of the cervix by instruments, marks on the cervix, etc.) in the genital tract.

The most reasonable probability is that Rebecca Bell died of an overwhelming streptococcus pneumonia (the same condition that puppeteer Jim Henson died of). Ms. Bell probably had had an incomplete spontaneous abortion (miscarriage) with tissue still remaining in the uterus (typical of a spontaneous miscarriage). The tissue which remained showed absolutely no evidence of infection or inflammation. If the coroner had been convinced of a "septic abortion" he should have made cultures of that tissue: if this had truly been a death from septic abortion the cultures of the tissue would have yielded streptococcus pneumoniae. Finally, in the case of a septic abortion the lungs would have shown septic pulmonary emboli, not generalized pneumonia.

In short, the cause of death here was probably overwhelming pneumonia unrelated to the abortion/miscarriage. This was about as superficial and careless (not to say "negligent") an autopsy as I have seen in my considerable experience evaluating medico-legal files over the past twenty years.

I would strongly suggest that all slides of tissues examined at autopsy be reviewed by a competent impartial pathologist. I am confident that my opinion will be supported.

Sincerely,

BERNARD N. NATHANSON, M.D.

NATIONAL RIGHT TO LIFE
COMMITTEE, INC.,
Washington, DC.

KNOWN FACTS OF THE BECKY BELL CASE

Abortion advocates, including Becky Bell's parents, claim that Becky Bell died in 1988 from an illegal or self-induced abortion. She allegedly sought the illegal abortion because she was afraid to tell her parents as required by Indiana law.

Certainly, that Becky Bell died is a tragedy. However, there is no solid evidence to support the claim that she died of an illegal or self-induced abortion. In fact, several abortion advocates have expressed concerns about touting the Becky Bell death as an illegal abortion death.

Among the most recent evidence and opinions to date:

"I cannot prove she had an illegal abortion. I cannot prove she had anything but a spontaneous abortion," said [Dr. John] Pless [head of forensic pathology at Indiana University Medical Center, who performed the autopsy on Becky Bell].—"Abortion debate shifting," by Joe Frolik, Cleveland Plain Dealer, page 1, Sept. 9, 1990.

Pathologist She . . . found no evidence of internal injury, which he felt ruled out a self-induced abortion. Nor were there any marks on Becky's cervix that would be left by the instruments commonly used for clinic abortions.—same article.

"I heard about Becky's death right away, but I heard conflicting opinions right away, too," said Delbert Culp, executive director of Planned Parenthood of Central Indiana. "I have some reservations about hyping this whole thing when it's so mixed about what actually went on."—same article.

"In this case, the pathology report is notable in that while there is evidence of massive infection in the lungs and elsewhere in the body, there is no evidence of infection on the outside or within the uterus . . . [the germ that killed Becky] is a common pneumonia germ . . . which is unlikely to originate from a contaminated abortion procedure."—Dr. John Curry, former head of the Tissue Bank at Bethesda Naval Hospital, as quoted in "A rush to blame in Becky Bell's death," by Cal Thomas, Washington Times, Aug. 9, 1990.

Karen Bell [Becky's mother] believes her daughter had someone try to induce an illegal abortion . . . [Heather] Clark [Becky's best friend] insists her friend did nothing of the sort, saying Rebecca talked about getting a legal abortion in Kentucky until she died. She thinks Rebecca had a spontaneous abortion.—"Abortion Law: Fatal Effect?" by Rochelle Sharpe, Gannatt News Service, Washington, D.C., Nov. 24, 1989.

Note: For more information about the Becky Bell case, including the coroner's report, autopsy report and other news stories, please contact the NRLC State Legislative Department at (202) 626-8819.

NATIONAL RIGHT TO LIFE
COMMITTEE, INC.,
Washington, DC.

THE BECKY BELL CASE: NOT AN ILLEGAL ABORTION DEATH

Abortion advocates, including Becky Bell's parents, claim that Becky Bell died in 1988 from complications of an illegal abortion she allegedly sought because she was afraid to tell her parents as required by the Indiana law.

However, the facts of the case do not support the abortion advocates' claims.

Fact 1. Becky, suspecting she was pregnant, went to Planned Parenthood in Indianapolis for advice.

Fact 2. After Becky left Planned Parenthood, she talked about going to Kentucky for an abortion.

Fact 3. Becky was scared and confused.

Fact 4. She considered both adoption and abortion.

Fact 5. Her best friend, Heather Clark, believes Becky miscarried, and did not have an abortion.

Fact 7. On the day before her death, Becky asked Heather Clark to make a Saturday appointment at a Kentucky abortion clinic.

Fact 8. Becky's baby was still alive immediately before she died.

Fact 9. Becky Bell did not die from an illegal abortion.

Heather Clark, Becky's best friend, was, unlike Becky's parents, in her confidence during the last week of her life. As reported by Rochelle Sharpe of Gannett News Service in Abortion Law: Fatal Effect? (11/24/89), the two girls together: went to Planned Parenthood, where a counselor . . . told them about the Indiana parental-consent law. During the four months of her pregnancy, though, Rebecca wavered . . ., Clark said. She contemplated a trip to Kentucky abortion clinic or running away to California, where she planned to have the baby and put it up for adoption. Most of the time, she said, Rebecca favored the abortion, but she kept postponing her trip out of state.

Karen Bell [Becky's mother] believes her daughter had someone try to induce an illegal abortion . . . Clark insists her friend did nothing of the sort, saying Rebecca talked about getting a legal abortion in Kentucky until she died. She thinks Rebecca had a spontaneous abortion. . . .

Whatever happened, Rebecca got sicker by the day. She was so sick at school on Tuesday, she was crying when she saw her friend Clark. . . .

By Thursday, "She was so sick, she could not breath," Clark said. "She couldn't lay down all the way."

Still, Rebecca asked Clark to make a Saturday appointment at the Kentucky abortion clinic. As she lay dying, Clark said Rebecca requested she call one of her friends, who'd gone to the Kentucky clinic. That girl described the procedures to Rebecca.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I rise in strong opposition to the deceptively titled Child Custody Protection Act. I am a mother, too. I have two young daughters. And I would hope and pray that my two young daughters would come to me if they got into the tragic situation of an inadvertent pregnancy. But if they could not come to me, I certainly do not want them in a back alley having an unsafe abortion.

Do we want to create a society where young women who face an unintended pregnancy cannot turn to a relative or a close friend for help? Do we want to increase the number of illegal and often lethal back-alley abortions? Do we want to criminalize grandparents for taking their grandchildren to another State for an abortion? Do we want to criminalize a bus driver who transports a minor across State lines for an abortion? Do we want to force the few young women who cannot involve their parents in these decisions into potentially violent and abusive situations by forcing them to get the consent of their dysfunctional parents? I think not. And I think we should vote against the bill for this reason.

Columnist Ellen Goodman said last week, "You can't write a law forcing parent-child communication." But if we try, we are going to see tragedies across this country.

If my colleagues do not like the Becky Bell example, let us talk about Spring Adams, a 13-year-old girl from Idaho who was shot to death by her parent after he learned she intended to have an abortion for a pregnancy that he himself caused.

The proponents of this bill claim it to be constitutional. But it would be the first Federal legislation which would restrict the rights of the adults, of the adults, to cross State lines legally. That is why this bill is unconstitutional. It is wrong. It will not solve the problem and we need to reject it.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the issue before us today involves two important values: The rule of law and the role of parents. The law before us upholds each of these values.

The practice of transporting a minor across State lines to obtain an abortion is not simply an abstract discussion. In the State of Arkansas, where I live, there are parental notification laws in place to assure parents are consulted. And, yes, there is an appropriate provision for judicial override in those extraordinary circumstances that dictate that parents should not be involved. However, Arkansas borders on three States that do not require parental consent. Abortion clinics do not hesitate to encourage minors to cross State lines to obtain an abortion.

A Texas clinic, for example, has taken out an ad in the Little Rock phone book targeting Arkansas teens by stating that it, "Specializes in teenage care and in difficult cases."

In 1996, 746 Arkansas residents traveled out of State to obtain an abortion. Based upon the hearing that was held in the Subcommittee on the Constitution of the Committee on the Judiciary, it is clear a significant number of these 746 abortions were in order to circumvent Arkansas's parental notification law. This is an affront to the rule of law.

But the rule of law is not the only value that will be protected by this law. The bill fortifies parents' responsibilities to provide guidance and care for their child. It is the role of the parent, not the government and, yes, not the grandparent to raise a child. And in critical times like that of an unexpected pregnancy, a child most benefits from the guidance of a parent. To deny the parents the ability to know and to act in the best interest of their child not only harms the parent but harms the child as well.

The long-term physical and emotional consequences of abortion must be taken into consideration. Parents need to be aware of their daughters' situations so that they can provide critical counseling to that child. Regardless of our position on abortion, this law makes sense for all involved. It protects the rule of law, the responsibility of parents, and the well-being of our children.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise in opposition to this bill. Mr. Speaker, despite the rhetoric, we all know that the real purpose of this bill is to make it even more difficult for women to exercise their constitutionally protected right to have an abortion. That is the real motivation and that is what is driving this bill, not the concern about parental involvement.

We know, in any event, that 75 percent of women under the age of 16 consult their parents before seeking an abortion. But young woman who feel they cannot confide in their parents will now be unable to confide in their grandparents or any other adult. This bill would punish young women, would force them to risk their health and isolate them from adults who might be able to help them in a time of crisis. This bill would force a young woman to drive by herself for long distances both before and after an abortion rather than allow a responsible adult to accompany her.

The American Medical Association has noted women who feel they cannot involve a parent often take drastic steps to maintain the confidentiality of their pregnancies, including running away from home, obtaining unsafe back-alley abortions, or resorting to dangerous, sometimes fatal self-induced abortions. The AMA has reported that, "The desire to maintain secrecy has been one of the leading reasons for illegal abortion deaths since 1973."

This bill, Mr. Speaker, is a death sentence for many young women. Like all parental consent laws, this bill further risks women's health because it delays abortions. As we all know, the further a pregnancy progresses, the more dangerous any termination procedure becomes. We should be taking action to ensure that abortions are as safe as possible, and we should be strengthening sex education and increasing the availability of contraception to help reduce the number of unintended pregnancies. This bill does not address

those issues, and instead seeks to isolate teenagers and makes their lives even more difficult.

This bill also invites families to sue one another for damages. Who gets to sue? Parents. Even parents who have been abusive or have abandoned their children. Fathers who have raped their daughters are allowed to sue for damages. Who can they sue? They can sue doctors, clinics and relatives.

What about the criminal penalties? This bill could force a grandmother to go to jail for coming to the aid of a grandchild. It could criminalize almost any adult relative of a child who tries to help the young woman at this time.

Proponents of this bill ignore these concerns and wave around judicial bypass as a panacea. But the judicial bypass option of many parental consent laws has proven ineffective. Many local judges refuse to hold hearings or are widely known to be anti-choice and refuse to grant bypasses, despite rulings of the Supreme Court that they cannot withhold a bypass under certain conditions.

This bill also promotes a dangerously unconstitutional concept. I know of no other law that seeks to make it criminal to accompany someone to a different State for the purpose of doing something that is legal in that State. Will we next make it illegal to help someone go from New York, where gambling is illegal, to Atlantic City or to Las Vegas? What this bill really says is: We regret forming the Constitution. We regret our Federal union and we want to go back to a series of sovereign States, back to the Articles of Confederation. That is simply foolish and dangerous.

Mr. Speaker, I urge my colleagues to reject this bill and to affirm that in a Federal union we cannot criminalize going to another State to do what is legal in that State.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN. Mr. Speaker, I rise today in strong support of this measure, knowing that another young girl will secretly be taken across State lines and have an abortion without her parents' knowledge. And I want to emphasize that: Secretly taken across State lines without her parents' knowledge. This is done to bypass State parental requirements. This circumvents the State law and it must end, and we are taking a step in that direction today.

H.R. 3682, the Child Custody Protection Act, will make it a Federal offense for adults with no legal parental authority to transport someone else's child across State lines for the purpose of having an abortion. The Child Custody Protection Act will punish those who disregard the safety of our children while, at the same time, returning to parents the authority to make those important medical decisions for their children.

I know as parents of four children, Anne and I appreciate as much input as we possibly can have in the medical decisions of our children, and that is why I urge my colleagues to support H.R. 3682. We must protect the authority of parents, the welfare of our children, the rights of the unborn, and this is a beginning in that direction.

□ 1415

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

Section 2401(b)(2) specifically exempts prosecution of a young lady who goes by herself across State lines. There is nothing in the bill that prevents skipping around the parental consent laws. So we just want to remind people of that.

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I urge my colleagues to oppose the bill currently under consideration. This bill rests on a fallacy. The fallacy is that we can compel each and every woman to inform her parents or a judge about her desire to have an abortion. The reality is quite different.

Some young women are horrified at the prospect of telling their parents or a judge about a pregnancy, and they will do everything in their power to avoid it. So the question we really should be asking ourselves today is this: What will these young women do if H.R. 3682 were enacted into law? The answer is some will travel across State lines alone to have abortions, while others will be accompanied by trusted friends and relatives to underground illegal abortion providers who offer a way around consent laws.

Can this really be the sort of behavior we want to encourage? We tell adults who have teeth pulled to bring along a friend or a family member to drive them home. Yet some Members of this body apparently have no qualms about seeing young women who cross State lines for abortion take home the bus with strangers.

Mr. Speaker, we all would welcome a world where abortion is less prevalent, but I, for one, will not attempt to usher in that world by erecting obstacle after obstacle in the way of a woman's right to choose. I assure my colleagues we will pay a steep price for that strategy in the currency of many pregnant young women's health and safety. I urge opposition to this misguided legislation.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. BRYANT).

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

I rise this afternoon as a cosponsor of this bill and in strong support of this legislation and urge my colleagues to vote in support of it. While there are fundamental differences between us regarding the prolife and prochoice debate, for many of us there is common ground regarding the protection of parental rights and the health of our teenage children.

And certainly we are talking about teenage children here. We are not talking about women. We talking about young girls that are underage here, teenagers; 9-, 10-, 11-, 12-year-old teenagers up to perhaps, I guess, age 18 before in most States they become a minor.

The truth of the matter is that many of these young pregnant teenagers, these young girls, 12- 13-year-old girls are being impregnated by adult boyfriends, more than 18-year-old men; and they are being carried across State lines by these young men who are 18 or over or by their parents.

We heard cases where the mother of this boyfriend carried this young teenage girl across a State line, unbeknownst to her own parents, so she could get an abortion. And this is a complicated medical invasive procedure we are talking about. We are not talking about crossing State lines to go gambling or to go shopping. We are talking about major surgery here that has, as with any surgery, a very high risk not only during the surgery, but after the surgery.

And to make matters even worse, this mother of the boyfriend or this boyfriend does not know the medical history completely, nor does that child know her own complete medical history that might be of some relevance to this doctor.

Could there be a worse nightmare out there for parents to be in a situation where their child is across the State lines dying perhaps in one of these clinics without their knowledge? And all of this can be avoided by simply passing this law that allows a responsible parent, a guardian, or even a court where there are bad parents to intervene in this type of situation.

This bill guarantees the goals of both sides of this issue, and I urge my colleagues to support this for the health and safety of our teenage children and for the responsibilities of knowing and caring parents.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise today in strong opposition to H.R. 3862.

The idea that a girl who has a good relationship with her parents would face an abortion without parental support is absolutely absurd. Some young girls are forced to go behind their parents' back. They have to do that for their own safety.

A third of the young women who do not notify their parents have been victims of family violence. They do not consider it safe to involve their own parents.

I am outraged. Here we are, with the far right majority in Congress wanting to make it a crime to help pregnant girls, when we know that not all parents are loving. Some pregnancies are even caused by a family member. Some parents are in denial. Some are not knowledgeable. They cannot help that young person.

But let us face it, even teenagers can have sex without parental support or consent. Teenagers can continue a pregnancy, receive prenatal care, and deliver a baby without parental consent. Teens can also give the baby up for adoption without parental consent. The only thing they are prevented from doing by this bill is making the decision to end the pregnancy.

This bill seeks only to isolate young women who cannot involve their parents. We should be helping our teenagers. We should be helping our young women. Instead of criminalizing freedom of choice, we should be providing the support services that teens need. They need a better education. They need health care. They need support services.

Many of the same people who are supporting this bill today and oppose a young woman's right to choose constantly oppose teaching our children about birth control, about their options to prevent pregnancies in the first place.

I urge my colleagues to vote against this bill.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today in support of this much needed legislation.

The Child Custody Protection Act offers the Members of this Chamber the opportunity to safeguard the rights of their parents and their special responsibility of caring for their children they have brought into this world. It is time for the Congress to speak loud and clear in defense of the family.

Allowing other adults to circumvent State law requiring parental involvement in a minor's abortion deprives the child of the security, love, and wisdom that only a mother and father can provide in the most difficult times.

I fully recognize that the practice of abortion is a divisive issue in our country today, and I hope that one day we will again honor the sanctity of life and reject the killing of millions of preborn babies.

Despite the different views toward abortion, I believe the great majority of Americans remain committed to strong families where children can face difficult decisions with the help of a mother or father. Yes, some parents are better than others, and there are laws to protect their children from abuse or irresponsible mothers or fathers.

The truth is that parents will never be able to offer perfect advice or guidance for their children. However, I know of no better refuge for a child who is confronting a personal crisis than the emotional support of a parent. Encouraging a child to procure an abortion, with all its emotional consequences and health risks, without parental involvement, is an assault on this refuge and historic legal rights of parenthood.

I strongly urge my colleagues to support H.R. 3682. The overwhelming majority of Americans agree that we must protect the fundamental right and responsibility of parents to protect their minor daughters from those adults who have no legal responsibility for the child, but decide that a secret abortion is the preferred option. Let us respect the States' parental notification laws that promote strong families and encourage minors to make wise decisions.

Mr. SCOTT. Mr. Speaker, could I determine the amount of time remaining on both sides, please?

The SPEAKER pro tempore (Mr. EWING). Both Members have 42 minutes remaining.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. FURSE).

Ms. FURSE. Mr. Speaker, I rise today in strong opposition to H.R. 3682.

We have heard a great deal today about the sanctity of parenthood. Well, I am a parent. I think parenthood is a great, great thing. But let us talk about reality as well. I am sometimes very much afraid there is a big disconnect in this institution about reality.

Just assuming that all families are good and kind does not make them so, and I think it is grotesque, yes, grotesque, that there are people in this institution who deny reality and in doing so jeopardize the lives of our daughters.

This legislation assumes that all young women have a safe, warm, loving family, but, however, I know that there are many young women who fear physical and emotional abuse at home and who know that disclosure of pregnancy would bring violence to them.

I am not talking just generally. I want to tell you about one such girl, one such family, one such case: Spring Adams, 13 years old, living in Idaho. Her father, Rocky Adams, raped her, and she became pregnant. She tried to get her mother to take her to Portland, Oregon, where she could have a safe and legal abortion, and her mother was afraid of Rocky Adams, rightly so. He was a violent, violent man.

Spring did not know about a court, that she could go to a judge. She was 13 years old. Eventually a trusted friend said she would take Spring to Oregon, but it was too late for Spring because that night her father, hearing that she was going to get an abortion of this child that he had caused, this pregnancy, he shot her through the head.

Not all families, not all families, are kind and loving. Spring Adams' family was not.

Let us vote for Spring Adams. Let us vote against this bill that will jeopardize our daughters' safety.

Mr. CANADY of Florida. Mr. Speaker, I yield 6 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I think it is becoming abundantly clear to a growing number of Americans that abortion is violence against children. Abortion methods rip and tear innocent, unborn babies to pieces. Abortion methods dismember children with razor blades attached to suction machines. Abortion methods include pumping and injecting deadly poisons into the baby for the express purpose of killing the child.

Abortion methods include killing the baby as he or she is actually being born. The partial birth abortion method, as we now know, entails jamming scissors into the child's skull and then vacuuming the brains out.

Abortion is violence against children, Mr. Speaker. Thus, it seems very clear to me that secretly transporting teenagers across State lines to procure abortions in a State with no parental notification or parental consent compounds the violence by exploiting the vulnerable minor.

Mr. Speaker, my colleagues may recall that when the partial birth abortion ban was debated on this floor many proabortion organizations, including Planned Parenthood Federation of America and their research arm, the Guttmacher Institute, wrote a letter saying that there were and I quote, "fewer than 500" partial birth abortions per year in the country, in the entire country.

That statement, just like other statements that they made, has turned out to be totally bogus. It turned out to be a lie. One leading proabortionist even said that he "lied through his teeth" on this issue.

It was a New Jersey newspaper, the Bergen Record, that broke the story that just one clinic in my State, the Metropolitan Medical Associates in Englewood, did about 1,500 partial birth abortions each and every year, many of them on teenagers. That's three times the number the abortion industry told us were performed in the entire nation.

Now we know that the Metropolitan Medical Associates and other abortion mills in New Jersey advertise and market their business in Pennsylvania and elsewhere, and use the fact that New Jersey does not have a parental consent or parental notice law as a way of luring young girls to that clinic and to other clinics.

If you look at this yellow page ad, promoting the Metropolitan Medicine Associates Mr. Speaker, it stresses that pregnancies up to 24 weeks, 6 months, very large, very mature babies, can be terminated, that is—murdered—without parental knowledge,

without parental consent. No waiting period, no parental consent, that is how they advertise in the Pennsylvania phone book.

□ 1430

These ads are telling young teens, "Hey, we can end your baby's life, and your parents never need to know; it will be our secret." But if a teenager's secret abortion leads to complications, what then? Where is it written that the person driving the frightened and often very vulnerable 12 or 14 year old to an abortion mill is responsible? Who picks up the pieces of the shattered young girl when the bleeding, when the psychological and the emotional and the physical consequences set in? Obviously it will be her parents, or one of her parents. They will be responsible for and involved in her care after the abortion, when the disaster hits. The parents, should have had the chance to be involved without the circumventing of the more than 20 State laws that require parental involvement in this irreversible decision that takes a human life.

On May 21, Mr. Speaker, Joyce Farley testified before the House Committee on the Judiciary's Subcommittee on the Constitution, and she said, and I will quote her only briefly:

"My daughter was a victim of several horrible crimes between the ages of 12 and 13. My child was provided alcohol, she was raped and then taken out of the State by a stranger to have an abortion. This stranger turned out to be the mother of the adult male who provided the alcohol and then raped my 12-year-old daughter while she was unconscious. The rapist's mother arranged for and paid for an abortion, and it was performed on her child. This woman lied and falsified records."

And she goes on to say:

"Following the abortion the mother of the rapist dropped off my physically and emotionally battered child in a town 40 miles away from our home. The plan was to keep the rape and the abortion secret."

Then she goes on to say how, when she discovered the consequences, she then swung into action and did everything humanly possible to help her child who was bleeding and in severe pain.

We need to say, Mr. Speaker, that the law does indeed matter. These State laws are there for a purpose. Other States are contemplating parental-involvement statutes as we speak. We need to say that parents matter, and we need to help those vulnerable children who are being carried across State lines and pushed into abortion clinics by relative strangers and who in many cases have their own reasons for making sure that these girls get abortions.

Finally, Mr. Speaker, Americans overwhelmingly support the Child Custody Protection Act. When asked a very simple question that goes right to the core of parental responsibility, "Should a person be able to take a minor girl across State lines without her parents' knowledge to get an abortion", 85 percent of Americans said no; only 9 percent said yes.

Mr. Speaker, I urge my colleagues to support this very pro-child, pro-family, pro-parent legislation that has been offered by the courageous pro-life leader, the gentlewoman from Florida (Ms. ROS-LEHTINEN). I want to thank the gentleman from Florida (Mr. CANADY) as well for his exemplary work in shepherding this legislation through, and the gentleman from Illinois (Mr. HYDE) and all of us who had a part. It is a very important piece of legislation, and it will help our minor girls.

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

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

Mr. Speaker, this is one of those issues we just got to wrestle with and wrestle with our conscience.

I support parental notification, I support the West Virginia statute which requires parental notification except in very limited circumstances, and to the gentleman who just recited a national poll, quoted from a poll saying that 85 percent feel that someone should not be able to take a minor girl across State lines for purposes of having an abortion without parental consent, he can put me down in that if I am asked the question just as he phrased it. But then if I am asked: What about the Spring Adams case where her father molested her and raped her, and because he found out she was going to have an abortion shot her; was he someone that my colleagues would require parental consent of?

What about the limited circumstances? I happen to believe that the case cited, the Joyce Farley case, by the proponents of this legislation is a horror. But I also think that the Spring Adams case, in which she was raped by her father and then shot by her father, is a horror as well.

There is another reason, too, that I oppose this legislation: Because I do not think we want the FBI and the Federal authorities criminalizing brothers and sisters and other loved ones who may feel that this is the only way they can help their pregnant sister.

In West Virginia recently, because of overcrowded jails, and we are not the only State with overcrowded jails, everybody here has them, an inmate was killed because of an overcrowded jail, and the argument now is what kind of criminal offenses are we putting people in jail for? Do we really wanted to subject a brother or a sister to the criminal penalties, to imprisonment, for doing something that they do whether rightly or wrongly they do out of love and trying to help their sister? Is this something that we want frightened couples to be faced with?

I urge us not to compound one tragedy by adding on another tragedy, and so for that reason I oppose this legislation.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, I thank the gentleman from Florida for yielding this time to me.

Mr. Speaker, I, too, rise in support today of the Child Custody Protection Act and want to comment, based on listening to the debate on the floor today and the tenure of that debate, that this is not an easy issue, this is a difficult issue, and yet standing for what is right is never going to be easy, and I want to credit the gentleman from Florida (Mr. CANADY) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for the courage that they have demonstrated by bringing this important piece of legislation to the floor.

I think it really revolves around three basic, fundamental questions. The first is: Does this Congress want to affirm the most basic and fundamental institution in our culture today, and that is the family? Secondly: Does this Congress want to affirm States rights to regulate and impose restrictions on abortions? And finally: Does this Congress want to affirm respect for the sanctity of human life? And if we answer yes on any or all three of those questions, then this is really a very simple and straightforward issue. It is not complicated, and most of the social problems that we encounter and see in America today can be traced back to one very simple basic problem, and that is that the American family has been undermined, eroded and attacked on every front.

Mr. Speaker, the family is disintegrated, and government policy has aided that disintegration on every front by making it more difficult for families to spend time with their children; and opposing this legislation, as those on the other side have indicated they will do, further disenfranchises parents from their children.

This is not a value-neutral issue. This strikes at the very core of our country's and our culture's value system, and far be it from this Congress to stand in the way of life, to stand in the way of families and parents and their children and to stand in the way of the ability of States to affirm their commitment to our most basic and fundamental core values in our culture today.

So I support this legislation and would encourage my colleagues on both sides of the aisle to stand firm in support of families, in support of life and in support of those States out there

that are doing what they can to see those values are upheld.

Mr. SCOTT. Mr. Speaker, I yield 6 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for his leadership.

This is a very difficult debate. It is one that gains us no friends, no ticker-tape parade, no applause and no positive newspaper headlines.

For those that believe that politics is all about that, it would mean that those of us who oppose this legislation should quietly go to our seats.

But this process of democracy goes further than the latest headline. It is about truth, it is about reason and rationale, it is about reality.

Mr. Speaker, it is a tragedy to think that anyone who opposes this legislation is a bad parent, a bad human being, a bad American, but yet the characterization is for those who have a sense of concern, who want to express to the American people the realities of life, that they are bad people.

There are good people in all places, and there are good intentions, and this legislation has its good intentions. But allow me to share with my colleagues the reality of what happens when we pass this legislation.

First of all, we condemn all teenagers. We take the opposite of a parent that is not responsible. We begin to categorize all of our young people as irresponsible and people who do not have the ability to quietly know they have made a mistake and make their own choices along with the consultation of a private doctor, maybe, or religious leader, or a grandparent.

I wish those two young persons in New Jersey from prominent, well-endowed families, believing that they were in love with each other, had careers ahead of them, were in college. They were just convicted last week for murder of their new born baby. I wish that they had had individuals who they could counsel with to save not only their lives but the life of that baby.

This particular law starts off with the wrong premise, that all of us are blessed with the American apple pie tradition of a mom and a dad, worship on weekends, grandparents, parades and picnics. But one-third of teenagers who do not tell a parent about a pregnancy have already been the victims of family violence. Studies show that the incidence of violence in a dysfunctional family escalates when the wife or a teenaged daughter becomes pregnant. This is the reality of what we are dealing with.

Likewise, how many medical groups were inquired of about this legislation? The American Academy of Pediatrics, the American Medical Association, the American Association of Family Physicians and the American College of Obstetricians and Gynecologists oppose mandatory involvement for minors seeking abortions, concluding that access to confidential services is essential.

Let me tell my colleagues what the proponents say about this legislation:

"Don't worry about the problems. You can go to the courthouse and get a waiver. You can go down to your local courthouse, stand before a judge and tell them about the most personalized act where you were caught up in the quagmire of your emotions. You may go to the courthouse; that is called a judicial bypass."

Well, my colleagues, that is what this democracy is all about, because I come from an inner-city district where I venture to say that many of my young people, God bless them, could not find the courthouse, would be intimidated by the courthouse, would be intimidated by the process.

I represent young people like Alisha who lives with a single parent who is in a treatment facility for drugs and alcohol. Alisha herself is under treatment for mental dysfunctional aspects of her life. She has no father, and she is pregnant. Now the circumstances may be different, but just put Alisha in the context of seeking an abortion in another State and maybe possibly going to a religious leader, an aunt, or an uncle, or a cousin, or a grandparent. Those people would be fined and put in jail for 1 year.

That is the neighborhood that I come from. I am not ashamed of it. I just recognize it.

Or maybe the single parent with four children: Neither the father of my children are with me to help support or raise my children. I myself did not finish school. I am a dropout. I started my family at age 16. I am on a fixed income of $484, and after paying rent that is what I have as the remaining moneys to support my children. I have a pregnant teen at home.

My colleagues, it is time that we use the floor of the House for a debate with the American people, that we tell them the truth.

Yesterday we joined in support of giving grandparents more rights. We applauded the need to assure that if you give someone custodial rights or visitation rights in one State as a grandparent, they can have it in another. Today we come and deny that same grandparent the right to nurture and to counsel and to be with a child in their distress, and what we do is we say to that grandparent, that friend, that emergency medical personnel, we say to all of them, that religious leader, "You are criminals, we disregard you, we disrespect you."

□ 1445

This legislation has good intentions, Mr. Speaker, but I would simply argue that we can do better by teaching preventive measures, by respecting our young people, by embracing them and loving them, by teaching them abstention, by educating them, and by embracing the families that we have; by embracing the families that we have, the single parent family, the household where there is nothing but teenagers, the dysfunctional family.

There is no shame in America to accept all of us as God's children. If we do that, with all of the good intentions of this legislation, we will recognize that the value of everyone's life is important; and that young person who finds comfort not in the home of that incestuous family, that violent family, that dysfunctional family, but may find it with that aunt or uncle or grandparent or responsible friend, will save the lives of many as they go forward to make a very important decision. Maybe we will not have young people incarcerated in prison, like the two young lovers in New Jersey who loved each other but did not understand and find their lives destroyed because they are now in jail because they killed a living being.

Help us to make the right decisions. I would ask my colleagues to defeat this legislation, not because we do not care but because the rights of Americans are being threatened.

Mr. Speaker, thank you for the opportunity to speak on this bill. I hope that my colleagues will consider the importance of this legislation. Our Supreme Court has held that women have the right to seek an abortion. A pregnant minor is in crisis. She needs someone to speak with, and someone to trust. If we force our daughters, granddaughters, our sisters, and our nieces and cousins to act without the guidance of someone they can trust, where will they turn? Perhaps this bill should be called the teen endangerment act!

I am very concerned about children and teenagers in America and I want teenage women to have the right to reproductive health care. We know that in 1992, the Supreme Court decided Planned Parenthood v. Casey. In a highly fractionated 5–4 decision, the highest Court of our Nation reaffirmed the basic constitutional right for both adult and young women to obtain abortions.

As a result of Casey v. Planned Parenthood, courts now need to ask whether a State abortion restriction has the effect of imposing an undue burden on a woman's right to obtain an abortion at any point during her pregnancy. This decision, thereby opened the door to States to legislate issues of parental involvement in minors' abortion decisions.

Currently parental involvement laws are in effect in 30 States. Although my home State of Texas does not require parental consent or notification, Louisiana, which borders my home State requires parental consent before a minor can receive an abortion. If H.R. 3682 is passed, the bill would have the effect of federally criminalizing these laws, extending their effect to States that have chosen not to enact such an obstructive and potentially dangerous statute.

I received a letter from a constituent in Houston, Texas, a fifteen year old girl whose

mother, a single parent was in a treatment facility for drugs and alcohol. This young woman found herself pregnant while her mother was still in treatment, and without any offer of help from her boyfriend, she made the decision to have an abortion. As a child herself, she did not feel ready to care for a child.

The true victims of this act will be young girls and young women. The enactment of this law would undoubtedly isolate these young women at a time of crisis. If a minor feels she is unable to tell her parents about her pregnancy, she would have no recourse to receive the medical treatment she needs at a time early enough in the pregnancy to perform a safe abortion.

We know that confidentiality is essential to encourage minors to seek sensitive medical services and information. Young women must often seek abortion services outside their home State for a variety of reasons.

I agree that adolescents should be encouraged to speak with their parents about issues such as family planning and abortion. However, the Government cannot mandate healthy family relations where they do not already exist. We need to protect our young women from being forced to seek unsafe options to terminate their pregnancies, and we need to encourage them to speak with other family members including their grandparents and religious leaders to guide them through this time of crisis.

In fact, yesterday the House passed legislation which recognized the importance of grandparents in the lives of their grandchildren. Republicans and Democrats alike spoke about how grandparents could offer guidance and love and encouragement to their grandchildren. Yet, the legislation before us today would criminalize grandparents' involvement in their granddaughters' lives.

I am hopeful that my colleagues will vote to oppose this bill in order to allow young women to access adult guidance and safe, legal abortions.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the legislation. I commend the author, the gentlewoman from Florida (Ms. ROS-LEHTINEN) for crafting this piece of legislation.

As many know, I practiced medicine prior to coming to the House, to include working in emergency rooms. I can testify to all of you, one of the things an emergency room doctor fears in the course of his practice is to have a minor child come into the emergency room unaccompanied by a parent or legal guardian in need of acute medical care.

The reason they fear that is because if you sew up a laceration or give a medication and find that the parents were unhappy with that particular intervention, you can get yourself into a lot of trouble. Indeed, in some States you can actually be charged for assault for providing needed medical care to a minor child.

But in the interpretation of Row v. Wade, in many States, I believe 30 of them, that doctors can perform an abortion, without any fear of being charged with assault or prosecution. However, he cannot give that child aspirin for a headache. Indeed, the school nurse cannot give a child aspirin for a headache. The technician who works in the jewelry store cannot pierce the ears of a minor child without parental consent, but in many States that same minor child can go and have an invasive procedure, a surgical procedure, an abortion, a procedure with the associated risks of hemorrhage, infection, infertility, death, but the child cannot have their ears pierced.

Twenty States have appropriately responded to the will of the people, who have recognized in those States that this kind of a legal logic is crazy, and they have passed reasonable parental consent laws. But we have a situation right now, today, where children are being carried across State lines without their parents' knowledge to have abortions performed.

Now we have before us today, before the House of Representatives, I believe a very reasonable and appropriate statute which makes that process illegal. It respects the laws in those States, and I encourage all of my colleagues to vote yes on this legislation.

Mr. SCOTT. Mr. Speaker, I yield 8 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman from Virginia for yielding me time for the purpose of debating this important issue.

Mr. Speaker, I regret that the sponsor of this legislation, the gentlewoman from Florida (Ms. ROS-LEHTINEN) left the floor, because I have the greatest amount of respect for her and I am sure that her intentions in offering this legislation are honorable and with good intentions.

This is a very difficult issue. Some folks tried to make it an issue on whether you support abortion or do not support abortion, or whether you support choice or do not support choice. But there are some very, very complicated issues involved in this legislation, and I regret that the Committee on Rules did not make some proposed amendments in order that would have allowed us to address those issues and vote them up or down. I would like to spend a few minutes talking about some of those issues, if I might.

I said in the debate on the rule that this is unprecedented legislation. I believe it is. The sponsors of this legislation, the proponents of this legislation, have said that this is about trying to protect those 22 States that have parental consent legislation in their States.

Well, what about the 28 States who do not have parental consent statutes in their State? If we owe a duty to protect one in our federalist system, in our system where States have rights to make laws, what obligations do we have to the 28 States?

What, for example, would happen if, as is the case now, we have gambling legal in one State and gambling not legal in the adjoining State? The parallel here would be we would be making it a criminal act for people to transport somebody across State lines to engage in gambling because it was illegal in the State in which it was taking place.

Some States have marital statutes that define the age at which kids can marry. The parallel here would be we would make it a criminal act to transport a minor across State lines if the law in one State said you have to be 18 and the law in the adjoining State says you can be 16 and marry.

So you have some very difficult Federalism issues that have been kind of masked over here because the folks who are proponents of this bill would like to have you believe that they are the defenders of States rights. They are always the defenders of States rights, but when the States disagree with them in writing their laws, then, all of a sudden, they do not defend the states' rights to make those laws. And these have been matters which have been governed by State law. The Federal Government has no statutory rule on when one can have an abortion or when one gets parental consent. All of this is governed under State law.

The second issue: I said in the debate on the rule that this bill is probably unconstitutional. I offered an amendment in the Committee on Rules saying please let us debate this issue on the floor. The Committee on Rules said, no, we will not make your proposed amendment in order. My amendment would have said we are going to put an exception for the physical health and safety of the minor in the bill.

Now, we think the Supreme Court has said that that is required to make this law a constitutional law, and, because of the importance of it, which I acknowledged at the outset of this debate, I would think if it were so important, we would want to make it constitutional.

But what are the practical implications we are talking about here? You have a young girl who is feeling not well. She is pregnant. The closest hospital is across the State line. Somebody other than her parent is at home, and they transport that young girl across the State line.

Under this bill it is criminal, because there is no intent standard in the bill. There is no protection of the health, physical health of the minor in the bill, so you have got to make a choice between trying to save a baby or getting

consent, when you might jeopardize the health of that young girl for the rest of her life. She could become a paraplegic.

We were hard on the chairman of our subcommittee because we kept asking him, would you want your daughter to be a paraplegic, trying to save an unborn infant? That is a difficult issue. That does not minimize the issue. It is a difficult issue which this bill does not address, and the fact that we were not able to offer amendments will not allow us to address.

Third, we talk about the family issue. Who is family? Sure, Ozzie and Harriet, it was a mother and father and two children. But in some communities, grandparents have taken over the role of parenting. And, under this bill, if they assume that role responsibly, not as strangers, as my colleagues would have you believe this bill is all about, but they assume that role responsibly, they become criminals under the bill.

So there are some difficult issues that are not addressed in this bill. We can gloss them over if we want to. The Committee on Rules did not want us to talk about them, obviously, because they did not make my amendment in order which said there ought to be an exception for the physical health of the minor. They did not want us to talk about the fact that there is no intent to violate the law or statute. So even if you transport somebody across the line just because they are feeling bad, if they end up having an abortion in the adjoining State, then you are a criminal. They did not want us to talk about the Jackson-Lee amendment which would have protected the grandparents, not strangers, because we know that, in many communities, grandparents have assumed those roles.

Those issues do not get addressed, and this bill is unworthy and ought to go back. I encourage my colleagues to vote against it.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. CANNON) a member of the Committee on the Judiciary.

Mr. CANNON. Mr. Speaker, I am pleased today to rise in support of this legislation and would like to commend the gentlewoman from Florida (Ms. ROS-LEHTINEN) on her thoughtful work on this issue.

Several of my colleagues will come before you today to speak about their reasons for supporting this legislation. I personally have six; that is, six daughters.

Mr. Speaker, a yes vote on this legislation allows me to protect them. Our State parental notification and consent laws exist for a reason, to guard our children against individuals who would otherwise risk their physical and emotional health and safety.

Allowing the transport of minor children across State lines in order to circumvent these laws makes a mockery of the integral role parents play in the lives of their young daughters. A vote against this legislation transfers to strangers the right of parents to keep their children safe.

Mr. Speaker, to protect the precious lives of my daughters and the daughters of parents nationwide, I urge a yes vote on this important issue.

May I just add, I have great confidence in the American people, and I believe that they can make a distinction between interstate gambling laws and marriage laws, as opposed to laws affecting such important matters as pregnancy and abortion among young women.

□ 1500

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. HARMAN).

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

Mr. Speaker, as a mother of four children, two daughters and two sons, I find this probably the most difficult part of the debate on the right to choose.

Some years back, when I first considered the issue of parental consent, my response was, I am a responsible parent, I have a trusting relationship with my daughters. I want them to talk to me before seeking to exercise their constitutional right to choose. That was my initial position, until I thought about many other families and many other relationships, and until I consulted my own daughters. Their response was, Mom, of course we would talk to you. We trust you, we know you. We know that you would give advice in our interests, and we also have listened to you over the years, and we know that the best thing to do is to avoid unwanted pregnancies. But nonetheless, they said, what about other girls? What about other families? What about other situations where there is no trust relationship? Then what? And their answer, and I believe it is the answer we have heard from speaker after speaker, was those girls will not talk to their parents; those girls will seek to have unlawful abortions or to make other unwise choices, and we have certainly heard the sordid tale of the couple in New Jersey who made a terrible decision and are having to pay for it.

At any rate, my views have evolved on the subject, and I stand here to say that. My views are that I work as hard as possible to keep a trust relationship with my daughters, and one of them is still a teenager, and to make certain that they do consult me about the critical decisions in their lives, not just a decision like this; but that I do not presume that other daughters have the same opportunity that mine do, or that other mothers, even if they have good intentions, have the same success that I have been able to have with my own children.

So my conclusion is that this is a tough subject, particularly tough for parents, but that the right answer is my daughters' answer, and that is to make certain that there is adult consultation, to make certain that young girls get advice, but not to require that they get parental consent, which is, 1, to undermine their right to choose; but 2, to undermine their health. That is why I oppose this legislation.

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I am pleased to be here today to speak on behalf of the Child Custody Protection Act, and I want to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her hard work in bringing this important issue to the forefront today.

I believe this Federal law is long past due. I am a parent as well. As a parent, when my children were in school, I used to have to sign a release form to allow them to go to a museum 6 blocks from the school. If they had a headache at school and they wanted to take an aspirin, that required parental consent. How can a parent think that those acts are acceptable, and yet a life-changing act like having an abortion is something that a child should and could decide on their own? We have heard some very tragic cases, and there are very tragic cases on all sides of this issue.

An unwanted pregnancy in and of itself is a tragic situation, but I want to talk to my colleagues about another group of young women, of minors, that have not been discussed here today, and I think they are girls like I think I would have been had I been faced with an unwanted pregnancy when I was a teenager. I had a good relationship with my parents, I had a good relationship with my family. I still do. If I had found that I was pregnant when I was a minor, I would probably have wanted to have an abortion not because of what it would do in my life, and not because I was considering this unknown child that I was carrying, but because I would not want to hurt my mother and my father and my family. That is the wrong reason to get an abortion, and I venture to say there are many, many, many young girls out there who would get an abortion for that reason.

When in the life of a girl does she need the wisdom, guidance, love and support of her parents more than when she is facing an unwanted pregnancy? While I know, I believe there are tragic situations out there that have occurred because parents, some sick parent was notified that the daughter was going to get an abortion, that is the minuscule minority. We have to look at what is best for the vast, vast majority of our young people, and facing an unwanted pregnancy and making the decision to

kill one's own child when one is 12, 13, 14 years old is wrong. Those girls need their parents. They need all the love and guidance they can get. They deserve it. Let us pass this law.

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I would like to begin by associating myself with the remarks made by Members on both sides of this debate about the difficulty of this debate. This is not an easy one. It really divides our own allegiances, those of us who are parents, and many of us have spoken about our parenthood in this debate. It divides our allegiance between the natural tendency of a parent to want to make sure that their children remain under their custody and their control, and our allegiance to want to do something to help those teenagers in America who are not so fortunate, who do not have parents who spend the time with them and talk with them, and who feel alone in these kinds of agonizing decisions.

As a parent of two daughters, I know that for those of us who try as hard as we can to commit ourselves to communicating with and nurturing our children, the laws on parental consent and parental notification do not make a difference, because they cannot break that bond. The bond that a parent establishes with a child is not going to be broken one way or another by these laws.

But I think I also know, and I think I know some of this from my days as a social worker working with children who were abused and neglected and otherwise had very agonizing and very difficult lives, for those parents who simply will not talk with their children, these kinds of laws cannot make that bond. It would be nice if we could pass this law and suddenly that would engender discussions between parents and children, but that will not be the result.

When we try to legislate in this area, we quickly discover that we are in an area where we do not belong. One cannot build a relationship with three pieces of paper. This is the legislation we are discussing today, three slim pieces of paper, and these three slim pieces of paper, even if signed by the President, and they will not be, they are not going to build a relationship between a mother and a daughter or between a father and a daughter. They are not going to change the behavior; the behavior will remain the same. When we try to legislate in this area, we recognize how foolish it is.

Let me just cite some examples of the way this law does not make any sense and will not have any effect and will not be able to be enforced if a young lady comes to her aunt and says, I think I might be pregnant, and I think I want to go to the neighboring State across the river.

I live in Pennsylvania; right across the river I can see New Jersey. If a young girl in my community went to her aunt and said, I cannot talk to Mom and Dad about this, or I do not have a mom, and my dad will not talk to me about any of this, will you go with me? And the aunt says, honey, I will be with you; I will see you through this decision. And the young lady, 17 years old, goes to the neighboring State of New Jersey and discovers that she is pregnant and decides then and there to have an abortion, and does so, legally, is the aunt that took her there now to be jailed because she transported her across the State line? If she drives her to the bridge in Frenchtown, New Jersey, and says, meet me on the other side, walk across the State line, and I will pick you up on the other side, is she to be jailed for that, or has she escaped these three thin pieces of paper with which we are trying to change this behavior? If the aunt buys her a bus ticket in Pittsburgh and says, I cannot go with you, but here is the bus ticket to New Jersey, will she be subject to these laws? I could go on and on, but the fact of the matter is we cannot fix this with three thin pieces of paper.

I wish we could. I wish that if this law went into effect, teenagers in America would say, hum, I cannot get an abortion out of State without parental consent; now no one can take me over without going to jail. Therefore, what I will do is change my sexual behavior or I will suddenly create a discussion with my parents. That will not happen.

What will happen with this kind of law is most people will not know they are violating it, and most people will not get it enforced, but some people will end up in jail as a result of it, inadvertently. But mostly what will result will be kids alone in strange cities in other States forced to travel by themselves, safely or unsafely, hitchhiking, being driven by another minor, alone and not with someone who cares about them, not a relative, a grandmother, an aunt who would care for them. They will be there alone, they will be there unsafe; they will have their abortions later, because they will delay the decision, and we will have accomplished nothing.

How much better would it be if we could be on this floor of this House of Representatives today actually structuring ways to prevent these teenagers from becoming pregnant, to prevent these teenagers from making the kinds of wrong decisions that they make that lead to the sexual behavior, that lead to the inadvertent pregnancies.

I hope my colleagues will see the wisdom of voting against this bill.

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

The SPEAKER pro tempore. The gentleman from Florida (Mr. CANADY) has 27½ minutes; the gentleman from Virginia (Mr. SCOTT) has 15 minutes.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, I would like to commend the gentlewoman from Florida (Ms. ROS-LEHTINEN) for working to protect children as well as the rights of the parents.

As has just been mentioned a few moments ago by my colleague, children cannot go on a trip to the museum without their parents' consent. Children cannot be given a minor pain reliever like aspirin without their parents' consent. So the real question becomes, why should a child be allowed to undergo a life-changing and dangerous medical procedure such as abortion without their parents' knowledge and permission?

This act that we are discussing today, the Child Custody Protection Act, will seek to protect the rights of parents to choose what is best for their minor children. I know it has been mentioned here today, but let me mention again that currently 22 States have parental notification laws, but what good will it do if a child can be taken across State lines by a total stranger to the parents and receive an abortion in a neighboring State.

The fact is that some abortion clinics actually advertise in the phone books, with the words, "No parental consent required." It makes it very clear that these young women are being exploited.

This violation of the parents' rights to make medical and moral decisions for the children has gone on for too long. Parents have a right to know what is happening to their children, and this bill that we are discussing today will strengthen those rights and protect young women from those who would seek to capitalize on this kind of vulnerability.

I am proud to stand here today in favor of the Child Custody Protection Act. I urge my colleagues to support this bill that will protect the parents' right to know.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, first of all, I want to thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time.

Mr. Speaker, I rise today in opposition to H.R. 3682, the Child Custody Protection Act, although perhaps a more fitting title for this legislation would be, the Teen Endangerment Act. I will tell my colleagues why.

This bill threatens to isolate a young woman from friends, extended family, and other advisors who may help her to make a difficult decision. Regardless of

our political views, we can agree that during trying times, every young woman should be surrounded by caring people who will provide comfort, support, and advice. Ideally we all agree that parents should be directly involved. However, we must understand that many young women are not fortunate enough to have one, let alone two, concerned parents.

□ 1515

Yet, this bill would effectively tell these young women that honorable men and women who may not be family, but are as compassionate as family, cannot care for them.

Now, supporters of this bill cite the need to protect young women from overreaching adults who may attempt to assist them, against their will, in traveling into other States where there is no requirement of parental notification or consent.

If this was the case, then I would be in support of this legislation. However, a closer look at the facts show young women in this Nation are not under attack from such ruthless adults. In fact, most young women involve one or both parents in decision-making, and in those cases where a parent is not involved, women turn to trusted relatives or family friends who often provide guidance to them during a very difficult period in their lives. Yet, this bill would criminalize the actions of these compassionate people.

I am troubled, because if we are serious about teaching young women to make rational decisions, then why is this Congress proposing a measure that does little more than complicate an already delicate situation?

It is our job, Mr. Speaker, as I see it, to ensure that there is no element of coercion in this very serious decision. That is why I urge my colleagues to support the motion to recommit, which would punish those people who would coerce those people to travel across State lines, where there is no requirement, and oppose H.R. 3682, the Child Custody Protection Act, which in actuality, instead of actually helping, does in reality hurt and harm our children.

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

Mr. Speaker, as I have been listening to the debate here today, I have been struck by some of the rhetoric that has been used. Quite frankly, I have been disappointed by some of the arguments I have heard. I think it is important for the Members to focus on this bill and exactly what it does.

This is a very straightforward bill. It is a bill that is designed to deal with a serious problem. As anyone who has listened to the debate will know, that is the problem of minor girls being transported across State lines for the purpose of obtaining an abortion in defiance of parental notification and consent laws.

Lest anyone think this is not really a serious problem, I would quote Catherine Colbert, who in 1995, as an attorney with the pro-abortion Center for Reproductive Law and Policy, stated "There are thousands of minors who cross State lines for an abortion every year." "There are thousands who cross State lines for an abortion every year."

So this is a practice that is going on on a widespread basis. Despite the fact that over 20 States have parental consent or notification laws, vulnerable teenage girls are still being taken from their families to out-of-State abortion clinics, in disregard of the legal protections the States have provided.

Today this House has an opportunity to curb this abuse and to protect the health and well-being of minor girls. The bill before the House today would amend title 18 of the U.S. Code by criminalizing the knowing transportation across the State line of a minor girl with the intent that she obtain an abortion, in abridgement of a parent's rights of involvement under the law of the State where the child resides.

I would ask the Members to focus on this specifically. This requires knowing transportation across the State line with the intent that an abortion be obtained. Some of the examples, some of this parade of horribles we have had, clearly would not take place under this explicit language which requires the knowing transportation with the intent that the minor obtain an abortion.

Under the bill, a violation of a parental right occurs when an abortion is performed on a minor in a State other than the minor's State of residence and without the parental consent or notification, or the judicial authorization that would have been required had the abortion been performed in the minor's State of residence.

The Child Custody Protection Act gives the parents of the minor girl a civil cause of action if they suffer legal harm from a violation of the bill. The bill also, we should note, explicitly provides that neither the minor herself nor her parents may be prosecuted or sued in connection with a violation of the Act. The bill also contains an exception for the life of the mother.

In addition, the bill provides an affirmative defense to prosecution or civil action where the defendant reasonably believed, based on information obtained directly from the girl's parents or other compelling facts, that the requirements of the girl's State of residence regarding parental involvement or judicial authorization have been satisfied. Again, there is a defense here for someone who makes an honest mistake based on compelling facts.

But the argument that is being advanced by the opponents of this bill is, essentially, we should have had an amendment in the bill that provides that ignorance of the law is an excuse, that ignorance of the law would be an excuse. I do not accept that. We do not have those kinds of provisions in the criminal law. In the criminal law of this country, ignorance of the law is not an excuse. I do not believe that, in this context, we should make a special exemption and provide that ignorance of the law is an excuse.

It is also important to understand that the provisions of the Child Custody Protection Act are operative only when the State where the minor resides has adopted a valid constitutional parental involvement law under the standards articulated by the Supreme Court. That is absolutely critical here.

They argue that it is not constitutional. That is absolutely incorrect, because the predicate for the operation of this statute is a valid constitutional State law. That is what we are talking about.

What the opponents of this bill are essentially driven to argue is that there is a constitutional right to travel, to go across State lines, that minors have to avoid the supervision of their parents.

I think if Members think about that for a minute and think about the consequences of that argument, they will see that it is ridiculous and it is unacceptable, and would lead to all sorts of results that we would not want to see.

Members will also hear arguments today that this bill will endanger the lives of young girls. This is a major thrust of the opposition to this bill. But quite the opposite is true. It is when young girls are secretly taken for an abortion without their parents' knowledge that they face serious risks to their health and well-being.

An abortion is a serious and often dangerous medical procedure. When it is performed on a girl without full knowledge of her medical history, which is usually only available from a parent, the risk greatly increases. Moreover, minor girls who do not involve their parents often do not return for follow-up treatment, which can lead to dangerous complications.

In the subcommittee's hearing on this bill, we heard from one mother whose daughter was secretly taken away for an abortion and subsequently suffered serious complications from the botched procedure. Her daughter required additional surgery after the abortion, additional surgery which could only be performed with her mother's consent.

What an irony. What an irony involved in that case. Of course, it was a terrible tragedy for that family, all of the circumstances, but the irony there is that an abortion can be obtained without parental involvement, but if the abortion produces complications, parental consent is required for the necessary medical care.

As Dr. Bruce Lucero, a prominent abortionist and abortion rights advocate, wrote last Sunday on the New

York Times op ed page, I would ask the Members of the House to look at this. I know there are Members who would disagree with the views of those of us who support this bill on the general subject of abortion, but I would appeal to all Members to read this piece that appeared in the New York Times. It is under the heading "Parental Guidance Needed." The gentlewoman from Florida (Ms. ROS-LEHTINEN) and I circulated this as a Dear Colleague. It is very instructive.

As Dr. Lucero wrote, teenaged girls who have an abortion without consulting their parents face greater risk to their health than those who consult with their parents. It is the parents who have the fullest access to relevant information concerning the girl's health, and it is the parents who are in the best position to see that any complications are promptly and effectively treated.

While I do not agree, by any means, with Dr. Lucero's views on the general subject of abortion, I believe that his support as a prominent abortionist and a prominent advocate of abortion rights is somewhat noteworthy. I would encourage my colleagues to pay a little attention to this. All of the Members of this House, whatever their position on abortion, they should pay attention to Dr. Lucero's conclusion that passage of this legislation is, and I quote him, "important . . . to the health of teen-age girls."

The opponents of parental involvement laws and of this bill argue that the bill needs a health exception. It does not. The bill specifically provides that it would not apply if the abortion was necessary to save the life of the minor. If the concern is about the health risk of a non-life-threatening nature, then the best course of action is involvement of the parents, for the very reasons I have just discussed, and for the reasons that Dr. Lucero discusses. He has a lot of experience in this particular area.

If there is some compelling reason why the girl cannot tell her parents, then she always has the ability to seek an expeditious judicial review, which all valid State parental involvement laws are required to permit. It must be expeditious. That is one of the fundamental requirements that has been set forth by the Supreme Court.

Finally, Mr. Speaker, we have heard arguments that the parents are not really the people who should have the right to be involved when a minor girl is considering an abortion, but that the grandparents, the aunts and uncles, cousins, siblings, teachers, and pastors should have the right to take the child for an abortion.

But the Supreme Court of the United States has not recognized the rights of teachers and pastors or cousins or siblings or other family members to be involved in a minor's decision to have an abortion. The Supreme Court has, however, recognized the rights of parents, as reflected in State parental involvement laws.

At bottom, the arguments that are being advanced against this bill are really objections to the underlying State parental notice and consent laws, and objections to the Supreme Court rulings on this subject. Those who disagree with parental notice and consent laws ought to take that matter up with the State legislatures and with the Supreme Court. That is where their real objection lies.

H.R. 3682 is not a Federal parental consent law. It is simply a law which protects State laws. As we have already heard, across the country a child cannot even be given an aspirin at school without her parents' permission, yet strangers can take children across State lines for abortion, in circumvention of protective parental involvement statutes. The Child Custody Protection Act will simply ensure the effectiveness of these State laws.

While the abortion industry believes anyone, anyone should have the right to take a minor girl across State lines for a secret abortion, the American public disagrees by an overwhelming margin; indeed, a margin of nearly 9 to 1.

According to a national poll conducted last week, 85 percent of voters asked said that a person should not be able to take a minor girl across State lines for an abortion without her parents' knowledge. I would urge my colleagues to pay attention to what the American people are saying on this subject. I would urge them to vote in favor of the bill.

Ms. ROS-LEHTINEN. Mr. Speaker, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, I just wanted to point out some of the doublespeak that has been going around in our Chamber relating to targeting ads and soliciting and extorting children, this time by the tobacco industry, yet that same kind of outrage is not directed at the abortion industry.

I am talking about certain ads that I agree with, this one put out by certain anticancer groups, that says, "It is time to keep tobacco companies from addicting any more of our children to their deadly product. Our Nation needs a tough bill that stops the lies, stops the killing, and stops big tobacco now."

So they are against targeting ads that entice young people to smoke, and I am against that, too. I am against having young people smoke and encouraging and enticing them to smoke. But apparently these legislators who are so incensed over big tobacco ads targeting young people are not equally incensed at the abortion industry that targets young people.

Why are they not incensed that this ad says "No parental consent required?" Who is that targeted to, if not a minor daughter? Where else would they need a parental consent, if they are not a minor daughter? Obviously that is an ad that targets young people.

So we are against big tobacco. We say, "Congress Must Choose: Big Tobacco or Kids," because we love kids. These cigarette companies should not be targeting our children. I agree.

□ 1530

They are not against these ads that say no parental consent? Who are they targeting? Who are these abortion mills targeting if not young people?

I thank the gentleman for yielding to me. I would love to hear the outrage from all of those Members who are so outraged about big tobacco, I am as well, why do they not get equally outraged about abortion mills targeting young girls and exploiting them in their hour of need?

I thank the gentleman for yielding to me.

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

Mr. SCOTT. Mr. Speaker, I yield 1 minute and 30 seconds to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I would just like to ask the gentleman from Florida two questions. Firstly, he was talking about protecting State laws. I wanted to question the gentleman and wondered if he would protect New York State's gun laws as well. For example, Florida has no gun laws. Could we work together to make sure that the gun laws in New York are enforced if a person goes to Florida? That is the first question.

Mr. Speaker. Mr. Speaker, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Florida.

Mr. CANADY of Florida. The answer to that question is no. I do not support the gun laws.

Mrs. LOWEY. So you are not interested in protecting State laws.

Mr. CANADY of Florida. I do not support the gun laws of New York. I think a lot of New Yorkers are moving to Florida so maybe that has something to do with the better legal climate in Florida.

Mrs. LOWEY. Then the question concerning preserving State laws is not really one of the valid arguments.

The second question I have is, the gentleman was talking about a judicial bypass. Does the gentleman actually admit to this group that a grandmother, a loving aunt, a loving cousin, a sibling could be subject to penalty if they help this woman?

I would like to ask the gentleman from Florida, could he clarify for me whether a loving grandmother, an aunt or a sibling would be subject to penalty if this young woman in her hour of

need wants to go to a loving family member, if, in fact, because the parent might be a drug addict or might be abusive or might have abused her, if that young woman decided she could not go to the parent, would that relative, dear friend or family be subject to these penalties?

Mr. CANADY of Florida. Mr. Speaker, if the gentlewoman will continue to yield, under the laws of all the States, those individuals that the gentlewoman has specified would be enabled to go with the young woman to a judge for the judicial bypass. That is available under all the laws as required by the Supreme Court.

Mr. SCOTT. Madam Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Madam Speaker, I rise in opposition to this sadly misnamed Child Custody Protection Act. This bill does not encourage young women to ask a trusted adult for much-needed assistance. Instead this bill will cause some young women to face decisions about their pregnancy alone.

Parental involvement in a minor's decision about her pregnancy is the ideal. And for 75 percent of teens in this country, it is also the reality. But some teenagers, for various reasons, simply cannot or will not confide in a parent. This bill will make criminals of some grandmothers, aunts or other relatives that help pregnant teenagers exercise their legal rights.

This bill would endanger the health and lives of young women who for a variety of reasons, including fear of abuse, are unable to involve a parent in their decisionmaking. We have heard several times comments over here about how what you do need parental consent for, but you do not need parental consent to give birth. You do not need parental consent to give a child up for adoption. This bill is about politics, not sound legislation. Four months away from an election, this bill is designed to strike contrasts between two sides rather than to enact good legislation.

What we should be talking about today, following the suggestion of a Republican Member, the gentleman from Pennsylvania (Mr. GREENWOOD), is how to involve adults in the decisionmaking process. We should look at policies that work, like the Adult Involvement Law that exists in my home State of Maine.

The Adult Involvement Law recognizes that parental involvement and guidance is ideal for young women facing decisions regarding a pregnancy. However, when parental involvement is not possible, teens should not be alone. Maine's Adult Involvement Law allows young women to turn to a trusted adult for advice and counsel. The young woman considering an abortion may turn to a parent or another family member, such as an aunt or grandmother or a judge or a counselor.

A counselor may include a physician, psychiatrist, psychologist, social worker, clergy member, physician assistant, nurse practitioner, guidance counselor, registered nurse or licensed practical nurse. The counselor must discuss with the young woman all of her options, including adoption, parenting and abortion.

In Maine, all minors seeking an abortion must receive counseling, even if that young woman has the consent of another adult. This provides the maximum guidance and support for the young woman. That is the kind of law we ought to be considering here today.

This Child Custody Protection Act is designed to restrict a young woman's access to abortion, not to ensure the involvement of an adult in her decisionmaking process, because in many cases she simply cannot or will not go to a parent if there is a parent in the picture.

I urge my colleagues to oppose the so-called Child Custody Protection Act.

Mr. CANADY of Florida. Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HYDE) chairman of the Committee on the Judiciary.

Mr. HYDE. Madam Speaker, I have already spoken and redundancy is not the happiest thought. But I just wanted to say something.

I have listened very carefully to this serious debate, and I have not heard one word about the little baby. That, I guess, just is kind of a given because we have a million and a half abortions every year since Roe versus Wade. That is about 35 million so far. We are so used to it, we are so desensitized that abortion is a good thing. I think abortion is an evil thing because it kills a human life, an innocent human life.

Why is it helping a young girl by assisting her to kill her unborn child and saddle her for the rest of her life with wondering what her first little baby might have looked like? Yes, it is tragic to have an unwanted pregnancy. Yes, there are parents who are awful, who are less than human, and you do not want to saddle a little girl who is in real trouble with that kind of a situation. That is why you have a judicial bypass.

The judges are going to be very sympathetic to that situation. But my God, somebody say a kind word for the little baby. Why is it helping, why is it helping a young girl to go behind the backs of her parents, take her across the State line to kill her unborn child?

Now, grandma, who we are assuming is far superior to the mother in any given situation, grandmother is always available but not necessarily to help her kill the child. Maybe to help her have the child. Maybe to help her get the child adopted. Maybe to counsel her. Maybe grandmother can talk to mother and break the news that the daughter is so afraid to do.

Grandmothers are not blocked out of this, nor grandfathers, nor a loving anybody. But taking the child across the State line to frustrate the law, to deny the parent the right to some say-so in this critical, crucial, life-threatening situation, that is what you are opting for.

If abortion is a good thing, then you are right. But if abortion is killing an innocent human life, give some little passing concern for that little baby.

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

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

I want to make two points. One has to do with the real purpose of this bill. The second has to do with who it is really aimed at, whether intentionally or unintentionally, because the result is the same. The real purpose of this bill is clear. It is yet another attempt to sacrifice women and girls, to drive back the right to choose by any means necessary, whatever the consequences.

America ought to be on notice, these folks have lost, because the people have spoken on the right to choose, the people and the courts have spoken on the right to choose. So they have lost on that question. They have adopted another strategy. They are trying to do incrementally to the right to choose what they have been unable to do through frontal attacks on the right to choose. What is particularly serious, as far as this Member is concerned, is who this bill is really aimed at.

This bill chooses to go at the most vulnerable girls in this society. They are disproportionately girls of color. I resent the fact that this bill goes after those who are most likely to come from broken families, most likely to be abused children, and I stand here to speak for them. The most vulnerable people in the country are girls who find themselves pregnant and alone with not even a parent they can turn to.

A third of them would find themselves involved in violence, according to the data, if they turned to a parent.

So this bill really ought to be called the Runaways Encouragement Bill, because the children who are most likely to be hurt by it are those who have no adult to turn to. And to the extent they have one, you have taken away that right because even a sibling or grandparent or close friend they cannot turn to. So runaway, do it on your own.

Instead of encouraging girls to turn to an adult, and I was impressed with what the gentleman from Maine has just said, it encourages girls to run away from adults. Who are we talking about? After all, 75 percent of minors involve themselves with at least one parent. Who is it in America who does not?

I have to tell my colleagues that the sponsors of this bill must have an Ossie

and Harriet view of the family, but the fact is, if you saw the resent Ossie and Harriet documentary, even that one is gone. So that there are huge numbers of families that would be hurt by this. But they are disproportionately children of color, that is, inner city girls, those who come from where there are no families, where there are no fathers, where there may well be not any mothers. That is who you are hurting. You are hurting the people that I represent. You are hurting the people that the Black Caucus represents. You are hurting the people that Hispanic Caucus represents. You are hurting those who are most likely to be without parents, and I resent it. You ought to define family the way the family has always been defined in America, and that is as an extended family.

The family is not simply a two-parent family. A family is not a one-parent family. In my community, a parent may be mentors. It may be your cousin. Do not hurt those who have already been hurt by the disintegration of families, by the break-up of families. Do not make it any harder for children who have no place else to turn.

Defeat this bill. Save the most vulnerable of our children.

Mr. CANADY of Florida. Madam Speaker, I yield 3 minutes to the gentlewoman from Washington (Mrs. LINDA SMITH).

Mrs. LINDA SMITH of Washington. Madam Speaker, the real purpose of this bill is to protect children, born and unborn. Children of all races deserve to be protected, not preyed upon. And by the way, we know that most babies of teenagers are fathered by adult men who, yes, go into these areas, prey upon them and then the best they can do is just pay for the abortion. They should not be treated any different than any other little girl in our Nation.

To allow this to go on, to allow them to go into these areas and prey on these little girls of any color is just wrong. So we would certainly agree that they should all be protected equally, but we would not agree on the way to get there.

I am hearing today that families are excluded if it is a grandma or an aunt or an uncle or someone else in the family. There is nothing further from the truth. The reality is that every court, every State that has parental provisions constitutionally have to have a bypass, because the Constitution has been determined to allow abortion.

□ 1545

Therefore, there has to be a simple, nonobstructive way of getting an abortion quickly outside of the parental involvement. So every State has a procedure.

In fact, the average judicial bypass hearing lasts about 12 minutes. More than 92 percent of the hearings were less than 20 minutes. And the girl cannot, cannot under the State law, be put under an adversarial situation; or that is stopping her from having her rights. And it overturns that law.

So what we have is the ability for a young girl who is pregnant to stay in the State, not to be moved to another State, away from family, away from parent. But in that State, she can go with an aunt, that grandma, that neighbor, that clergy, and there has to be a brief, quick process.

I think it is important that we take a look at reality in these States. In the States that have it, in Massachusetts, we will find that every minor that sought judicial authorization received it. Every single one. Another Massachusetts study found that only one of 477 girls was refused or was even slowed down.

So what we have is everybody is getting the bypass. But what it does is it makes this little girl that is afraid to go talk to mom or dad, where she has a pretty good family, and who wants to tell mom or dad something is wrong, take a breath and go, well, maybe they are not that bad after all.

We need to slow this down. Because it is awfully easy for that adult man to prey on that little girl, to take that little girl across State lines, or the parent or the relative that is involved or knows about this to want to cover it up. But we should not cover it up. We should help these girls and keep it in the light of day and make sure that they have their rights, as children, protected.

Mr. SCOTT. Madam Speaker, may I inquire as to the amount of time remaining?

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Virginia (Mr. SCOTT) has 4 minutes remaining and the gentleman from Florida (Mr. CANADY) has 6½ minutes remaining.

Mr. SCOTT. Madam Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. My colleagues, we have heard a lot today about love, parental responsibility, family values. Oh, I wish we could legislate those values here in this Congress but, unfortunately, we cannot.

As a mother of three, as a grandmother of two, as many of my colleagues said, we hope and pray that our children will confide in us, speak to us when serious challenges face them in their lives. Not every family is Ozzie and Harriet. There are many young people who do not feel that they have parents they can confide in.

Maybe they are lucky. Maybe they have a grandmother they can talk to in their hour of crisis. Maybe they have an aunt. Maybe they have a sibling that they can confide in. Yet in this bill we are going to say to that young woman in her moment of greatest need, when she has to make a very, very difficult decision, "Don't go to your grandmother. Don't go to your aunt. Don't go to your dear friend." And we are saying, "It's okay to go to a judge." And in 12 minutes that judge is going to make this decision. Twelve minutes.

Let me tell my colleagues something. First of all, there are five States that do not even have a judicial bypass. Five States that do not have a judicial bypass. And some judges have never granted this authority. We have facts. This is a fact.

Mr. CANADY of Florida. Madam Speaker, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Florida.

Mr. CANADY of Florida. The gentlewoman is certainly aware that the Supreme Court has required judicial bypass. And if a judicial bypass procedure is not available, the State law is invalid and unenforceable.

Mrs. LOWEY. Reclaiming my time, Madam Speaker. The real problem here is that a young woman who is in need of assistance is going to have the person with whom she wants to confide subject to a penalty; thrown into jail. This just does not make sense at all.

I urge my colleagues to join with me in preventing unwanted pregnancies. Let us work and reach out to our young people, encourage abstinence, encourage responsibility, but in their time of greatest need, let us not throw them in jail. Let us not throw their relative in jail.

In fact, at 6 o'clock today I challenge my colleagues to join us and vote against a rule that prohibits coverage of contraceptives. One of the gentlemen who spoke earlier today voted against coverage of contraception. He is against abortion, he is against contraception. This is 1998. Let us work together to reduce unintended pregnancies, prevent unwanted, unwanted and unloved pregnancies, and let us move on and work together.

This bill does not make sense at all. Let us not throw granny in jail, let us not throw the aunts, the relatives in jail, let us defeat this bill.

Mr. CANADY of Florida. Madam Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. CHRISTENSEN).

Mr. CHRISTENSEN. Madam Speaker, I thank my colleague for his leadership on this issue, and over the past several years how he has led on this issue.

I would like to identify myself with my colleague from Illinois when he talked about it is really about the child that we do not hear anything about from the other side.

I know my colleague from New York is a grandmother, I know she cares about children. We just disagree on the approach here. A lot of us disagree on the issue of our tax dollars going to fund contraception. So it is an issue of

where the money is spent and where the authority goes.

This issue really is about children, though, and parental consent and the parents having some say. If a child is not going to tell his or her parent about a possible abortion that they want to seek, they are not going to seek the parents' help when it comes to medical problems they are experiencing from the complications of an abortion. So this bill is for parents and this bill is for children, and this bill, yes, this bill is for the unborn child as well.

Parents should be involved. That is all we are saying. Pass this bill, H.R. 3682.

Mr. SCOTT. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Madam Speaker, I rise in opposition to this bill.

Mr. SCOTT. Madam Speaker, I yield myself the balance of my time, and just want to say that I want to encourage my colleagues to read the bill.

Reference has been made to ads targeted at minors. There is nothing in this bill that prohibits a minor from responding to the ad. The only problem is they have to go alone, without being accompanied by someone else. It is only an offense under this bill if someone transports the minor. Some criminal, including a brother or a sister. A criminal, like an aunt or an uncle or a grandparent. It is not limited to strangers or adult men. It includes brothers and sisters and close relatives.

There is nothing in this bill that requires parental involvement or even ensures parental involvement. The minor can cross State lines alone. That is why the bill is not effective. That is why we should have been able to have amendments, and I would hope that we would defeat the bill.

Mr. CANADY of Florida. Madam Speaker, I yield myself the balance of my time.

This has been an interesting debate. We have heard many things. Most of the things we have heard we have heard over and over again. I will not take all of the time I have allotted remaining. I just want to make again some very basic points about this bill.

To those who say that this is an unconstitutional measure, I point out that the predicate for the operation of this bill is the existence of valid constitutional State laws, laws that have been adopted by State legislatures and which meet the requirements that have been outlined by the United States Supreme Court with respect to parental consent and parental notice laws.

Now, there are a little more than 20 States that have such laws on the books that are valid and enforceable. And all we are saying in this bill is that where we have such valid constitutional laws, this Congress has a role to play in making sure that people do not use the interstate transportation of a minor as a way of circumventing those valid constitutional State laws.

It is very simple. This is not a complicated concept. It is something that I believe all Members, if they give it even the slightest attention, would understand very easily.

It is also important to understand that first and foremost this bill is about protecting the health of young girls. Now, there is an additional concern here about protecting the integrity of the family and the role of the parents in counseling a young girl when there is consideration of an abortion. That is important for a number of reasons, but it is preeminently important because there are threats to the health of the young girl if such counseling is not available.

Again to my colleagues, I would appeal to them, regardless of what their position may be on the subject of abortion in general, to consider the conclusion reached by Dr. Bruce Lucero, a prominent abortionist, a prominent abortion rights advocate, who said that the passage of this bill, and I quote, "Is important to the health of teenage girls."

And in the article which Dr. Lucero wrote, he outlines the reasons for this, and it boils down to this. The parents are in the best position to have information about the health of the young girl; the parents are in the best position to make certain that if there are complications, there is appropriate and expeditious treatment of the young girl. It is the parents who stand in the position to help ensure that the health of the girl is protected.

Now, we have heard that there are difficult circumstances where a girl may not be able to go to her parents. The judicial bypass procedure is available in any of these laws that are valid and enforceable. Some examples have been raised of laws that are not valid or enforceable and that do not have a judicial bypass. That is a red herring, and I believe that people raising that understand that that is a red herring. Any law, the enforcement of which would be aided by the bill that is under consideration today, must have a judicial bypass procedure. That is something the Supreme Court has ruled unequivocally.

I think Members should reject this notion that minors have a constitutional right to go across State lines to evade the supervision of their parents. That is certainly a novel argument, and that is an argument I do not believe we would want to accept.

So I ask the Members to carefully consider all the factors surrounding this bill, and I think if they do that, and they are truly concerned about the health of young girls, they will vote in favor of this bill.

I want to conclude by thanking my colleague, the gentlewoman from Florida (Ms. ILEANA ROS-LEHTINEN), for filing this important legislation. I am deeply grateful for her outstanding leadership in bringing this legislation forward. This is important for the families of America and it is important for the young people of our country.

Mrs. MALONEY of New York. Madam Speaker, I rise in strong opposition to this bill.

I'd like to put this vote in perspective. This is the 87th vote on choice since the beginning of the 104th Congress.

This Congress has acted again and again to eliminate abortion procedure by procedure, restriction by restriction, and unfortunately, they are succeeding.

Today we are debating a bill to criminalize the act of taking a minor across state lines for an abortion without parental consent, if the state in which the person resides requires it.

As a mother of two daughters, I know that this is not a simple issue. Of course, I would hope that my children would include me when making such an important decision.

Unfortunately, parental notification requirements lead many teens—especially those from severely dysfunctional families not to seek a safe abortion at all.

I would hope that any young woman who refuses to involve her parents would have another trusted adult from which to seek guidance and support. However, this bill will make criminals of those loving grandparents, siblings, counselors and friends who have nothing but the safety and well-being of the young woman in mind. It sends the message to young women that the abortion process is something they must go through alone.

H.R. 3682 is a dangerous bill. It will succeed only in making it more difficult for young women to gain safe, legal abortions. If she refuses to involve her family and the law prohibits her from looking to another responsible adult for help she may be forced to travel alone to a clinic, adding delays which increase the risk to her health, or worse, resort to "back alley" or even self-induced abortion.

H.R. 3682 is also an unnecessary bill. For those who worry about young women being forced or coerced by an adult into having an abortion against their will, let me remind them that we already have laws, such as informed consent laws or prohibitions against kidnaping and statutory rape, which protect against this. This bill doesn't protect young women from undue influence. On the contrary, it strips them of essential support.

This bill is not about protecting our young women. It is driven solely by the divisive nature of abortion politics. I urge you to oppose H.R. 3682 and in doing so put the safety and well-being of America's young women before the political agenda of anti-choice legislatures.

Mr. BLUMENAUER. Madam Speaker, I rise in opposition to HR 3682. There is nothing more important in parent-child relationships than for parents to be involved in the healthcare decisions of their children. This basic parental right and responsibility is perhaps most critical in the case of pregnancies of young women. In most American homes, no one cares more about the welfare, health and safety of a child than her parents. Although a

young woman may be frightened or feel ashamed to share with her parents, parents are usually best able to provide support for these most personal decisions.

Unfortunately, not all young women are able to confide in their parents should they become pregnant. A victim of family violence or incest is often not in a position to share her pregnancy with her parents for fear of further abuse. This bill, although laudable for its intention to encourage communication between parents and children, does not provide alternatives for a young woman who is unable, for fear of physical or emotional abuse, to involve her parents in her decision.

In addition, the bill would criminalize the actions of close family members who might seek to assist a young woman who is struggling with this monumental decision. For troubled American households, grandparents, estranged parents, aunts, uncles, or siblings often serve in the parental role. The bill unfortunately does not make provisions for such circumstances. In fact, it may put these young women in a more dangerous situation should they feel compelled to turn to illicit providers of abortion services or travel alone.

Madam Speaker, I agree with the need for more parental involvement in their children's lives, but for these reasons, I must vote no on HR 3682.

Mr. PAPPAS. Madam Speaker, the Child Custody Protection Act protects not only the lives of born and unborn children, but protects the rights of parents from those who wish to undermine them.

I find it troubling that some in this body do not believe it is dangerous to allow a person, who knows nothing about a young girl's health history and who may not even know her, to take her to get an abortion. Risking permanent damage to a child's health, solely to keep her pregnancy a secret from her parents, suits no purpose whatsoever.

In a recent poll, 85 percent of Americans said that they do not believe that a person should take a minor girl across a state line to have an abortion without her parents' knowledge. Many of these people call themselves "pro-choice." Even a physician who performed abortions wrote in a recent New York Times op-ed that he supports this legislation, mainly because of his concern for the health and life of the minor during and after this procedure.

Madam Speaker, getting a young woman to the abortion doctor does not end the situation. This is not a haircut. Rather, this is a potentially dangerous medical procedure whose effects, both physical and emotional, will continue to be with the young woman once she returns to her home. A stranger will not be there. Parents will be.

I ask my colleagues to protect our young women from those who wish to break the law. A vote in favor of the Child Custody Protection Act is a vote in favor of preserving the law and protecting the rights of our nation's parents.

Mr. GILMAN. Madam Speaker, I rise today in opposition to H.R. 3682. the Child Custody Protection Act which would make it a Federal offense for anyone other than that minor's parents to transport that minor to another State so that she may obtain an abortion.

This legislation would prohibit anyone including grandparents, step-parents, religious counselors and any other family members, from accompanying a woman across State lines to obtain an abortion. Parental involvement is ideal and currently, some 75 percent of minors under age 16 already seek the advice and help of a parent when faced with an unintended pregnancy and the prospect of obtaining an abortion. These young ladies are fortunate enough to have loving and understanding parents that they can talk to, but not all teenagers are that lucky. For those teenagers who feel that they cannot involve their parents, they are left with no one else to turn to. No one to counsel them about alternatives to abortion, thus ensuring that they will go through with an abortion. Should this bill pass, young women would be forced to make this difficult decision alone, for fear of putting a family member or a trusted adult in danger of committing a Federal crime.

Supporters of this bill claim that this legislation will strengthen the lines of communication between young women and their parents, when actually the opposite will result. Fearful of putting a trusted family member at risk, who knows what a young, frightened teenager might do? Forced to make a decision on her own, she may make the journey across State lines by herself, traveling by bus or even worse, hitchhiking. She may turn to an illegal back alley abortion where she puts her young life in unnecessary danger.

We owe it to these young women, to allow them the chance to involve someone they trust in making this important decision. Most teenagers who do not involve a parent involve an adult in the decision with some 15 percent talking with a step-parent, grandparent or sibling. If any of these family members attempted to help that teenager obtain an abortion, they would pursuant to the bill before us, be committing a Federal offense.

We need to teach our youth to practice abstinence and to be responsible, thus making abortion an unnecessary procedure. That would be far better than passing legislation which holds concerned family members and trusted adults criminally responsible for helping these young women make a very difficult decision. Accordingly, I urge my colleagues to vote against the Child Custody Protection Act.

Mr. PACKARD. Madam Speaker, I would like to extend my strong support for H.R. 3682, the Child Custody Protection Act. As a father of seven and a grandfather to 34, the thought of a stranger taking one of my children or grandchildren to another state to receive an abortion absolutely sickens me.

The Child Custody Protection Act would make it a federal offense for someone who is not the guardian, to knowingly transport a minor across state lines so she may receive an abortion. An abortion is a life altering and life threatening procedure and for a parent to be kept in the dark is absurd.

We should not allow state laws to be thwarted without consequence. When a minor is taken across state lines for the purpose of obtaining an abortion, the intent is specifically to avoid parental notification or consent laws. Parental notification laws ensure that a parent is aware of the circumstances surrounding the pregnancy of a child to determine whether they were abused, molested, or the victim of a crime. It is alarming to think that our children are required to receive parental consent to take aspirin at school, yet they can be taken across state lines by someone who is not their guardian to have an abortion.

Madam Speaker, I urge my colleagues to vote in favor of H.R. 3682, and vote in favor of protecting our daughters. A stranger should not be allowed to make critical decisions about the health and well being of our children.

Mr. CANADY of Florida. Madam Speaker, I yield back the balance of my time, and I urge my colleagues to vote "yes" on this legislation.

The SPEAKER pro tempore (Mrs. EMERSON). All time has expired.

Pursuant to House Resolution 499, the previous question is ordered on the bill, as amended.

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

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

MOTION TO RECOMMIT OFFERED BY MR. SCOTT

Mr. SCOTT. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SCOTT. I am opposed, Madam Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SCOTT moves to recommit the bill H.R. 3682 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Custody Protection Act".

SEC. 2. TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 117A—TRANSPORTATION OF MINORS TO AVOID CERTAIN LAWS RELATING TO ABORTION

"Sec.
"2401. Transportation of minors to avoid certain laws relating to abortion.

"§ 2401. Transportation of minors to avoid certain laws relating to abortion

"(a) OFFENSE.—Whoever uses force or the threat of force to transport an individual who has not attained 18 years of age across a State line, with the intent that such individual obtain an abortion, and thereby knowingly abridges a State law requiring parental involvement in a minor's abortion decision, shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) DEFINITIONS.—For the purposes of this section—

"(1) a law requiring parental involvement in a minor's abortion decision is a law—

"(A) requiring, before an abortion is performed on a minor, either—

"(i) the notification to, or consent of, a parent of that minor; or

"(ii) proceedings in a State court; and

"(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of

any person or entity who is not described in that subparagraph;

"(2) an abridgement of the State law requiring parental involvement occurs if an abortion is performed on the minor, in a State other than the State where the minor resides, without the parental consent or notification, or the judicial authorization that would have been required by that law had the abortion been performed in the State where the minor resides;

"(3) the term 'parent' means—

"(A) a parent or guardian;

"(B) a legal custodian; or

"(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

"(4) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

"(5) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

"117A. Transportation of minors to avoid certain laws relating to abortion ..... 2401".

Mr. CANADY of Florida (during the reading). Madam Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes in support of his motion.

□ 1600

Mr. SCOTT. Madam Speaker, I yield to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Madam Speaker, we have heard a considerable amount of concern from our friends on the other side of the aisle about older predator males smuggling or forcing young women across State lines for an abortion. We share that concern.

States must do a better job of enforcing the statutory rape laws, and we must make it clear to older men that if they have sex with underage women, they will be prosecuted to the fullest extent the law allows.

We must also ensure that women are not being forced or coerced to cross State lines to obtain an abortion. We support the right to choose, and we must guarantee that every woman can exercise that right free from harm, threats or intimidation.

Our motion to recommit will instruct the Committee on the Judiciary to report back a substitute that will make it illegal to force or coerce a woman across State lines so that she can obtain an abortion. The substitute also strengthens the underlying bill's criminal penalties by sentencing violators to 5 years in jail.

This amendment gets at the heart of what the underlying bill was trying to do, deter and punish those who intentionally try to evade parental laws and force young women to have abortions without the proper consent or notification requirements having been met.

H.R. 3682, as currently written, is far too overbroad. As we have seen, it would have the effect of criminalizing grandparents and close family relatives who are in many cases a young woman's only family and only source of support in times of crisis.

H.R. 3682, as currently written, would lead to back-alley abortions and increase family violence, particularly for young women who have nowhere to turn and no one to help them at a critical time in their lives. Surely, we want to strengthen family ties, not damage them.

H.R. 3682 is a bad bill. It will put our children at risk. It will throw our grandmothers in jail. Let us really do something about sexual predators by voting for the motion to recommit.

Mr. SCOTT. Madam Speaker, reclaiming my time, without this motion to recommit, the matter will be denied the assistance from a trusted friend or relative.

The bill in its present form, without the motion to recommit, does not require parental consent because a minor could go alone. I would ask that we vote yes on the motion to recommit.

Mr. CANADY of Florida. Madam Speaker, I rise in opposition to the motion to recommit.

I ask the Members of the House to focus carefully on exactly what this motion to recommit says. I had actually thought we might get a motion to recommit that would try to address some of the concerns that we have heard about. But this does not do that. It instead brings to the House a bill that would outlaw kidnapping and abduction for the purposes of obtaining an abortion.

This measure in the motion to recommit would simply say they cannot kidnap or abduct, use force or threat of force to transport an individual across State lines for the purpose of obtaining an abortion in the circumstances outlined. There are laws on the books already to deal with that kind of circumstance. There are laws against kidnapping. There are laws against abduction. There are laws that relate to the improper use of force or the threat of force.

So this is meaningless. This is absolutely meaningless. I think that the Members of the House should understand that. But more importantly, I think that the Members need to again focus on what the point of the underlying bill is.

This bill is here to protect the rights of parents to be involved in their minor daughter's decision to have a serious, potentially dangerous surgical procedure and the right of children to have the counsel and protection of their parents at that critical time when that decision is being made.

Now, many States have decided to give legal protection to this relationship through enactment of parental involvement laws, whether they be consent laws or notification laws. Now, without H.R. 3682, many people will continue to circumvent these protective State laws by secretly taking someone else's daughter across State lines for an abortion.

This motion before us is not serious. I have the greatest respect for the gentleman from Virginia (Mr. SCOTT) who has offered the motion, but I have to submit that this is not a serious attempt to deal with these issues.

As a matter of fact, if the type of provision that is in this motion were to become the law of the land, Joyce Farley and her daughter would be in the same position they have been in. Ms. Farley's 12-year-old daughter was raped, and the rapist's mother took the child out of Pennsylvania, which has a parental involvement law for an abortion. There was no evidence that the rapist's mother used force or the threat of force. She used persuasion with a very troubled young lady. She took advantage of her. Her son had taken advantage of her, and the mother of the offender took further advantage.

H.R. 3682 would protect Ms. Farley and her daughter. The motion to recommit would do nothing for them at all. As a matter of fact, the motion to recommit would do nothing for anybody at all other than perhaps give a little cover to some people who are looking for some cover on an issue which they understand the American people have a very firm position on.

The American people overwhelmingly support parental laws. The American people overwhelmingly support the bill that is before the House today. So I would urge that my colleagues in the House reject the motion to recommit and then vote for the bill.

The SPEAKER pro tempore (Mrs. EMERSON). 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. SCOTT. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. 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, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—yeas 158, nays 269, not voting 7, as follows:

[Roll No. 279]

YEAS—158

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilman
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (VA)
Morella
Nadler
Olver
Owens
Pallone
Pastor
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Spratt
Stabenow
Stark
Stokes
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NAYS—269

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
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
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Dingell
Gonzalez
Goode
Hill
McNulty
Payne
Roybal-Allard

□ 1626

Messrs. BERRY, METCALF, MOAKLEY, Mrs. McCARTHY of New York, and Messrs. COOKSEY, RILEY, WEYGAND, McCRERY, CONDIT and SAM JOHNSON of Texas changed their vote from "yea" to "nay."

Mr. DOGGETT changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. CANADY of Florida. Madam 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 276, noes 150, not voting 8, as follows:

[Roll No. 280]

AYES—276

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin

Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—150

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
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Dicks
Dixon
Doggett
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Edwards
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Evans
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Filner
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Frank (MA)
Frost
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Gejdenson
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Gilchrest
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Greenwood
Gutierrez
Harman
Hastings (FL)
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Hinchey
Hinojosa
Hooley
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Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Klug
Lampson
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Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
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Moran (VA)
Morella
Nadler
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Pickett
Price (NC)
Rangel
Rivers
Rodriguez
Rothman
Rush
Sabo
Sánchez
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Stabenow
Stark
Stokes
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NOT VOTING—8

Dingell
Gonzalez
Hill
McNulty
Petri
Porter
Roybal-Allard
Tauzin

□ 1636

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PETRI. Madam Speaker, on H.R. 3862, the Child Custody Protection Act, Rollcall No 280, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. TAUZIN. Madam Speaker, on July 15, 1998, I was inadvertently detained, and missed rollcall 280, on H.R. 3682, the Child Custody Protection Act. Had I been present, I would have voted "aye."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 219

Ms. KILPATRICK. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 219.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

PERSONAL EXPLANATION

Mr. HILLEARY. Madam Speaker, due to a set of tragic events in my district last night and yesterday, I was unable to be present for a series of votes last night, including the Doolittle amendment and the Fossella amendment to the Shays-Meehan substitute to H.R. 2183. If I had been present, I would have voted aye on roll call 275 and aye on roll call 276.

SONNY BONO MEMORIAL SALTON SEA RECLAMATION ACT

Mr. DREIER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 500 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 500

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3267) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea. The bill shall be considered as read for amendment. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; (2) a further amendment printed in the Congressional Record pursuant to clause 6 of rule XXIII, if offered by Representative Miller of California or his designee, which may be considered notwithstanding the adoption of the amendment in the nature of a substitute printed in the report of the Committee on Rules, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

Mr. DREIER. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to my very good friend, the gentleman from Dayton, Ohio (Mr. HALL), the distinguished ranking minority member of the very prestigious Subcommittee on Rules and Organization of the House, pending which I yield myself such time as I may consume.

□ 1645

I will say that all time that I will be yielding will be for debate purposes only.

Madam Speaker, this rule makes in order a bill that will bring to fruition the hard work of our late friend and colleague, Sonny Bono. Specifically, it makes in order H.R. 3267, the Sonny Bono Memorial Salton Sea Reclamation Act, under a modified closed rule.

The rule does provide for a substitute to be offered by the ranking minority member of the Committee on Resources, the gentleman from California (Mr. MILLER), or his designee. The structured rule is necessary, Madam Speaker, to protect a fragile compromise that is supported by all of the stakeholders in the restoration of the Salton Sea.

The compromise ensures the expeditious development and congressional consideration of a plan to stop the ongoing environmental damage to the Salton Sea and to restore its health.

Because the environmental problems facing the wildlife refuge and reservoir are worsening so quickly, it is important that Congress pass legislation that allows it to be addressed as quickly as possible. This rule, Madam Speaker, also ensures, as I said, that a minority alternative will be fully debated.

I would like to commend the members of the bipartisan Salton Sea Task Force. The leaders of that have been our California colleagues, Mrs. BONO, Mr. HUNTER, Mr. CALVERT, Mr. BROWN, Mr. LEWIS, and Mr. DOOLITTLE of the Subcommittee on Water and Power. They have done a tremendous job, and they have worked long and hard in reaching a consensus that will allow this legislation to move forward.

Madam Speaker, H.R. 3267 is critical to the health of both the environment and the economy in both Imperial and Riverside Counties. The Salton Sea is an integral part of the Pacific Flyway, providing food and a major rest stop for hundreds of thousands of waterfowl and shore birds. According to the Fish and Wildlife Service, the health of the sea is essential to the long-term viability of the migratory bird population on the west coast. Five endangered or threatened bird species and one endangered fish species depend on the Salton Sea.

The economic impact of the project is equally significant. A study by the

University of California Riverside's Economic Data Bank and Forecasting Center estimates the economic benefits of restoring the Salton Sea of between $3.4 and $5.7 billion. This includes the benefits of increased tourism, recreation, farming and other economic activity around the restored sea.

The Sonny Bono Memorial Salton Sea Restoration Act will halt a serious and ongoing decline in the local economy and replace it with real jobs and good, positive growth for the area.

Madam Speaker, the deterioration of the Salton Sea is a problem that can be solved. While reducing the salinity presents a significant challenge, there are feasible plans for addressing the problem, including diking off a portion of the sea to serve as a final sink for collecting salt. The bill that the House will consider today allows this and other policy responses to be thoroughly researched so Congress can later consider the most cost-effective approach.

Given the importance of the Salton Sea to the local economy and as a habitat for wildlife, it makes sense for the Federal Government to work in partnership with State and local governments to try to develop a plan for fixing the problem. This is particularly true given that H.R. 3267 only commits the Federal Government to considering a cleanup plan, not to helping fund the cleanup.

This is a fitting tribute to a man who cared deeply about restoring the Salton Sea and for whom H.R. 3267 is named. For these reasons, Madam Speaker, I urge adoption of both the rule and the bill.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I thank my colleague from California (Mr. DREIER) for yielding me this time.

This resolution puts forth a modified, closed rule. It provides for consideration of H.R. 3267, which is the Sonny Bono Memorial Salton Sea Reclamation Act.

This is a bill to reduce and stabilize the salt content of the Salton Sea near Palm Springs, California. As my colleague from California has described, this rule provides for 1 hour of debate to be equally divided between the chairman and ranking minority member of the Committee on Resources. Only one amendment may be offered.

Madam Speaker, there is agreement on both sides of the aisle that Congress needs to protect the worsening environmental conditions at Salton Sea, and there is a consensus that our late colleague, Sonny Bono, is deserving of a fitting tribute. Unfortunately, this bill will probably do neither.

There are numerous provisions in the bill which will raise objections. For example, the bill makes funds available from the Land and Water Conservation Fund, which was established to preserve park land and open spaces, not for water projects. Also, it authorizes construction of a $350 million project before enough study has been done. These and other provisions will probably hold up the bill in the Senate and result in a Presidential veto.

The bill should have an open rule so that all House Members will have the opportunity to make improvements through the amending process on the House floor. The rule also waives the 3-day layover requirement for the committee report, which was filed only yesterday, and this makes it even more difficult for the House to work its will.

I have no further comments to make at this particular time, Madam Speaker.

Madam Speaker, I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield such time as she may consume to my very distinguished colleague, the gentlewoman from Palm Springs, California (Mrs. BONO).

Mrs. BONO. Madam Speaker, today I rise in support of the rule governing H.R. 3267, the Sonny Bono Salton Sea Memorial Reclamation Act.

I would like to thank the gentleman from New York (Mr. SOLOMON) and the gentleman from California (Mr. DREIER), as well as the rest of the Committee on Rules members, for crafting a rule that is both fair and reasonable.

The bill that we will be debating today is a good environmental bill. It sets out a sound process for both study and action to save the Salton Sea. The gentleman from California (Mr. DREIER) knows all too well the problems facing the Salton Sea. When Sonny passed, and the Speaker spoke of the need to save this national treasure, the gentleman was right there all the way. I believe that when he sat down to craft this rule, he had in mind the need to save the Salton Sea and the urgency of which it needs to be saved. Unlike the opponents of this bill, the gentleman from California (Mr. DREIER) and the rest of the Committee on Rules want to save the Salton Sea.

For those who do not find this rule fair, I say, what was so fair about allowing the sea to get worse over the last 25 years when this very body had an opportunity to take measures to save it then? What is so fair about environmental groups who finally stand up and take notice of the sea when they have rarely been there in the past? It is real simple. One is either for the sea and the environment and vote "yes" on the rule, or one is for the demise of the Salton Sea, against Sonny's dream, and for the opposition of this rule. Vote "yes" on the rule.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes and 10 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

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

The issue here today is not whether or not we are going to be honoring our former colleague, Congressman Bono. I think all of us who had an opportunity to serve with him are committed to having an appropriate memorial of that nature. Nor is there a lack of interest on the part of Members of this Congress dealing with the environmental problems associated with the Salton Sea.

The issue that I am concerned about, and I hope the House will take a step back and look very carefully at this, is that we are moving ahead with a significant sum of money to try and deal with what in and of itself was a failed project in the past. This water resources project years ago was well-intended, but has moved in the wrong direction.

It is an issue that I am personally concerned with. As we speak today, this Congress has not exercised appropriate oversight for other water resources projects where we have not laid an appropriate foundation environmentally in engineering terms to make sure that we are not spending good money after bad.

My colleagues will hear in the course of the debate, both on the rule and on the measure itself, that there is not at this point a clear understanding of the exact nature of the problem, and despite years of study and engineering research, there is not a good plan in hand right now.

To go ahead with a preauthorization of a third of a billion dollars for something that this House does not really understand fully and will not have control over is a step clearly in the wrong direction. Not only would we be wasting it, there is a probability that it could even be made worse.

I am pleased that our friends on the Republican majority have rediscovered the Land and Water Conservation Fund. Annually only about $260 million of this fund is spent on this purpose intended for the purchasing of conservation funds. It is a dramatic stretch, I think, for this House to dedicate resources of this order of magnitude in one little portion of the United States when we have hundreds of projects that go begging around the country. I hope that we will have a more thoughtful discussion about the utilization of this resource.

I really do hope that we will approve the Miller amendment, have an opportunity to look at this in a more thoughtful fashion, and provide really a truly appropriate memorial in the long run.

Mr. DREIER. Madam Speaker, I yield 5 minutes to the gentleman from San Diego, California (Mr. HUNTER), our colleague who shares representation of Imperial County with the gentlewoman from California (Mrs. BONO); the man who gave his most sterling speech this morning before the Republican Conference.

Mr. HUNTER. Madam Speaker, I will try to be almost as brief as I was this morning.

My colleagues, we have a real opportunity here to do three things that are very important. One is we have an opportunity to right what is perhaps the worst environmental disaster in our Nation, and that is the continuing pollution and continuing salinization of this huge 360-square-mile body of water next to the Mexican border in southern California. It is fed by the New River and the Alamo River, and the New River is considered to be the most polluted river in North America coming north from Mexicali, traveling 50 miles through the California desert, and emptying into the Salton Sea. In going through Mexicali, it goes through the industrial area of Mexicali, takes a lot of waste. If one goes down there, it is somewhat like America was in parts of this country in the 1930s, literally with yellow toxins spewing out of pipes directly into the river; also, with the sewage system in Mexicali that is attached to that river.

So we have an opportunity to right what is right now one of the most difficult environmental disasters we have ever had in this country.

Secondly, in cleaning up the sea, which we are going to do with this bill, we have the opportunity to expand one of the greatest natural resources and recreational resources in this country.

One of the great things about the sea that the gentlewoman from California (Mrs. BONO) loves so well and Sonny loved so well is the fact that it is so close to a lot of working Americans. It is within driving distance of about 8 percent of America's population. That means that the average guy and his wife and his kids on the average weekend can get in their camper in Covina or Los Angeles or the Inland Empire or San Diego or Orange County and drive to the Salton Sea.

□ 1700

He can enjoy what up until a couple of years ago was the most productive fishery in the United States. He can enjoy, or could, up until a couple of years ago, great waterskiing. That family could enjoy great camping opportunities, and they could do that without having to have the financial resources to jet off to New Zealand, to go fly fishing, to do other things that some people can do but others cannot do. The Salton Sea is a great opportunity for working America to have a wonderful recreational site.

Thirdly, we have the opportunity to do something that I think Sonny Bono taught us so well, and that is what the gentlewoman from California (Mrs. BONO) is continuing to teach us, and that is to use common sense. We are using common sense in this bill.

We changed judicial review at the request of a number of the environmental folks to an expedited judicial review, nonetheless, not cutting it off completely. But as the gentlewoman from California (Mrs. MARY BONO) said, the sea is on a death watch. It is going to die in 10 years or so when it gets up to 60 parts per million of salinization. We cannot let lawsuit after lawsuit tie up the project until the sea is dead.

We are undertaking the project in Mexicali to wean the Mexicali industrial waste and their industrial waste from the New River. That project is going to break ground here in the next couple of months, so it is important and it is necessary and it is appropriate that we get to going on the sea and we start the project.

As one North Salton Sea resident said in one of the articles, he said that this Congress studies the sea and then they disappear, and come back a couple of years later and study it again. We are committing, with this bill, with this authorization, to fix the Salton Sea; that is, to take care of the salinization problem.

We have literally volumes of studies that have been done that have narrowed down the options to basically two options, and that is diking, or else having an infall or outfall; that is, exporting saline water or importing nonsaline water. We have those two options. Secretary Babbitt is going to decide which one works best. He is going to come back and tell the Congress which is best. Then we will act. He said he could do it in 18 months.

The only exception, you have 18 miles of river feeding the Salton Sea, and we have come up with an environmentally friendly way of cleansing that river. We are going to have 50 miles of marshes, and we are going to filter the New River through those 50 miles of marshes, but we cannot do it, some lawyers tell us, under the Clean Water Act because the Clean Water Act says if you take a glass of water out of the New River, you have to pour it back in in drinking water quality. You cannot incrementally clean up a river under that law. You cannot filter part of it in the first mile and part in the second mile and part of it in the third mile. You are totally stopped, so you do not do anything. The sea continues to get polluted.

This is a great bill. I thank the Committee on Rules for bringing it up. Let us have an overwhelming vote in favor of the rule and the bill.

Mr. DREIER. Madam Speaker, I am happy to yield 2 minutes to the gentleman from California (Mr. KEN CALVERT), another Member who has worked on the task force.

Mr. CALVERT. Madam Speaker, I thank the gentleman from California, my good friend from Covina, for not only putting together a good rule but for his support for saving the Salton Sea.

Here we go again. We have been studying the Salton Sea now for well over 30 years. There have been many reports, many studies, many millions of dollars on how to save the Salton Sea. Today finally we are going to establish the groundwork to do exactly that; that is, to save the sea, the birds, the fish, and most importantly, we are going to save an opportunity for people to visit the Salton Sea. Not too many years ago more people visited the Salton Sea than they did Yosemite, on an annual basis, it is so close to so many millions of Americans in the southwest United States.

I as a young man, boy, would go waterskiing at the Salton Sea. It was probably the best waterskiing in all of California, and certainly, I think, throughout the southwestern United States. It is unfortunate that people do not have that same opportunity anymore, or at least not with the quality of water as it exists today.

The other gentleman from California, our esteemed friend from Imperial County, mentioned the New River and how polluted it is, and what is going on there. It is certainly horrible. We have a chance today. We have this rule. Sonny Bono certainly dreamed of this day. I think he is looking down on us right now wondering what we are going to do finally.

Sonny, we are going to pass this rule. Furthermore, we are going to pass this bill, and we are going to vote against the Miller-Brown substitute and move ahead.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Madam Speaker, I rise in support of this rule, because the rule does a very important thing. It allows for an alternative.

I think that in approaching this, that everyone in this room is in agreement that we need to solve the Salton Sea issue, and that we ought to do that under the name of our former colleague, Mr. Bono. But I do not think we all agree on how to get there. What we need before we get there is a road map. That road map is very important, because it is not being provided in this legislation, but it is being provided in the rule in the substitute. I rise in support of the rule because of the substitute.

I am concerned that in the bill, the main bill, there is an appropriation in there, there is an authorization for an appropriation of $350 million that can be taken from the Land and Water Conservation Fund. That is the entire 2 years of appropriations for this House for all of the projects in the United States. So every Member who is voting for this bill ought to be concerned that those projects that are going to restore lands with authorized use from the Land and Water Conservation Fund, those projects may be put in jeopardy as this project takes priority to all of that.

Madam Speaker, I urge my colleagues to look at the substitute, the Miller-Brown substitute. I think it provides a much better solution. It is a complicated issue. This is essentially a sea or a lake that is taking the drainage.

Water in Southern California is getting scarcer and scarcer and more valuable as we use reclamation, cleaning up dirty water and using it for agriculture, which will be in demand. The cost and uses of water that would go to the lake to sustain it are going to be in great demand. I do not think we can solve the problem by jamming it through with this solution. We need the substitute.

The rule is a good rule because it provides that substitute. When we get to that, I urge my colleagues to support it.

Mr. DREIER. Madam Speaker, I am happy to yield 3 minutes to the gentleman from Mount Holly, New Jersey (Mr. SAXTON), the very distinguished chairman of the Joint Economic Committee.

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

Madam Speaker, let me just begin by saying that I rise in support of this rule and of the underlying bill, H.R. 3267, the Sonny Bono Memorial Salton Sea Act.

Let me just say, or let me just express my admiration for the great job that the gentlemen from California, Mr. DUNCAN HUNTER, Mr. KENNY CALVERT, Mr. DAVID DREIER, my friend here, Mr. DUKE CUNNINGHAM, have done, and let me say just especially to the gentlewoman from California (Mrs. MARY BONO) how pleased I am to be here today to support this major effort she picked up on just several months ago, and has really led the way in this effort. I have not seen this many Californians agree on an issue in the 14 years that I have been here, and I say to the gentlewoman from California (Mrs. BONO), it took her to bring them all together.

As an Easterner and as chairman of the Fisheries Conservation, Wildlife and Oceans subcommittee. Let me just stress how important I think this bill is. It represents a major stride towards improving the water quality of the Salton Sea by reducing the salinity and stabilizing the elevation along the shoreline.

The Salton Sea is certainly of extreme importance as a major stopover for avian species along the Pacific flyway. As chairman of the subcommittee, I must stress the importance of saving habitat for migrating birds. Already many of the traditional nesting and feeding areas have been destroyed, and if the degradation of the Salton Sea continues unabated, this important habitat will surely be lost.

Let me just say also that I have received a number of communications from ornithological council members, which include the eight major scientific societies of ornithologists in North America. Collectively, these professional organizations include over 6,000 scientists and students of bird life.

The letter of the council states that "The Salton Sea ecosystem has long been recognized as providing significant wetland habitat for immense numbers of migrating birds."

Let me just say, in conclusion, to my friends from the other side of the aisle, with whom I oftentimes, in fact most often, agree, I think we all want to get to the same place. I will be supporting the underlying bill. Others here will obviously support the substitute. I am hopeful that the underlying bill will prevail and that we will be able, therefore, to proceed to come to a conclusion that is beneficial to all concerned.

Let me once again congratulate the members of the California delegation, and particularly the gentlewoman from California (Mrs. MARY BONO), for their great leadership in bringing this bill to the floor today.

Mr. DREIER. Madam Speaker, I yield 1½ minutes to my very good friend, the gentleman from San Diego, California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Madam Speaker, my daughters, April and Carrie, got the first duck mud between their toes in a goose blind over in the Salton Sea with their Grandpa Jones. He also taught them how to blow a duck call in that same place.

Why is it important? It is a major flyway from Connecticut to Sacramento to the Salton Sea and then down to Mexico for the winter feeding grounds. There are also many of the endangered species and also porvina, which is a fish that lives there, which is dying in very fast order.

I do not believe we are trying to get there in the same place, because if Members want to delay a bill in this body, if they want to kill a bill, just have a study with no commitment, with no commitment to carry it through. That is exactly what the Miller substitute does, study, study, study, knowing good and well that we will come back and not be able, when the funds are low, to fund it.

Support the Bono amendment and let us pass this bill.

Mr. DREIER. Madam Speaker, I am happy to yield 2 minutes to my very good friend, the gentleman from Monticello, Indiana (Mr. BUYER), who was a very, very close friend of the late Sonny Bono.

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

I rise today in support of H.R. 3267, the Sonny Bono Memorial Salton Sea Reclamation Act. The Salton Sea has only 12 years of life left until it will cease providing a haven for over 375 species of birds and fish, including numerous endangered and threatened species. The 30,000 acre lake salt level continues to rise to levels which are already causing great amounts of disease in the species which rely upon the sea's resources. In just a short period of time the species will no longer be able to survive.

To remedy the situation this bill provides for five things: reducing and stabilizing the salinity level, stabilizing the sea's surface elevation, restoring fish and wildlife resources, enhancing recreational use and environmental development, and ensuring the continued use of the sea as a reservoir for irrigation and drainage. The policy is to manage all the resources in order to balance the needs of wildlife, natural resources, and humans. They are all intertwined and all part of the same equation.

Those who oppose this commonsense measure instead advocate a slower and more cautious approach. I have listened to some of the words. They say, let us be more thoughtful, or let us have a better road map. What this really means they are choosing the course that will eventually cause the demise of this valuable natural resource.

It is indeed necessary for Congress to be responsible for the funds that it authorizes and appropriates. However, it is necessary for Congress to act responsibly in a timely manner in order to avoid a disaster. Losing the Salton Sea would be a disaster for all the species which utilize the area, the local economies of the communities near the sea, and anyone who is concerned about our Nation's resources.

Those in opposition to this bill complain that the measure authorizes both a feasibility study and construction. In fact, this bill requires the Secretary of the Interior to report back to the authorizing committees after the feasibility study in order to approve the construction plans.

In basic point, what we have here is a conflict. Radical environmentalists, who are also preservationists, find themselves in conflict with also their advocacy of protection of the endangered species. So what they really have here is they are endorsing the radical preservationists' view on the environment, and they want the Salton Sea to die, just let it go, let it go, let it go.

We say no to that position. In memory of Sonny Bono, we will step forward and manage our Nation's resources, protect the environment, ensure that the species on the endangered species list are protected. It is management of our natural resources, which this bill is about. I ask for the passage of the rule.

Mr. DREIER. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. BRIAN BILBRAY), another great San Diegan, a great friend, and hard-working two-termer.

□ 1715

Mr. BILBRAY. Madam Speaker, I rise in support of the rule. Those of us who live along the southwestern border have grown tired of the Federal Government constantly finding excuses not to address the issues that only the Federal Government can address. We are talking about a crisis here that has been created by the lack of Federal action in the last 30 years. Pollution coming across the border, the lack of cooperation between Mexico and the United States, this is a Federal responsibility and a Federal obligation and a Federal preserve.

They can talk about, let us spend more money having more sanctuaries, more preserves, but if the Federal government, those of us in Congress are not willing to move forward and take action, not talking about protecting the environment but actually doing something to protect the environment, if we will not do it where the Federal Government is the only agency that can execute it, the only agency that has the jurisdiction to execute many of these types of strategies, then let us not keep talking about that we care about the environment.

If we do not move forward with this proposal at this time, then let us stop talking about how much we care about the environment. Now is the time to prove who really supports the environment.

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

Mr. HALL of Ohio. Madam Speaker, I yield 8 minutes to the gentleman from California (Mr. MILLER), ranking member of the committee.

Mr. MILLER of California. Madam Speaker, the troubles of the Salton Sea are not new to any of us in California. In fact, the Salton Sea has had serious biological problems for many years. They have been well publicized fish kills and die-offs of migratory waterfowl that raise both environmental concerns and issues involving international treaty obligations. Various scientific studies have attempted to pinpoint the biological cause of the enormous fish kills and the bird die-offs that afflict this body of water.

In 1992, the Congress passed legislation that I wrote expanding these studies and the Department of Interior is engaged in that additional research, although there have not been the appropriations in the last couple of years to finish that research or to move it very far down the line.

There really is no mystery about some of the aspects of the problems of the Salton Sea. It is an artificially created body of water formed through an engineering catastrophe earlier in this century. It is growing increasingly salty and contaminated because most of its inflows come from agricultural wastewater and municipal wastewater, loaded salts and heavy metals and pesticides and contaminants.

The fact of the matter is the only real source of any water of any volume for the Salton Sea is contaminated, polluted wastewater. That is some of the best water that is in this sea at the current time. Yet the inflows of the better quality of water in the sea itself, these waters are questionable over the next few years, and we continue the problem of the increased salinization of this area.

The question really is, what do we do about the Salton Sea? How do we arrive at a program that will work? The suggestion that we have made tracks much of what is in this legislation, and that is that we go out, the minority has decided that we would spend a million dollars a month or more than a million dollars a month over the next 18 months and direct the Secretary to conduct these studies and come back and tell us what will work or what will not work. And then at that time, based upon those alternatives, authorize this project or not authorize this project based upon what the Congress deems to be feasible or not feasible.

The point is this, with the passage of this legislation, the Salton Sea will immediately become the second largest construction program within the Bureau of Reclamation. Only the Central Arizona Project will be larger, if one works it out over a 10-year period of time which is, of course, the time line that has been set by the concerns of the supporters of this legislation.

I think before we commit the Congress of the United States and the taxpayers of the United States to a $300 million decision, we ought to know what those facts are. We ought to make those determinations, but, as somebody said, if we do the studies first and then we come back to the Congress, the Congress will not give us the money. So what they want to do is, they want to take the money up front today, before the studies come back and tell us what it is, and the project will be authorized without regard to those studies. The authorization will be squirreled away.

The point is this, this is a very complex problem. It is not just the issue of salinity. It is the issue of nutrient loading. Many of the scientists say we can deal with some of the salinity problems with the diking program and others, but the problem is that we still have not dealt with what may be killing many of the birds and the wildlife in this area.

So the point is that I think that we have an obligation to treat this project as we treat all other projects: That is, we authorize studies to come up with the feasibility to determine what is feasible, to determine what the costs are going to be, and then we come back and we authorize that project for the purposes of appropriation, if those studies work out. That is how everyone else in this Congress gets their projects authorized.

The fact of the matter is, in some cases after we do the studies, we make determinations that that is really not worth the expenditure of the public's money or a project has to be redesigned or we scale a project down. Those are all determinations that are made within the process of these projects.

I also want to point out that this legislation has a number of problems on it that have been raised, concerns, by statement of administration policy from the Clinton administration. They have problems with letter funding mechanisms of this legislation, the fact that the bill currently takes the funding from the Land and Water Conservation Fund. This is a trust fund that is to be used for the purchase of public lands and the maintenance of our parks and wilderness areas on the public lands. And this would invade that to the extent of over two times of what we authorize in a single year would be taken out for this single project.

The cost sharing would exempt irrigators from the cost-sharing responsibility for project implementation. So we are putting that load on the taxpayers. The limitations on liabilities, we find what we are doing is we are taking the liability for anything that goes wrong in this project, we are taking that off of the back of everybody else that is around the Salton Sea and saying we are going to load that liability, if things go wrong, on the back of the Federal taxpayer.

Clean water exemptions have already been addressed. The administration has problems with those. And the congressional review, the Department of Justice has advised that the provisions granting congressional committee authority to approve or disapprove executive actions without the enactment of legislation would be unconstitutional.

So this is a piece of legislation that may very well pass this House, but it certainly is not going to get consideration in the Senate. Senator CHAFEE has already indicated that their committee would not have time to take this legislation up in this condition. They would hope that we would send them a clean bill so they could pass the legislation, and we can get on with the studies that are necessary to be done. There is nothing in the substitute that delays those studies. There is nothing in the substitute which does not require the Secretary then to report back the results of those studies. But I think it is a way to get this bill enacted so that we can get on with those studies.

We can cut down the time frame in which to deal with the problems of the Salton Sea and make some determinations. As Members know, the majority leader of the Senate said if it takes more than an hour, it is not coming up in the Senate between now and adjournment.

Mr. VENTO. Madam Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Madam Speaker, I rise in opposition to the rule.

It is an irony that we have really what I consider would be a very popular and a very positive initiative in terms of trying to clean up and try to address the problems of the Salton Sea. I do not know if it is possible to really clean it up in terms of both the nutrients and the salt, because of the nature of the delta that it rests on, this ancient seabed. But in any case, it is ironic that we get wrapped around the axle here today on the basis of an unknown type of action and project.

Everybody apparently agrees there has to be study because the measure before us and the substitute that my colleague, the gentleman from California (Mr. MILLER) is going to present, which I support, says that we have to do a study. You have to do more study in terms of putting in place the nature of the type of project. There has been a great deal of research work that has been done on this, but unfortunately it is not in specifics yet.

I think that the opposition to this is not one in terms of delaying it, because clearly it is going to take the 18 months, which the sponsors and advocates for this are proposing to be in place. If you really want to push this program up, what you really ought to do is appropriate the money right now for the project. That is, in essence, what is being done in terms of authorization. We would not see the appropriators standing up in the House doing that without any specific project. The authorizers themselves on our Resources Committees should not be proposing without some definitive policy path, especially considering what the elements are. I mean, the limits on judicial review, the limits on the Clean Water Act, the limits on liability, the limits on who is going to be paying in terms of who is responsible for some of the damage in the future, the limits on not using the Colorado water, this is the delta of the Colorado River, yet you cannot use water from the Colorado River for this particular purpose.

So these are just some of the obvious shortcomings that exist with regard to this measure. We will have a chance to discuss them further, but this rule is a closed rule and one that I cannot support. I think the process is one that I do not think is sound in terms of dealing with and developing a good policy path on an issue that there would be and could be consensus upon but for the getting the cart before the horse on this measure.

This authorization of over $350 million deserves a deliberate process and the use of a full open authorization appropriation actions.

I thank the gentleman for yielding to me and thank him for his statement.

Mr. MILLER of California. Madam Speaker, I thank the gentleman.

Mr. DREIER. Madam Speaker, I yield such time as he may consume to the gentleman from Redlands, California (Mr. LEWIS).

Californians could not ask for a more able dean of our delegation.

Mr. LEWIS of California. Madam Speaker, I express my appreciation to my colleague from the Committee on Rules not only for his work today but the hard work he has put into shaping this rule and being of such assistance to those of us on the task force who are involved in attempting to save the Salton Sea.

I listened to the discussion of my colleague from California from the committee as he was discussing the rule and could not help but be reminded of the fact that, as he reminded us, that the Salton Sea has been under consideration for a considerable length of time.

The problem is that the Salton Sea and the economic, the environmental challenge it provides for us has been around for a long, long time. It is to the point of being the most significant environmental crisis in the west at this moment. If indeed our committees had chosen to go forward with serious action regarding this problem years and years ago, the problem would have already been solved. It would have cost considerably less money.

I must say that this very important environmental project has not received that kind of priority in the past, and I am very disconcerted about that, especially when Members suggest that we are moving forward much too rapidly now in terms of consideration when the challenge has been there for several decades.

I must say that I could not be more pleased, however, with the fact that this act will be entitled the Sonny Bono Memorial Salton Sea Reclamation Act, for it was not until Sonny Bono really grabbed this problem by the horns and drug a lot of us along with him to make sure that the Congress focused upon this crisis, made sure we had a pathway to action regarding finding a solution, he was responsible for leading the Salton Sea task force, which involves my colleagues, the gentlemen from California (Mr. BROWN), who is in the adjacent district of mine in Southern California, (Mr. HUNTER), (Mr. CALVERT) along with myself. And in recent months we have had the able leadership of the gentlewoman from California (Mrs. BONO), our colleague who represents much of the sea.

I must say it has been her dynamic expression of concern that we follow through on this priority of Sonny's that has added the sort of momentum that we need to see this legislation through to success.

There is little doubt that the challenge is very real, but also the problem is a solvable problem if we will but move forward. This legislation lays the foundation for reviewing a whole series of studies that have gone on for years and years and years, selecting the alternative approach to solution, and at the same time lays the foundation for the kind of authorization we need to actually decide on which avenue is the best one to follow.

We have begun the appropriations process by the way. There is funding in a number of appropriations subcommittee bills now to move forward with the studies that we are talking about. In turn, we want to make sure as quickly as possible to move forward with authorization of construction for there is not time to fool around with this any longer. The committees have ignored it in the past for far too long. It is my judgment the sooner we have a broadly based authorization, the sooner we can get appropriations in line that will actually lead to construction and begin to save this fabulous environmental opportunity that we have in the southland that provides huge recreational opportunities, economic opportunities, changing an entire region in terms of that which will be available to a sizable portion of the population in Southern California and regions that surround.

□ 1730

So I want to express my deep appreciation first to the gentlewoman from California (Mrs. MARY BONO) for her leadership, but beyond that to the gentleman from California (Mr. DAVID DREIER) and the Committee on Rules for helping us with this rule today, and we urge support for the rule.

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume to simply say that the gentleman from California (Mr. MILLER) and the gentleman from Minnesota (Mr. VENTO), I believe, speak for many of us over here relative to their concerns and what they want this legislation to do. And if this rule passes, I would hope that we would go with the Miller amendment. That seems to be the best way to go.

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. Obviously, with the remarks that we have heard from Members, not only from California but from other parts of the country, this is a very important environmental issue for us and it is a very important tribute not only to the late Sonny Bono but to his successor, the gentlewoman from California (Mrs. MARY BONO), who has done a very, very important job here for the entire Nation, and I urge support of the rule.

Mrs. BONO. Madam Speaker, today, I rise in support of the rule governing H.R. 3267, the Sonny Bono Salton Sea Memorial Reclamation Act.

I would like to thank Chairman SOLOMON and Congressman DREIER, as well as the rest of the Rules Committee members for crafting a rule that is both fair and reasonable.

The bill that we will be debating today is a good environmental bill. It sets out a sound process for both study and action to save the Salton Sea.

Congressman DREIER knows all too well the problems facing the Salton Sea. When Sonny passed, and the Speaker spoke of the need to save this national treasure, Mr. DREIER was right there all the way.

I believe that when he sat down to craft this rule, he had in mind the need to save the Salton Sea, and the urgency of which it needs to be saved.

Unlike the opponents of this bill, Mr. DREIER and the rest of the Rules Committee want to save the Salton Sea.

For those who do not find this Rule fair, I say: what was so fair by allowing the Sea to get worse over the last 25 years, when this very body had an opportunity to take measures to save it then?

What is so fair about environmental groups who finally stand up and take notice of the Sea, when they have rarely been there in the past?

It's real simple: You're either of the Sea and the environment, and vote Yes on the Rule.

Or you are for the demise of the Salton Sea, against Sonny's dream and for the opposition of this Rule.

Vote Yes on the Rule.

Mr. DREIER. 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.

Mr. DOOLITTLE. Mr. Speaker, pursuant to House Resolution 500, I call up the bill (H.R. 3267) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. PEASE). The bill is considered as having been read for amendment.

The text of H.R. 3267 is as follows:

H.R. 3267

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Sonny Bono Memorial Salton Sea Reclamation Act".

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
TITLE I—SALTON SEA RECLAMATION PROJECT
Sec. 101. Salton Sea reclamation project authorization.
Sec. 102. Concurrent wildlife resources studies.
Sec. 103. Salton Sea National Wildlife Refuge renamed as Sonny Bono Salton Sea National Wildlife Refuge.
Sec. 104. Alamo River and New River irrigation drain water.
TITLE II—EMERGENCY ACTION TO STABILIZE SALTON SEA SALINITY
Sec. 201. Findings and purposes.
Sec. 202. Emergency action required.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Salton Sea, located in Imperial and Riverside Counties, California, is an economic and environmental resource of national importance.

(2) The Salton Sea is critical as—

(A) a reservoir for irrigation, municipal, and stormwater drainage; and

(B) a component of the Pacific flyway.

(3) Reclaiming the Salton Sea will provide national and international benefits.

(4) The Federal, State, and local governments have a shared responsibility to assist in the reclamation of the Salton Sea.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term "Project" means the Salton Sea reclamation project authorized by section 101.

(2) The term "Salton Sea Authority" means the Joint Powers Authority by that name established under the laws of the State of California by a Joint Power Agreement signed on June 2, 1993.

(3) The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Reclamation.

TITLE I—SALTON SEA RECLAMATION PROJECT

SEC. 101. SALTON SEA RECLAMATION PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Secretary, in accordance with this section, shall undertake a project to reclaim the Salton Sea, California.

(b) PROJECT REQUIREMENTS.—The Project shall—

(1) reduce and stabilize the overall salinity of the Salton Sea to a level between 35 and 40 parts per thousand;

(2) stabilize the surface elevation of the Salton Sea to a level between 240 feet below sea level and 230 feet below sea level;

(3) reclaim, in the long term, healthy fish and wildlife resources and their habitats;

(4) enhance the potential for recreational uses and economic development of the Salton Sea; and

(5) ensure the continued use of the Salton Sea as a reservoir for irrigation drainage.

(c) FEASIBILITY STUDY.—

(1) IN GENERAL.—The Secretary shall promptly initiate a study of the feasibility of various options for meeting the requirements set forth in subsection (b). The purpose of the study shall be to select 1 or more practicable and cost-effective options and to develop a reclamation plan for the Salton Sea that implements the selected options. The study shall be conducted in accordance with the memorandum of understanding under paragraph (5).

(2) OPTIONS TO BE CONSIDERED.—Options considered in the feasibility study—

(A) shall consist of—

(i) use of impoundments to segregate a portion of the waters of the Salton Sea in 1 or more evaporation ponds located in the Salton Sea basin;

(ii) pumping water out of the Salton Sea;

(iii) augmented flows of water into the Salton Sea; and

(iv) a combination of the options referred to in clauses (i), (ii), and (iii); and

(B) shall be limited to proven technologies.

(3) CONSIDERATION OF COSTS.—In evaluating the feasibility of options, the Secretary shall consider the ability of Federal, tribal, State and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs. In that consideration, the Secretary may apply a different cost-sharing formula to capital construction costs than is applied to annual operation, maintenance, energy, and replacement costs.

(4) SELECTION OF OPTIONS AND REPORT.—Not later than 12 months after commencement of the feasibility study under this subsection, the Secretary shall—

(A) submit to the Congress a report on the findings and recommendations of the feasibility study, including—

(i) a reclamation plan for the Salton Sea that implements the option or options selected under paragraph (1); and

(ii) specification of the construction activities to be carried out under subsection (d); and

(B) complete all environmental compliance and permitting activities required for those construction activities.

(5) MEMORANDUM OF UNDERSTANDING.—(A) The Secretary shall carry out the feasibility study in accordance with a memorandum of understanding entered into by the Secretary, the Salton Sea Authority, and the Governor of California.

(B) The memorandum of understanding shall, at a minimum, establish criteria for evaluation and selection of options under paragraph (1), including criteria for determining the magnitude and practicability of costs of construction, operation, and maintenance of each option evaluated.

(d) CONSTRUCTION.—

(1) INITIATION.—Upon expiration of the 60-day period beginning on the date of submission of the feasibility study report under subsection (c)(4), and subject to paragraph (2) of this subsection, the Secretary shall initiate construction of the Project.

(2) COST-SHARING AGREEMENT.—The Secretary may not initiate construction of the Project unless, within the 60-day period referred to in paragraph (1), the Secretary, the Governor of California, and the Salton Sea Authority enter into an agreement establishing a cost-sharing formula that applies to that construction.

(e) DETERMINATION OF METHOD FOR DISPOSING OF PUMPED-OUT WATER.—The Secretary shall, concurrently with conducting the feasibility study under subsection (c), initiate a process to determine how and where to dispose permanently of water pumped out of the Salton Sea in the course of the Project.

(f) RELATIONSHIP TO OTHER LAW.—

(1) RECLAMATION LAWS.—Activities authorized by this section or any other law to implement the Project shall not be subject to the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 391 et seq.), and Acts amendatory thereof and supplemental thereto. Amounts expended for those activities shall be considered nonreimbursable and nonreturnable for purposes of those laws. Activities carried out to implement the Project and the results of those activities shall not be considered to be a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).

(2) PRESERVATION OF RIGHTS AND OBLIGATIONS WITH RESPECT TO THE COLORADO RIVER.—This section shall not be considered

to supersede or otherwise affect any treaty, law, or agreement governing use of water from the Colorado River. All activities to implement the Project under this section must be carried out in a manner consistent with rights and obligations of persons under those treaties, laws, and agreements.

(3) LIMITATION ON ADMINISTRATIVE AND JUDICIAL REVIEW.—(A) The actions taken pursuant to this title which relate to the construction and completion of the Project, and that are covered by the final environmental impact statement for the Project issued under subsection (c)(4)(B), shall be taken without further action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) Subject to paragraph (2), actions of Federal agencies concerning the issuance of necessary rights-of-way, permits, leases, and other authorizations for construction and initial operation of the Project shall not be subject to judicial review under any law, except in a manner and to an extent substantially similar to the manner and extent to which actions taken pursuant to the Trans-Alaska Pipeline Authorization Act are subject to review under section 203(d) of that Act (43 U.S.C. 1651(d)).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the Project the following:

(1) For the feasibility study under subsection (c) and completion of environmental compliance and permitting required for construction of the Project, $22,500,000.

(2) For construction of the Project, $300,000,000.

SEC. 102. CONCURRENT WILDLIFE RESOURCES STUDIES.

(a) IN GENERAL.—The Secretary shall provide for the conduct, concurrently with the feasibility study under section 101(c), of studies of hydrology, wildlife pathology, and toxicology relating to wildlife resources of the Salton Sea by Federal and non-Federal entities.

(b) SELECTION OF TOPICS AND MANAGEMENT OF STUDIES.—

(1) IN GENERAL.—The Secretary shall establish a committee to be known as the "Salton Sea Research Management Committee". The Committee shall select the topics of studies under this section and manage those studies.

(2) MEMBERSHIP.—The committee shall consist of 5 members appointed as follows:

(A) 1 by the Secretary.

(B) 1 by the Governor of California.

(C) 1 by the Salton Sea Authority.

(D) 1 by the Torres Martinez Desert Cahuilla Tribal Government.

(E) 1 appointed jointly by the California Water Resources Center, the Los Alamos National Laboratory, and the Salton Sea University Research Consortium.

(c) COORDINATION.—The Secretary shall require that studies under this section are conducted in coordination with appropriate Federal agencies and California State agencies, including the California Department of Water Resources, California Department of Fish and Game, California Resources Agency, California Environmental Protection Agency, California Regional Water Quality Board, and California State Parks.

(d) PEER REVIEW.—The Secretary shall require that studies under this section are subjected to peer review.

(e) AUTHORIZATION OF APPROPRIATIONS.—For wildlife resources studies under this section there are authorized to be appropriated to the Secretary $5,000,000.

SEC. 103. SALTON SEA NATIONAL WILDLIFE REFUGE RENAMED AS SONNY BONO SALTON SEA NATIONAL WILDLIFE REFUGE.

(a) REFUGE RENAMED.—The Salton Sea National Wildlife Refuge, located in Imperial County, California, is hereby renamed and shall be known as the "Sonny Bono Salton Sea National Wildlife Refuge".

(b) REFERENCES.—Any reference in any statute, rule, regulation, executive order, publication, map, or paper or other document of the United States to the Salton Sea National Wildlife Refuge is deemed to refer to the Sonny Bono Salton Sea National Wildlife Refuge.

SEC. 104. ALAMO RIVER AND NEW RIVER IRRIGATION DRAIN WATER.

(a) RIVER ENHANCEMENT.—The Secretary shall conduct research and implement actions, which may include river reclamation, to treat irrigation drainage water that flows into the Alamo River and New River, Imperial County, California.

(b) COOPERATION.—The Secretary shall implement subsection (a) in cooperation with the Desert Wildlife Unlimited, the Imperial Irrigation District, California, and other interested persons.

(c) PERMIT EXEMPTION.—No permit shall be required under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) for actions taken under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—For river reclamation and other irrigation drainage water treatment actions under this section, there are authorized to be appropriated to the Secretary $2,000,000.

TITLE II—EMERGENCY ACTION TO STABILIZE SALTON SEA SALINITY

SEC. 201. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) High and increasing salinity levels in Salton Sea are causing a collapse of the Salton Sea ecosystem.

(2) Ecological disasters have occurred in the Salton Sea in recent years, including the die-off of 150,000 eared grebes and ruddy ducks in 1992, over 20,000 water birds in 1994, 14,000 birds in 1996, including more than 1,400 endangered brown pelicans, and other major wildlife die-offs in 1998.

(b) PURPOSES.—The purpose of this title is to provide an expedited means by which the Federal Government, in conjunction with State and local governments, will begin arresting the ecological disaster that is overcoming the Salton Sea.

SEC. 202. EMERGENCY ACTION REQUIRED.

The Secretary shall promptly initiate actions to reduce the salinity levels of the Salton Sea, including—

(1) salt expulsion by pumping sufficient water out of the Salton Sea prior to December 1, 1998, to accommodate diversions under paragraph (2); and

(2) diversion into the Salton Sea of water available as a result of high-flow periods in late 1998 and early 1999.

The SPEAKER pro tempore. Pursuant to House Resolution 500, the amendment printed in House Report 105-624 is adopted.

The text of H.R. 3267, as amended, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Sonny Bono Memorial Salton Sea Reclamation Act".

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
TITLE I—SALTON SEA RECLAMATION PROJECT
Sec. 101. Salton Sea Reclamation Project authorization.
Sec. 102. Concurrent wildlife resources studies.
Sec. 103. Salton Sea National Wildlife Refuge renamed as Sonny Bono Salton Sea National Wildlife Refuge.
Sec. 104. Relationship to other laws and agreements governing the Colorado River.
TITLE II—EMERGENCY ACTION TO IMPROVE WATER QUALITY IN THE ALAMO RIVER AND NEW RIVER
Sec. 201. Alamo River and New River irrigation drainage water.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Salton Sea, located in Imperial and Riverside Counties, California, is an economic and environmental resource of national importance.

(2) The Salton Sea is critical as—

(A) a reservoir for irrigation, municipal, and stormwater drainage; and

(B) a component of the Pacific flyway.

(3) Reclaiming the Salton Sea will provide national and international benefits.

(4) The Federal, State, and local governments have a shared responsibility to assist in the reclamation of the Salton Sea.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term "Committees" means the Committee on Resources and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate.

(2) The term "Project" means the Salton Sea reclamation project authorized by section 101.

(3) The term "Salton Sea Authority" means the Joint Powers Authority by that name established under the laws of the State of California by a Joint Power Agreement signed on June 2, 1993.

(4) The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Reclamation.

TITLE I—SALTON SEA RECLAMATION PROJECT

SEC. 101. SALTON SEA RECLAMATION PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Secretary, in accordance with this section, shall undertake a project to reclaim the Salton Sea, California.

(b) PROJECT REQUIREMENTS.—The Project shall—

(1) reduce and stabilize the overall salinity of the Salton Sea;

(2) stabilize the surface elevation of the Salton Sea;

(3) reclaim, in the long term, healthy fish and wildlife resources and their habitats;

(4) enhance the potential for recreational uses and economic development of the Salton Sea; and

(5) ensure the continued use of the Salton Sea as a reservoir for irrigation drainage.

(c) FEASIBILITY STUDY.—

(1) IN GENERAL.—(A) The Secretary shall promptly initiate a study of the feasibility of

various options for meeting the requirements set forth in subsection (b). The purpose of the study shall be to select 1 or more practicable and cost-effective options and to develop a reclamation plan for the Salton Sea that implements the selected options.

(B)(i) The Secretary shall carry out the feasibility study in accordance with a memorandum of understanding entered into by the Secretary, the Salton Sea Authority, and the Governor of California.

(ii) The memorandum of understanding shall, at a minimum, establish criteria for evaluation and selection of options under subparagraph (A), including criteria for determining the magnitude and practicability of costs of construction, operation, and maintenance of each option evaluated.

(2) OPTIONS TO BE CONSIDERED.—Options considered in the feasibility study—

(A) shall consist of—

(i) use of impoundments to segregate a portion of the waters of the Salton Sea in 1 or more evaporation ponds located in the Salton Sea basin;

(ii) pumping water out of the Salton Sea;

(iii) augmented flows of water into the Salton Sea;

(iv) a combination of the options referred to in clauses (i), (ii), and (iii); and

(v) any other economically feasible remediation option the Secretary considers appropriate;

(B) shall be limited to proven technologies; and

(C) shall not include any option that—

(i) develops or promotes an ongoing reliance on Colorado River water; or

(ii) is inconsistent with section 104 (b) or (c).

(3) PROJECT DESIGN CALCULATIONS.—In making Project design calculations, the Secretary shall apply assumptions regarding water inflows into the Salton Sea Basin that—

(A) encourage water conservation;

(B) account for transfers of water out of the Salton Sea Basin;

(C) are based on the maximum likely reduction in inflows into the Salton Sea Basin; and

(D) include the assumption that inflows into the Salton Sea Basin could be reduced to 800,000 acre-feet or less per year.

(4) CONSIDERATION OF COSTS.—In evaluating the feasibility of options, the Secretary shall consider the ability of Federal, tribal, State and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs. In that consideration, the Secretary may apply a cost sharing formula to annual operation, maintenance, energy, and replacement costs that is different than the formula that applies to construction costs under subsection (e).

(5) INTERIM REPORT.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to the Congress an interim report on the study. The interim report shall include—

(A) a summary of the options considered in the study for the reclamation of the Salton Sea; and

(B) any preliminary findings regarding preferred options for reclamation of the Salton Sea.

(6) REPORT AND PLAN.—Not later than 18 months after funds have been made available to carry out the feasibility study under this subsection, the Secretary shall—

(A) submit to the Committees a report on the findings and recommendations of the feasibility study, including—

(i) the reclamation plan for the Salton Sea pursuant to paragraph (1), including a cost sharing formula for operation and maintenance; and

(ii) complete specifications of the construction activities to be carried out under subsection (e), that are sufficient to use for soliciting bids for those activities, including professional engineering and design specifications and drawings and professional engineer cost estimates; and

(B) complete all environmental compliance and permitting activities required for those construction activities.

(d) CONGRESSIONAL REVIEW OF REPORT AND RECLAMATION PLAN.—

(1) REVIEW BY COMMITTEES.—After receipt of the report of the Secretary under subsection (c)(6), each of the Committees shall—

(A) adopt a resolution approving the reclamation plan included in the report; or

(B) adopt a resolution disapproving the reclamation plan and stating the reasons for that disapproval.

(2) RECLAMATION PLAN DEEMED APPROVED.—If any of the Committees fails to adopt a resolution under paragraph (1)(A) or (B) within 60 legislative days (excluding days on which Congress is adjourned sine die or either House is not in session because of an adjournment of more than 3 days to a day certain) after the date of submission of the report by the Secretary under subsection (c)(6), that Committee is deemed to have approved the reclamation plan included in the report.

(e) CONSTRUCTION.—

(1) INITIATION.—Subject to paragraph (2) of this subsection and the availability of appropriations, the Secretary shall initiate construction of the Project.

(2) COST SHARING.—The Federal share of the costs of construction of the Project shall not exceed 50 percent of the total cost of that construction.

(3) COST SHARING AGREEMENT.—The Secretary may not initiate construction of the Project unless the Secretary, the Governor of California, and the Salton Sea Authority enter into an agreement that—

(A) adopts the cost sharing formula for annual operation, maintenance, energy, and replacement costs that is included in the reclamation plan approved by the Committees under subsection (d); and

(B) implements the cost sharing requirement under paragraph (2) of this subsection for construction costs.

(4) LIMITATION ON EXPENDITURE OF FEDERAL FUNDS.—No Federal funds may be expended for any construction activity under the Project unless there are available to the Secretary from non-Federal sources amounts sufficient to pay the non-Federal share of the cost of the activity.

(f) RELATIONSHIP TO OTHER LAW.—

(1) RECLAMATION LAWS.—Activities authorized by this Act or any other law to implement the Project shall not be subject to the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 391 et seq.), and Acts amendatory thereof and supplemental thereto. Amounts expended for those activities shall be considered nonreimbursable for purposes of those laws. Activities carried out to implement the Project and the results of those activities shall not be considered to be a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).

(2) PRESERVATION OF RIGHTS AND OBLIGATIONS WITH RESPECT TO THE COLORADO RIVER.—This Act shall not be considered to supersede or otherwise affect any treaty, law, or agreement governing use of water from the Colorado River. All activities to implement the Project under this Act must be carried out in a manner consistent with rights and obligations of persons under those treaties, laws, and agreements.

(3) JUDICIAL REVIEW.—Any complaint or challenge of any decision, action, or authorization taken pursuant to this Act shall be filed in a United States district court within 60 days after the date of the decision, action, or the authorization. Such court shall have jurisdiction to resolve any complaint or challenge in accordance with chapter 7 of title 5, United States Code, except that the court shall expedite its review as necessary to ensure that remedial actions at the Salton Sea are not unduly or inappropriately delayed. If a temporary restraining order or preliminary injunction is entered into by a court, the court shall proceed to a final judgment in the matter within 90 days thereafter.

(4) LIMITATION ON LIABILITY.—(A) In regard to any actions, programs, or projects implemented by the Secretary under the authority of this Act, the Imperial Irrigation District and Coachella Valley Water District shall not be liable for any damages arising from—

(i) enlargement of the Salton Sea and the encroachment of water onto adjacent lands;

(ii) reduction of the elevation of the Salton Sea, including exposure of lakebed sediments to the environment; or

(iii) any other occurrence which might result in a claim of damage by any owner of property adjacent to the Salton Sea or any other person.

(B) No person, including the Imperial Irrigation District, California, the Coachella Valley Water District, California, the Salton Sea Authority, the Metropolitan Water District of Southern California, and the San Diego County Water Authority, but not including the Government of the United States, shall be liable for damages arising from any effects to the Salton Sea or its bordering area resulting from—

(i) cooperation with the Secretary in regard to any actions, programs, or projects implemented pursuant to this Act;

(ii) any action to comply with an order of the Secretary under this Act, a State or Federal court, or a State or Federal administrative or regulatory agency interpreting this Act; or

(iii) any other action that reduces the volume of water that flows directly or indirectly into the Salton Sea.

(C) This title shall not be construed to exempt any person, including the Imperial Irrigation District, California, the Coachella Valley Water District, California, the Salton Sea Authority, the Metropolitan Water District of Southern California, and the San Diego County Water Authority, from—

(i) any requirements established under the California Environmental Quality Act or the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(ii) any obligations otherwise imposed by law.

(D) The limitation on liability of the United States contained in section 3 of the Act entitled "An Act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928 (chapter 569; 33 U.S.C. 702c), shall not apply to surplus flood flows that are diverted to the Salton Sea pursuant to this Act.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out the Project the following:

(A) For the feasibility study under subsection (c), including preparation and any revision of the reclamation plan under subsections (c) and (d), and completion of environmental compliance and permitting required for construction of the Project, $22,500,000.

(B) For construction of the Project in accordance with a reclamation plan approved by the Committees, $350,000,000.

(2) ALLOCATION OF APPROPRIATIONS.—Amounts authorized under paragraph (1)(B) may be appropriated to the Administrator of the Environmental Protection Agency and the Secretary of the Interior in amounts that ensure that neither the Administrator nor the Secretary is appropriated substantially all of the Project construction costs.

(3) APPROPRIATIONS TO THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.—Amounts appropriated under paragraph (1)(B) to the Administrator of the Environmental Protection Agency shall be directly available to the Secretary.

(4) APPROPRIATIONS TO THE SECRETARY OF THE INTERIOR.—Amounts appropriated under paragraph (1)(B) to the Secretary may be—

(A) derived from the land and water conservation fund;

(B) appropriated to the Bureau of Reclamation; or

(C) any combination of subparagraphs (A) and (B);

as specified in appropriations Acts.

SEC. 102. CONCURRENT WILDLIFE RESOURCES STUDIES.

(a) IN GENERAL.—The Secretary shall provide for the conduct, concurrently with the feasibility study under section 101(c), of studies of hydrology, wildlife pathology, and toxicology relating to wildlife resources of the Salton Sea by Federal and non-Federal entities.

(b) SELECTION OF TOPICS AND MANAGEMENT OF STUDIES.—

(1) IN GENERAL.—The Secretary shall establish a committee to be known as the "Salton Sea Research Management Committee". The committee shall select the topics of studies under this section and manage those studies.

(2) MEMBERSHIP.—The committee shall consist of the following 5 members:

(A) The Secretary.

(B) The Governor of California.

(C) The Executive Director of the Salton Sea Authority.

(D) The Chairman of the Torres Martinez Desert Cahuilla Tribal Government.

(E) The Director of the California Water Resources Center.

(c) COORDINATION.—The Secretary shall require that studies under this section are coordinated through the Science Subcommittee which reports to the Salton Sea Research Management Committee. In addition to the membership provided for by the Science Subcommittee's charter, representatives shall be invited from the University of California, Riverside; the University of Redlands; San Diego State University; the Imperial Valley College; and Los Alamos National Laboratory.

(d) PEER REVIEW.—The Secretary shall require that studies under this section are subjected to peer review.

(e) AUTHORIZATION OF APPROPRIATIONS.—For wildlife resources studies under this section there are authorized to be appropriated to the Secretary from the land and water conservation fund $5,000,000.

SEC. 103. SALTON SEA NATIONAL WILDLIFE REFUGE RENAMED AS SONNY BONO SALTON SEA NATIONAL WILDLIFE REFUGE.

(a) REFUGE RENAMED.—The Salton Sea National Wildlife Refuge, located in Imperial County, California, is hereby renamed and shall be known as the "Sonny Bono Salton Sea National Wildlife Refuge".

(b) REFERENCES.—Any reference in any statute, rule, regulation, executive order, publication, map, or paper or other document of the United States to the Salton Sea National Wildlife Refuge is deemed to refer to the Sonny Bono Salton Sea National Wildlife Refuge.

SEC. 104. RELATIONSHIP TO OTHER LAWS AND AGREEMENTS GOVERNING THE COLORADO RIVER.

(a) PRESERVATION OF RIGHTS AND OBLIGATIONS WITH RESPECT TO THE COLORADO RIVER.—Nothing in this Act shall be construed to alter, amend, repeal, modify, interpret, or to be in conflict with the provisions of the Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), the Water Treaty of 1944 with Mexico (Treaty Series 944, 59 Stat. 1219 and Minute 242 thereunder), the Colorado River Basin Salinity Control Act of 1974 (94 Stat. 1063), the Flood Control Act of 1944 (58 Stat. 887), the decree entered by the United States Supreme Court in Arizona v. California, et al. (376 U.S. 340) (1964) and decrees supplemental thereto, the Boulder Canyon Project Act (45 Stat. 1057), the Boulder Canyon Project Adjustment Act (45 Stat. 774), the Colorado River Storage Project Act (70 Stat. 105), the Colorado River Basin Project Act (82 Stat. 885), including the Criteria for Coordinated Long Range Operation of Colorado River Reservoirs and the Annual Operating Plans developed thereunder, the San Luis Rey Indian Water Rights Settlement Act (102 Stat. 4000), any contract entered into pursuant to section 5 of the Boulder Canyon Project Act, or any other entitlement to the use of the Colorado River existing pursuant to or recognized by Federal law. Furthermore, nothing contained in this Act shall be construed as indicating an intent on the part of the Congress to change the existing relationship of Federal law to the laws of the States or political subdivisions of a State with regard to the diversion and use of Colorado River water, or to relieve any person of any obligation imposed by any law of any State, tribe, or political subdivision of a State. No provision of this Act shall be construed to invalidate any provision of State, tribal, or local law unless there is a direct conflict between such provision and the law of the State, or political subdivision of the State or tribe, so that the two cannot be reconciled or consistently stand together.

(b) LIMITATION ON COLORADO RIVER WATER.—Nothing in this Act shall be construed to enlarge an existing entitlement or to create a new entitlement to Colorado River water for California or any user therein.

(c) FLOOD FLOWS.—In no event shall Colorado River water be diverted for Salton Sea restoration except as provided in this subsection. Diversion into the All-American Canal for delivery directly to the Salton Sea of flood flows in the Colorado River that are required by the Water Control Manual for Flood Control, Hoover Dam and Lake Mead, Colorado River, Nevada-Arizona, adopted February 8, 1984, and which would pass to Mexico in excess of the amount required to be delivered pursuant to the Mexican Water Treaty and Minute 242 thereunder may be made available to carry out the purposes of this Act. The volume of water diverted pursuant to this subsection shall be limited to the excess capacity of the All-American Canal to carry such flood flows after, and as, it has been used to meet existing obligations. The diversion of water from time to time under this subsection shall not give rise to any ongoing right to the recurrent use of such waters or the All American Canal or facilities.

TITLE II—EMERGENCY ACTION TO IMPROVE WATER QUALITY IN THE ALAMO RIVER AND NEW RIVER

SEC. 201. ALAMO RIVER AND NEW RIVER IRRIGATION DRAINAGE WATER.

(a) RIVER ENHANCEMENT.—

(1) IN GENERAL.—The Secretary is authorized and directed to promptly conduct research and construct river reclamation and wetlands projects to improve water quality in the Alamo River and New River, Imperial County, California, by treating water in those rivers and irrigation drainage water that flows into those rivers.

(2) ACQUISITIONS.—The Secretary may acquire equipment, real property, and interests in real property (including site access) as needed to implement actions under this section if the State of California, a political subdivision of the State, or Desert Wildlife Unlimited has entered into an agreement with the Secretary under which the State, subdivision, or Desert Wildlife Unlimited, respectively, will, effective 1 year after the date that systems for which the acquisitions are made are operational and functional—

(A) accept all right, title, and interest in and to the equipment, property, or interests; and

(B) assume responsibility for operation and maintenance of the equipment, property, or interests.

(3) TRANSFER OF TITLE.—Not later than 1 year after the date a system developed under this section is operational and functional, the Secretary shall transfer all right, title, and interest of the United States in and to all equipment, property, and interests acquired for the system in accordance with the applicable agreement under paragraph (2).

(4) MONITORING AND OTHER ACTIONS.—The Secretary shall establish a long-term monitoring program to maximize the effectiveness of any wetlands developed under this title and may implement other actions to improve the efficacy of actions implemented pursuant to this section.

(b) COOPERATION.—The Secretary shall implement subsection (a) in cooperation with the Desert Wildlife Unlimited, the Imperial Irrigation District, California, and other interested persons.

(c) CLEAN WATER ACT.—No permit shall be required under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) for a wetlands filtration or constructed wetlands project authorized by subsection (a)(1) of this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—For river reclamation and other irrigation drainage water treatment actions under this section, there are authorized to be appropriated to the Secretary from the land and water conservation fund $3,000,000.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in the CONGRESSIONAL RECORD, if offered by the gentleman from California (Mr. MILLER), or his designee, which shall be considered read and debatable for 1

hour, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. DOOLITTLE) and the gentleman from California (Mr. MILLER) each will control 30 minutes of debate on the bill.

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

Mr. DOOLITTLE. Mr. Speaker, I am going to yield my time to the gentleman from California (Mr. CALVERT) for purposes of control.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. CALVERT) will control the time.

There was no objection.

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

Mr. Speaker, I thank my friend from California. As my colleagues can probably tell, he is not feeling well and so I will fill in for our able friend from California. I have a statement to read on his behalf.

Mr. Speaker, I appear on behalf of the gentleman from Alaska (Mr. DON YOUNG) for consideration of H.R. 3267, authored by our colleague the gentleman from California (Mr. DUNCAN HUNTER).

As many of my colleagues are aware, restoration of the Salton Sea was a primary concern of our late colleague, Sonny Bono. This bill, H.R. 3267, the Sonny Bono Memorial Salton Sea Reclamation Act, is designed to promote Sonny's dream of quickly and effectively restoring the Salton Sea.

This legislation will provide the authority to deal with issues affecting salinity and water levels at the Salton Sea. A great deal of work has been done to evaluate the causes of increased salinity as well as the periodic inundation and exposure of lands around the Sea. If we are ever to find and implement the solutions, the time for action is upon us. Water quality is at an all time low. The Sea can no longer serve as the recreation resource it once was, and wildlife populations continue to be adversely affected.

Land, recreational, and ecological values associated with the Sea have declined over the last two decades, due in large part to the rising salinity and surface elevation. Without efforts to reduce and stabilize the salinity levels, they will continue to rise and will have severe impacts on surrounding landowners, individuals who wish to use the Sea for recreation, and the existing fish and wildlife species.

H.R. 3267 establishes the process for determining and implementing an engineering solution to save the Sea, while also continuing the analysis to evaluate and ensure the long-term health of the Sea's wildlife populations. Additionally, this measure will authorize a water reclamation project along the New and Alamo Rivers, the major sources of water flowing into the Sea.

With that, Mr. Speaker, we obviously are in favor of moving this bill and opposing the Miller substitute.

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

Mr. MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I thank gentleman for yielding me this time, and I rise today in opposition to this bill, reluctantly, because I believe that there is a great need in the Salton Sea if we can begin to remediate all of the problems that it has. However, the legislation, as drafted, contains a number of anti-environmental provisions which could jeopardize the Sea's revitalization.

This bill provides unneeded exemptions from the Clean Water Act, it places time limits to judicial review associated with the project, and it improperly uses the Land and Water Conservation Fund to fund its cleanup. The LWCF provides funding for acquisition of high priority lands, and by diverting up to $350 million from the LWCF to the Salton Sea project, it jeopardizes the acquisition and protection of other high priority lands across the country. In fact, this funding exceeds the total of $270 million that Congress appropriated in fiscal year 1998 for LWCF acquisitions.

Consequently, I am supporting the Miller-Brown amendment, which authorizes an exhaustive 18-month study of the problems of the Salton Sea, combining both science and engineering considerations, to determine the best solution.

It is true we have ignored this important environmental problem for several decades, but that is even more reason why we should not rush in to a remediation without completing the necessary studies that we need to conduct. Therefore, I urge support of the Miller-Brown amendment and I urge a "no" vote on this legislation if that amendment does not pass.

Mr. CALVERT. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. HUNTER), a gentleman who has a substantial portion of the Sea in his Congressional District and who has the privilege to represent Imperial County.

Mr. HUNTER. Mr. Speaker, I thank my friend for yielding to me, and I want to thank the gentleman from California (Mr. KEN CALVERT) for his great work, along with the gentleman from California (Mr. GEORGE BROWN) and the gentleman from California (Mr. JERRY LEWIS), and, of course, the gentlewoman from California (Mrs. MARY BONO) in putting this bill together.

This thing is really beyond being a remediation of a terrible problem. This total project, including the Salton Sea and the New River, is going to create one of the biggest wetlands in the United States. This is great news for people that love wildfowl and waterfowl and all the bird species. There are some 380 bird species that utilize the Salton Sea.

As the gentleman from California (Mr. DUKE CUNNINGHAM) said, it is a major piece of the Pacific flyway. It is a stop-over. In Imperial Valley, in fact, we actually have a bird festival, a waterfowl and bird festival, that attracts now thousands of people because the south end of the Salton Sea is one place where they stop on that sojourn from Canada, in some cases down to Mexico, in other cases all the way down to Central and South America.

We are going to build, along the 50 miles of desert river, from where New River enters the United States at Calexico and Mexicali, we are going to build 50 miles of marshes. And through those marshes we are going to sift New River.

So we really have three legs to this project. One is a desalinization problem. And that is the idea of diluting this salt before it gets up to 60,000 parts per million and kills the Sea.

The other part of this project, of course, is the Mexicali project. And that is the part I have talked to the gentleman from California (Mr. GEORGE MILLER) about, in many cases, and that is the part in which we join with Mexico, which we are doing right now, to wean the Mexican sewage system in Mexicali, Mexico, off the New River. Right now that system still breaks down at times and pours stuff into New River, and that waste ultimately makes its way up to the Salton Sea. So we are doing a totally new project with Mexico.

And, lastly, we are doing the third leg, of course, which is this 50 miles of desert river that we are going to build into 50 miles of marshes that will host hundreds of bird species and be an enormous boon to everyone who loves wildlife and loves conservation. This is a great, great program.

And I just want to say one last thing, and that is simply that we had to have an exemption to the Clean Water Act because we cannot clean a river with marshes, according to the lawyers, under the Clean Water Act. It says if we take out the first bucketful of water, we have to return it in drinking water form. And using marshes to clean up rivers, which is environmentally accepted, is an incremental process. Some of the river is cleaned up in the first mile, some of the river in the second mile, some of the river in the third mile.

There are bull rushes, there are duck weed, there are pond weed, and all these various aquatic plants that take the bad stuff out of the water. Our environmentalists like that process. Unfortunately, when we wrote the law up here as congressmen, we made a little mistake and we made it so tight that

we cannot use marshes to clean up rivers. So we have what "60 Minutes" has called the most polluted river in North America.

So let us use that good old common sense. We really worked with the environmental community in putting this thing together. We extended the time, the study period, from 12 to 18 months, because Secretary Babbitt thought he needed 18 months. Instead of blocking judicial review, we cannot have people sue in Federal Court every day until the Sea dies, so we just told the court to expedite that review. If somebody sues, give them their day in court, but do not wait years to bring them to court while the Sea dies. We think that is reasonable. That is something a lot of environmentalists should like, the fact that we are going to clean this thing up so it does not languish in courts. So we have touched on all those bases.

And once again I want to thank the gentleman from California (Mr. CALVERT), the gentlewoman from California (Mrs. BONO), and the gentleman from California (Mr. LEWIS), who has really been a driver in this process; but also the gentleman from California (Mr. JOHN DOOLITTLE), who came over here pretty much under the weather and really worked with us as we were putting this thing together. This is a great bill. Let us pass it and let us celebrate for the environment.

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

Let me just say that I hope that this debate does not get redundant, because I think there is a point at which, obviously, both parties to this debate believe that these studies should, in fact, be conducted so that we can make some determinations about how to clean up the Salton Sea, if in fact that is possible to do. But we have already heard some suggestions about how we are going to do that, and the suggestions are being made here in advance of those studies, and that is a problem we have.

In 1992, we tried to step up those studies and we passed legislation to step up those studies but, unfortunately, the appropriations for those studies have not been forthcoming. So here we are again now asking the Secretary of the Interior to engage in these studies and to report back to us in 18 months.

The substitute that the gentleman from California (Mr. GEORGE BROWN) and I will offer to this legislation later in the debate does exactly that. It coordinates a project, scientific studies, for 18 months, some of which the Secretary of the Interior has already started to undertake, and it requires an interim report after 9 months delineating what they think some of the alternatives will be and what the status of those alternatives and the studies are, and to have oversight hearings and to identify additional authorities if they need it. This puts the studies on the same timetable.

Then we would do what I think this bill does unconstitutionally, we would then come to the Congress, to the Committee on Resources, and ask them what is this project that we want authorized; do we want to authorize this project or do we not; do we want it this scale, smaller; or if there is going to be alternatives which the studies lay out, which alternative do we want to do.

I think that is simply a prudent use of the taxpayers' money. It does not slow this project down at all unless we believe that somehow by doing it this way today they are stealing the money and Members of Congress will not understand that we are talking about $380 million in a single project. Then I guess we want to do it today. Otherwise, we would do it in the regular order, as all Members of Congress do when they are representing projects that they are interested in.

For those reasons and for those distinctions between the bill, that is why the administration opposes this legislation. That is why almost every major environmental group opposes this legislation. It is why Taxpayers for Common Sense oppose this legislation. Because we have a terrible history in this Congress of authorizing water projects sometimes that are not thoroughly studied, and we go back and spend billions of dollars trying to correct the mistakes that were made because we did not put the proper foresight into them, or because we had the political rush on to do something that overwhelmed our good judgment, overwhelmed the science, and then we ended up funding something that, in fact, did not work, and either spent a lot of time with the Federal Government inheriting a huge amount of liability or trying to correct horrible environmental consequences of these projects.

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And that has been true, and that is the life of these projects, whether this is the central Arizona projects, the Central Valley project in California, the central Utah project, the Garrison project. All of these were projects in the hundreds of millions of dollars where we ended up having to come back later and make major, major changes because of the unforeseen consequences and because of inadequate studies and because of an overwhelming political pressure to get this done.

Whatever it is that we do that we want to get done should be done based upon the sciences, and the Congress should have the opportunity to review that and then to authorize, and the key word there is to "authorize," as the Justice Department points out in the President's statement of administration policy. That is the order. That is what the Constitution requires.

I think, in fact, that the Miller-Brown substitute will speed this process up because I think that is the alternative that has the best chance of being taken up in the Senate and passed by the Senate. This legislation will probably not pass the Senate. The chairman of the committee over there has said that he opposes this legislation. Our two Senators have opposed this legislation. Senator LOTT says if it is controversial and takes more than an hour, it probably will not go to the floor in the Senate.

So the purpose here of the gentleman from California (Mr. BROWN) and myself is to offer an amendment that we think preserves the intent, the purposes and the outcomes that everybody wants with respect to the Salton Sea in California, but does it, I think, in a simpler manner, in a more timely fashion, and one that is geared toward greater chance of success as the closing days of this session come into sight. And that is an important part of this consideration.

Finally, I would just say that no matter what funds we look at with respect to this project, whether the money comes out of the Atlanta Water Conservation Fund or whether the money comes out of EPA or the money comes out of the Bureau of Reclamation, we are talking about a major, major commitment of funds in this day and age.

As every Member can tell us, as they line up before the Committee on Appropriations and ask for small amounts of money to keep projects going, this one is a major commitment of any of the funds within any of those budgets with respect to construction projects in this day and age and in the budget constraints that we have. And I think that is another reason why we owe the regular order to the Members of Congress and to the taxpayers to do the studies and then come back and, if we determine it is justified, to reauthorize the project and to do it without all of these offenses to the Clean Water Act, to the questions of liability of the Federal taxpayers if things go wrong in this project and to holding other people harmless who should have a stake in this legislation.

For those reasons, Mr. Speaker, when the time is appropriate, the gentleman from California (Mr. BROWN) and myself will be offering an amendment when it is allowed under the rule.

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

Mr. CALVERT. Mr. Speaker, I yield 4 minutes to my good friend the gentleman from upstate New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I rise this afternoon in support of this Sonny Bono Memorial Salton Sea Reclamation Act.

The legislation before us today authorizes significant new resources to improve water quality and habitat for wildlife in and around the largest body of water in America's most populous State. Though concerns have been expressed by some about the way in which this project will be funded, and we are going to address that in a moment, there is no question that this bill will result in substantial improvement to a unique natural resource.

This legislation will result in the creation of extensive new wetlands critical to migrating waterfowl in the Pacific flyway. Thousands of ducks and geese and shore birds visit the Salton Sea each year. They do so now at their own peril.

This legislation will result in the removal of tons of pollutants daily that are now flowing into the Salton Sea. This legislation will protect and improve habitat for the birds and fish that depend on the Salton Sea for their survival. Indeed, I can make a good case that this legislation is proenvironment.

As this legislation was being developed, concerns were raised about its Clean Water Act provisions. As the chairman of the House Subcommittee on Water Resources and Environment, I worked with both the majority and minority members of the Committee on Resources to address the concerns presented.

The bill before us explicitly limits changes to the Clean Water Act's permitting process to constructed wetland projects, salt removal projects, and wetlands filtration projects on the Alamo and New Rivers, the two primary tributaries into the Salton Sea.

The bill also contains measures protecting Good Samaritans who undertake water quality improvement projects on the Alamo and New Rivers from lawsuits. Again, the inclusion of these measures was to expedite the pace of environmental restoration at the Salton Sea.

In a few minutes, there will be offered for unanimous consent language deleting the single largest outstanding concern, the use of Land and Water Conservation Funds for this project. I would hope that that would address the principal concern of so many of my colleagues and will enable them to support the bill.

I would like to remind my colleagues that the League of Conservation Voters and the Audubon Society have stated repeatedly that the Salton Sea is an environmental disaster. We are here today to take a critical step towards addressing this environmental disaster.

Some, instead of action now, will advocate a lengthy study of the problem that the environmental community concluded years ago to be an environmental disaster. This reminds me of the acid rain debate of the 1980s when Governor Tom Kean, Governor of New Jersey, said if all we do is continue to study the problem, we are going to end up with the worst documented environmental disaster in history.

We know the problem and we know the solution. I think the time to begin cleaning up the Salton Sea is long overdue. Let us get on with the job, and let us pay tribute in a responsible way to a former colleague who served in many respects as an inspiration to a lot of us in a lot of ways. And let us say to the sitting Member who represents that district who is advocating this legislation, she is doing a good job and we appreciate it and we are with her.

Mr. MILLER of California. Mr. Speaker, I yield myself 2 minutes just in response.

First of all, let us understand that the timetables for the studies is identically the same. The difference is that we asked for a coordination of the scientific studies and the salinity studies to see whether or not we can, in fact, come up with a solution.

The bill offered by the majority only deals with salinity. The birds and the fish are dying off today. It is not the salinity itself that is killing them. The salinity will get worse and in all likelihood will have a greater adverse impact on the fish kills and the bird die-offs.

But that is the point of how we constructed the study. So we have the information. There is no requirement in the bill to require the Secretary to consider all the available findings and reports that the science subcommittee established pursuant to this legislation. And we think that this is a very important part, because when we talk to the scientists, the scientists will tell us that it is not the salinity alone that is the problem. The salinity is an egregious problem, but it does not solve the problem of the Salton Sea.

So people obviously can say whatever they want, but they should not suggest that somehow this legislation is a diversion to lengthy studies. The time frame is the same. The studies are the same. The coordination is better. And the report back and the interim actions by the Secretary during those 18 months study so Congress will have the fullest amount of evidence and the best evidence available as they make a decision to commit $350 million, that is called for in this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding.

For some reason, long ago, sometime when I was very young, I became aware of the Salton Sea and became kind of fascinated with this inland body of water created by a manmade engineering mistake and had been saddened in later life to see its incredible degradation, and in particular the highly publicized die-off of large numbers of migratory birds.

This is a very prime stopping point for migratory birds, so not only would it be a tremendous resource for the people of southern California in terms of its recreational values and environmental values, but also for migratory birds and things that would benefit all of us in the United States by having it appropriately restored to health.

That being said, we have a common objective. The problem here is the process. And I have got to say that I am a bit puzzled by recent actions in the committee on which I have served now for more than 11 years, formerly called the Interior Committee and formerly called Natural Resources, now called Resources. And I guess therein lies the rub. The current chairman removed the word "natural" from the title because he took some offense to that, and things have been a little bit weird ever since.

That is what is going on here today. We are considering a number of bills tomorrow in the Subcommittee on Water and Power that have some merit in terms of turning over reclamation projects to local districts, but the chairman of the subcommittee is going to insist on environmental waivers, which the President has promised will bring about vetoes on all of those, no matter what merit they might have.

I have the same problem with this legislation before us. Why not work out the differences with the administration?

I know that the majority does not like the reality of Bill Clinton in the White House. There are some days I do not like the reality of Bill Clinton in the White House. Other days it is okay.

The point is, it is a reality, and we have a lengthy statement of administration policy here which is pretty definitive. There are some problems we have to work out. Why not work out these problems and achieve our common objective, which is to clean up the Salton Sea?

I think that this was a great dream of our deceased member, and I fully am supportive of that dream. I would love to see it come to fruition in my lifetime, and I would like to see it happen without a lot of unnecessary delay, but there are substantive concerns here.

I am pleased to hear from the previous speaker that they are going to drop the proposal that the money come out of the Land and Water Conservation Funds. That would have been an unprecedented expenditure, and that is fine. I am happy to find the money elsewhere in the budget. I can come up with some budgetary offsets to fund this, if it costs $350 million or half a billion or less. I do not know what it is going to cost, because the other concern here is I do not know that we know the solution at this point in time.

From what I heard in the committee and in the deliberations in the committee, we are not quite certain of how

we are going to go forward, what technology or which one of these methods will work, what exactly are all the interrelationships between the salinity and the other pollution problems, the bird die-offs. None of this is totally explicable.

I do not think that the Miller bill is being offered in the spirit of trying to delay the cleanup. It is not being offered because of some sort of pride of authorship. It is a genuine attempt to get this thing done this year by this Congress and move it forward so that we can all live to see the cleanup of the Salton Sea. That is what is going on here.

These are not insignificant concerns. There is probably a constitutional problem with the way this bill is being written by the manager's amendment to require that the committees of jurisdiction basically sign off on the final project, and the Secretary would be subject to a resolution of the committees, not of the entire Congress.

I have been down that road with other legislation. That does not stand up to scrutiny. If some obstructive person wants to sue, they can delay this thing for years just because of that provision. Why have that provision? We could have an expedited congressional review. There are other ways to get around that problem. It just seems that that was done in haste and perhaps out of a desire to get this done, but I think it is a problem.

The Clean Water Act exemption, that is a problem. It is a problem with the administration. It is a problem with some Members on this side.

Limitations on liability, that should lie with both sides of the aisle. We do not want to expose the Federal taxpayers to have them assume new liabilities that they do not currently have when there are other responsible authorities who should share in any future liability that might arise.

Cost sharing, irrigators benefit. Irrigators are a big part of the problem in terms of the increased salinity in the chemical soup we are dealing with here. Why should not they have some cost sharing if they are going to continue to benefit and will doubly benefit by an improved and cleaner Salton Sea? There are a number of other minor provisions that are of concern.

□ 1800

But I rise out of a genuine concern that we do something significant here today, not just something symbolic, something that actually will be enacted into law.

Too many times that I have been here, both with my own party in charge and now with the Republicans in charge, we do things for the day or for the moment or to say we passed them out of the House of Representatives. Does not do us a lot of good if they do not get through the United States Senate and they do not get signed by the President of the United States. And a number of the problems that I am pointing out here that are addressed by the Miller substitute are problems that are going to cause problems in the other body and are going to cause big problems downtown.

So I would just urge us to move ahead deliberately with what I believe is probably the intent of all Members of this body, and that is to get this job done as expeditiously as possible and honor the memory of our diseased colleague.

Mr. CALVERT. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. EWING).

Mr. EWING. Mr. Speaker, I would like to thank Representatives MARY BONO, DUNCAN HUNTER, and KEN CALVERT, as well as the rest of my colleagues who worked diligently to bring H.R. 3267 "The Sonny Bono Memorial Salton Sea Restoration Act" to the floor today.

This is an important piece of legislation which I am proud to be a cosponsor of.

The Salton Sea, located in both Riverside and Imperial Counties in California, is the State's largest inland body of water.

It has been determined that the Salton Sea has about only 12 years of life left before it becomes a dead sea, whereby no life can be sustained. Passing H.R. 3267 goes a long way in preventing that from occurring.

What H.R. 3267 attempts to do is to simply improve the water quality of the Salton Sea by reducing the salinity, and to stabilize the elevation along the shoreline.

It does this by authorizing $22.5 million dollars for a feasibility study, environmental review, and an engineering design of a construction project.

The bill also authorizes 350 million dollars for a construction project for the Salton Sea. There is also a 50/50 cost share between the federal government and non-federal entities to finance such a project.

It is important to note that the Salton Sea is also a major stop over for avian species along the Pacific Flyway. This is the primary reason why the Salton Sea is of national importance, and why if it dies, it stands to take many birds with its decline.

In the past five years, hundreds of thousands of birds have died at the Sea. In fact, at least 17,000 birds have died at the Salton Sea this year alone. It is vitally important that we act now, and not wait to address this desperate situation.

I believe we must take action to save the Salton Sea now, or risk losing a major environmental resource for not only the state of California, but the nation as a whole.

Again, I would like to thank Representatives BONO, HUNTER, and CALVERT for all their hard work in bringing H.R. 3267 to the House floor today. This bill is a fitting tribute to my good friend, the late Sonny Bono. H.R. 3267 is a good bill and I urge my colleagues to vote "yes" on this important piece of legislation.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from San Diego, California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, too often we hear about the wetlands, not too often because wetlands have been denigrated. But a plant in the middle of the desert, because it flourishes for a few weeks, is not a wetland, or something that is frozen at the top of a 12,000 foot peak for the last thousand years in my opinion is not a wetland. But the opponents say that they oppose this bill, and yet it creates 50 miles of wetlands complete with marshes that purify and clean the environment, 50 new miles with marshes that create wetland. The wetland that is saved and enhanced is the size of the Beltway here in Washington, D.C.

Mr. Speaker, we are not talking about a farm pond. We are talking about a sea so big that if we were in a boat, it is like being in an ocean. I have been there, and I think the gentleman from California (Mr. MILLER) has, too. But we are actually creating good with the wetlands.

The Miller substitute would study, and I agree there are other problems besides salinity with the Salton Sea. Agriculture is mostly to the south, though. Around the Salton Sea, if my colleagues have gone, it is all desert. The pollution comes in through the New River, and down, and filters, and that is what we are going to fix, but the farmlands are way to the south. They flow toward Mexico. They do not go in the Salton Sea. But yet I still think that pesticides and things like that are a problem for the birds that land in those farmlands, but not the Salton Sea.

And I would say to my friend that said that, well, the Senate, the two Senators from California, are against this. The one gentlewoman from California, her views are so extreme she even opposed the tuna/dolphin bill which the President and the Vice President and five environmental groups supported.

So I would say support the bill, reject the Miller substitute.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from Santa Clara, California (Mr. MCKEON), my good friend.

Mr. MCKEON. Mr. Speaker, I thank the gentleman from California for yielding this time to me.

I am pleased to rise today in support of one of the most important pieces of environmental legislation that we will consider this year. Our late friend, Sonny Bono, worked hard and in a bipartisan manner to bring about awareness for the Salton Sea and would be proud that his efforts are now rewarded.

Mr. Speaker, the Salton Sea is a unique body of water, and it is a great resource that should be preserved. Although it was created by accident 93 years ago, it is a potential jewel that we should do all that we can to save. However, the sea is unfortunately dying. According to studies, in only 12 years this body of water will become

dead. It will not support life. Further complicating this problem is the presence of botulism in the water that has affected the native fish. As the fish become infected in the water, birds along the Pacific flyway eat the fish and retain and spread the disease. Since last year alone some 10,000 fish and 2,000 birds have perished.

Why is this important? Should the Salton Sea continue its decline to death, it will take with it many more birds and fish, thus robbing California and our Nation of a valuable environmental resource.

H.R. 3267 addresses these concerns and takes quick action to save this important body of water. This legislation provides funding for research, environmental review and engineering designs to stabilize the shoreline of the Salton Sea and reduce its salinity. It also provides for an expedited judicial review to ensure that this area will not become hostage to a lengthy court fight, given its relative short life expectancy.

Mr. Speaker, I urge my colleagues to join me in supporting this important legislation and the hard work that our colleague and my friend, the gentlewoman from California (Mrs. BONO), has made to improve our environment and finish the work begun by her late husband, Sonny.

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

Mr. Speaker, we have talked about many of the reasons why the Salton Sea is worth saving. I think that there is agreement on both sides of the aisle that we want to save the Salton Sea. The difference between the approach of the majority and the minority in this case is that we actually want to do something about it.

For over 30 years I have been reading newspaper articles about this study and that study, about amounts of money that have been going in to look at the catastrophe of the Salton Sea, and nothing has happened, and yet again today we talk about yet another study that leads potentially nowhere. The great difference between the proposal today by the Salton Sea Task Force is that we actually are going to do something about a problem that has existed for a long time, not talk about it, but actually do something about it.

People have talked about the birds, the fish, the recreational resources that are going to waste. We can talk about that until the sea dies. And, Mr. Speaker, Sonny was a person that spoke plainly, so I will speak plainly: It is time that we do something about this, and that is why we are here.

Fifteen million people live near the Salton Sea. Actually much more than that around the southwest United States utilizes it and have for many years. It would be a shame if today we let this opportunity pass us by.

So I am hopeful that today we will pass the bill, we will defeat the Miller substitute, and we can be proud of the fact that we are going to save the Salton Sea for future generations.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. BONO) who represents the beautiful area of Palm Springs and a good part of the Salton Sea who has really taken over the fight to save the Salton Sea.

Mrs. BONO. Mr. Speaker, today I rise in support of the bill, H.R. 3267, the Sonny Bono Memorial Salton Sea Reclamation Act. The Salton Sea is California's largest inland body of water, and it sits in both my and the gentleman from California (Mr. HUNTER'S) district. This great body of water was formed by accident in 1905 and since then has become an integral part of the region's ecosystem system. In fact, it also now home to over 300 native bird species. It provides a major stopover on the Pacific flyway and up until a few years ago provided enjoyment for thousands of tourists who came to view this magnificent wonder. Unfortunately, its health is in jeopardy.

The Salton Sea, quite simply, is on a death watch. It has been estimated that if nothing is done to reverse the salinity content of the sea, it will die within 10 to 15 years. Currently, the Salton Sea is 25 percent saltier than that of the Pacific ocean, and the selenium is rising. Over the past few years more than 100,000 birds have died due to avian botulism. These numbers will continue to rise. It will only get worse. We must act fast to save this great body of water.

H.R. 3267 provides the framework for this action. Named after my late husband, Sonny, and authored by my good friend and fellow task force member, the gentleman from California (Mr. DUNCAN HUNTER), H.R. 3267 sets forth the process to reclaim the Salton Sea. A vote for H.R. 3267 is a vote for the environment. There is no other way to describe it.

I invite any of my colleagues to come visit the Salton Sea so they can witness firsthand the devastation that has occurred in this part of the country, the pictures of dead birds lying around the shoreline along with the stench of the body of water would make anybody's stomach turn. However, in contrast, as one comes up upon the Salton Sea from a distance, it is one of the most beautiful sights anyone's eyes may ever witness. It is like an oasis in the middle of the desert, as Sonny used to say, yet there are those who advocate the Salton Sea should just dry up and die.

Quite frankly, this is not an option. This is one of the most dynamic ecosystems in North America, teaming with avian and aquatic life. Also what would be accomplished by killing the sea? Absolutely nothing. With over 90 percent of all wetlands in southern California lost, we would destroy one of the last remaining stopovers in the Pacific flyway. We would only compound the fish and bird deaths. All that would be accomplished is that the bad environmental problem would be made worse.

Is that what people want, and is that pro-environment?

To those who argue for more study I say is not 20 years enough? Is that not enough time to study this problem?

Contrary to public opinion, Sonny was not the first person to notice the Salton Sea and that it was in dire shape. In fact, this problem was first brought forth by Jerry Pettis back in the early 1970s. If action was taken then to address this problem, we would not be here today talking about this urgent need to save the sea. But the sea was put on the back burner then, not getting the attention it needed or deserved. Other projects in California took center stage, and the sea became worse.

Well, my fellow colleagues, the sea cannot be put on the back burner any longer. Action needs to be taken, and H.R. 3267 must be passed.

At this time, Mr. Speaker, I would like to take a moment to thank all of the people who have been involved with this bill. First and foremost, I would like to thank the Salton Sea Task Force members, the gentleman from California (Mr. HUNTER), the gentleman from California (Mr. LEWIS), the gentleman from California (Mr. CALVERT), and the gentleman from California (Mr. BROWN) for keeping Sonny's dream of restoring the Salton Sea alive with this bill. These are the people that guided me through much of this debate surrounding H.R. 3267, and I owe them my deepest gratitude.

Secondly, I want to thank the gentleman from California (Mr. DOOLITTLE) for his leadership and hard work guiding this bill through his Subcommittee on Resources. He always made time for me when I had questions, and I thank him for his efforts.

I would also like to thank the gentleman from Alaska (Mr. YOUNG) for allowing this bill to be brought before his committee. Without him we would not be here today.

I especially want to thank the gentleman from Georgia (Mr. GINGRICH) for making the Salton Sea a major environmental cause for the 105th Congress. Again, I want to thank Speaker GINGRICH. I know he was deeply moved by the carnage of the Salton Sea when he came out to visit it shortly after Sonny's death, and I knew at this point by the look in his eyes he believed then that it was good public policy.

I also want to thank Tony Orlando on my staff and all the members of staff who have worked hard on this bill.

And, lastly, I want to thank all of those whose footsteps I walked behind, the Members who spoke of the need and urgency to save the Salton Sea, but

whose pleas fell on deaf ears, people like Julie and Jerry and Shirley Pettis, Al McCandless, and, most of all, Sonny whom this bill is in memory of. Their voices are on this bill, Sonny's voice is on this bill, and I proudly stand in support.

Mr. Speaker, I urge a yes vote on H.R. 3267.

Mr. SHUSTER. Mr. Speaker, I rise in support of H.R. 3267, the Sonny Bono Memorial Salton Sea Reclamation Act.

This legislation offers an opportunity to restore the Salton Sea for recreational and ecological purposes and to improve water quality in the Alamo River and the New River.

The Committee on Transportation and Infrastructure has an interest in several sections of this bill, particularly section 101, which authorizes the project to, among other things, improve water quality in the Salton Sea by reducing salinity, including authorization of appropriations to carry out this project to the Environmental Protection Agency; and section 201, which authorizes actions to improve water quality in the Alamo River and New River, including a waiver of section 402 of the Federal Water Pollution Control Act for those persons who utilize a wetland filtration or constructed wetlands project to improve such water quality.

I would like to thank the leadership of the Resources Committee for working with me on these provisions. The Young-Doolittle substitute addresses some of the concerns over the source of funding for this important project by ensuring that the cost of construction is divided between EPA and the Department of Interior such that neither agency funds substantially all of the project. The intent of this provision is to allow this project to be funded without adversely affecting other important projects funded by either EPA or the Department of Interior.

The Young-Doolittle substitute also addresses concerns over the waiver of Clean Water Act permitting by clarifying that this waiver applies only to wetlands filtration and constructed wetlands projects to improve water quality in the Alamo River and the New River.

Even though it is not clear that these wetlands projects even require a Clean Water Act permit, it is an unfortunate reality that, under the Clean Water Act, someone can be sued for stepping in and taking action to improve water quality. For example, in Calaveras County, California, the local community took action to protect its water supply by building some dams and holding ponds to reduce runoff from an abandoned mine. They were sued by an environmental group who got the court to agree that, by taking action to protect their water supply, they became responsible for bringing the abandoned mine into compliance with the Clean Water Act, which will cost over $10 million.

We need to protect Good Samaritans from similar lawsuits under the Clean Water Act so they will be willing to step forward and take action to improve water quality in the Alamo and New Rivers.

I urge members to support this important legislation.

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

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

□ 1815

AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Speaker, I offer an amendment and I ask unanimous consent that it be adopted.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT:

Amend the proposed section 101(g)(4) to read as follows: "(4) APPROPRIATIONS TO THE SECRETARY OF THE INTERIOR.—Amounts appropriated under paragraph (1)(B) to the Secretary may be appropriated to the Bureau of Reclamation as specified in appropriations Acts.".

Mr. BOEHLERT (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 New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

Mr. MILLER of California. Mr. Speaker, I reserve the right to object for the purpose of having the gentleman explain his amendment.

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

Mr. MILLER of California. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Speaker, essentially the amendment deletes on page 14 of the bill paragraph 4, subsections (A) and (C), to make it abundantly clear that we are not going to have a raid on the land and water conservation fund to finance the program.

The environmental community raised this objection as its principal objection to the bill. I have here a letter signed by a whole host of representatives from key environmental organizations with whom the gentleman from California (Mr. MILLER) and I work very closely and have over the years. They point out that they are strongly supportive of efforts to clean up the Salton Sea, but they are specific in their strong objection to the authorization of funding from the land and water conservation fund. We agree with that, and I am pleased to report that this amendment would eliminate that principal objection.

I am not trying to suggest to anyone that this eliminates all of the objections; it does not, as the gentleman from California (Mr. MILLER) and I both know. But I think this makes a major improvement to the bill, and I am pleased to offer the amendment.

Mr. MILLER of California. Mr. Speaker, reclaiming my time, I thank the gentleman for his last point, because the environmental groups continue to oppose this legislation even with this amendment, should it be accepted.

I would also like to raise the question, because I think the amendment needs to be fixed here for a second, because land and water conservation funds are also used for the wildlife studies and for the river reclamation and drainage and water treatment to the tune of about $8 million. I would ask that the gentleman's amendment include those, since those are unauthorized purposes for which the land and water conservation fund is created.

Mr. BOEHLERT. Mr. Speaker, if the gentleman would be so kind as to jot that down.

Mr. MILLER of California. I think the gentleman amends proposed section 101(g)(4), which does what the gentleman said it does. But in another section of the bill, in section 102(e) and section 201(d), there is additional monies coming from the land and water conservation fund. I would just ask that those also be made a part of this amendment so that we do not use any of this for unauthorized purposes.

Mr. BOEHLERT. Mr. Speaker, if the gentleman will yield further, I do not think I have an objection. The gentleman and I have worked so well over the years, and we are in basic agreement on this. I would like to see it in writing, if the gentleman could just jot it down.

Mr. MILLER of California. Mr. Speaker, if the gentleman wants to go ahead without prejudice and work out this language, I am be glad to do that.

Mr. BOEHLERT. Mr. Speaker, I withdraw the amendment for now.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Speaker, I offer an amendment in the nature of a substitute, Amendment No. 1, printed in the RECORD.

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

The text of the amendment is as follows:

Amendment in the Nature of a Substitute Offered by Mr. MILLER of California:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sonny Bono Memorial Salton Sea Restoration Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Salton Sea, located in Imperial and Riverside Counties, California, is an economic and environmental resource of national importance.

(2) The Salton Sea is a critical component of the Pacific flyway. However, the concentration of pollutants in the Salton Sea has contributed to recent die-offs of migratory waterfowl.

(3) The Salton Sea is critical as a reservoir for irrigation, municipal, and stormwater drainage.

(4) The Salton Sea provides benefits to surrounding communities and nearby irrigation and municipal water users.

(5) Restoring the Salton Sea will provide national and international benefits.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term "Study" means the Salton Sea study authorized by section 4.

(2) The term "Salton Sea Authority" means the Joint Powers Authority by that name established under the laws of the State of California by a Joint Power Agreement signed on June 2, 1993.

(3) The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Reclamation.

SEC. 4. SALTON SEA RESTORATION STUDY AUTHORIZATION.

(a) IN GENERAL.—The Secretary, in accordance with this section, shall undertake a study of the feasibility of various alternatives for restoring the Salton Sea, California. The purpose of the Study shall be to select 1 or more practicable and cost-effective options for decreasing salinity and otherwise improving water quality and to develop a restoration plan that would implement the selected options. The Study shall be coordinated with preparation of an environmental impact statement pursuant to the National Environmental Policy Act of 1969 evaluating alternatives for restoration of the Salton Sea. The Study shall be conducted in accordance with the memorandum of understanding under subsection (g).

(b) STUDY GOALS.—The Study shall explore alternatives to achieve the following objectives:

(1) Reducing and stabilizing the overall salinity, and otherwise improving the water quality of the Salton Sea.

(2) Stabilizing the surface elevation of the Salton Sea.

(3) Reclaiming, in the long term, healthy fish and wildlife resources and their habitats.

(4) Enhancing the potential for recreational uses and economic development of the Salton Sea.

(5) Ensuring the continued use of the Salton Sea as a reservoir for irrigation drainage.

(c) OPTIONS TO BE CONSIDERED.—

(1) IN GENERAL.—Options considered in the Study shall include each of the following and any appropriate combination thereof:

(A) Use of impoundments to segregate a portion of the waters of the Salton Sea in 1 or more evaporation ponds located in the Salton Sea basin.

(B) Pumping water out of the Salton Sea.

(C) Augmented flows of water into the Salton Sea.

(D) Improving the quality of wastewater discharges from Mexico and from other water users in the Salton Sea basin.

(E) Water transfers or exchanges in the Colorado River basin.

(F) Any other feasible restoration options.

(2) LIMITATION TO PROVEN TECHNOLOGIES.—Options considered in the Study shall be limited to proven technologies.

(d) FACTORS TO BE CONSIDERED.—

(1) SCIENCE SUBCOMMITTEE FINDINGS AND REPORTS.—In evaluating the feasibility of options considered in the Study, the Secretary shall carefully consider all available findings and reports of the Science Subcommittee established pursuant to section 5(c)(2) and incorporate such findings into the project design alternatives, to the extent feasible.

(2) OTHER FACTORS TO BE CONSIDERED.—The Secretary shall also consider—

(A) the ability of Federal, tribal, State, and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs;

(B) how and where to dispose permanently of water pumped out of the Salton Sea;

(C) the availability of necessary minimum inflows to the Salton Sea from current sources, including irrigation drainage water; and

(D) the potential impact of Salton Sea restoration efforts on the rights of other water users in the Colorado River Basin and on California's Colorado River water entitlement pursuant to the Colorado River Compact and other laws governing water use in the Colorado River Basin.

(e) INTERIM REPORT.—

(1) SUBMISSION.—Not later than 9 months after the Secretary first receives appropriations for programs and actions authorized by this title, the Secretary shall submit to the Congress an interim progress report on restoration of the Salton Sea. The report shall—

(A) identify alternatives being considered for restoration of the Salton Sea;

(B) describe the status of environmental compliance activities;

(C) describe the status of cost-sharing negotiations with State of California and local agencies;

(D) describe the status of negotiations with the Government of Mexico, if required; and

(E) report on the progress of New River and Alamo River research and demonstration authorized by this Act.

(2) CONGRESSIONAL ACTION.—Upon receipt of the interim report from the Secretary, the appropriate committees of the House of Representatives and the Senate shall promptly schedule and conduct oversight hearings to review implementation of the Salton Sea restoration plan included in the report under subsection (f), and to identify additional authorizations that may be required to effectuate plans and studies relating to the restoration of the Salton Sea.

(f) REPORT TO CONGRESS.—Not later than 18 months after commencement of the Study, the Secretary shall submit to the Congress a report on the findings and recommendations of the Study. The report shall include the following:

(1) A summary of options considered for restoring the Salton Sea.

(2) A recommendation of a preferred option for restoring the Salton Sea.

(3) A plan to implement the preferred option selected under paragraph (2).

(4) A recommendation for cost-sharing to implement the plan developed under paragraph (3). The cost-sharing recommendation may apply a different cost-sharing formula to capital construction costs than is applied to annual operation, maintenance, energy, and replacement costs.

(5) A draft of recommended legislation to authorize construction of the preferred option selected under paragraph (2).

(g) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—The Secretary shall carry out the Study in accordance with a memorandum of understanding entered into by the Secretary, the Salton Sea Authority, and the Governor of California.

(2) OPTION EVALUATION CRITERIA.—The memorandum of understanding shall, at a minimum, establish criteria for evaluation and selection of options under subsection (a), including criteria for determining the magnitude and practicability of costs of construction, operation, and maintenance of each option evaluated.

(h) RELATIONSHIP TO OTHER LAWS.—

(1) RECLAMATION LAWS.—Activities authorized by this section shall not be subject to the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 391 et seq.) and other laws amendatory thereof or supplemental thereto. Amounts expended for those activities shall be considered nonreimbursable and nonreturnable for purposes of those laws.

(2) LAW OF THE COLORADO RIVER.—This section shall not be considered to supersede or otherwise affect any treaty, law, or agreement governing use of water from the Colorado River. All activities to carry out the Study under this section must be carried out in a manner consistent with rights and obligation of persons under those treaties, laws, and agreements.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $30,000,000 to carry out the activities authorized in this section.

SEC. 5. CONCURRENT WILDLIFE RESOURCES STUDIES.

(a) IN GENERAL.—Concurrently with the Study under section 4, the Secretary shall provide for the conduct of studies of hydrology, wildlife pathology, and toxicology relating to wildlife resources of the Salton Sea by Federal and non-Federal entities.

(b) SELECTION OF TOPICS AND MANAGEMENT OF STUDIES.—

(1) IN GENERAL.—The Secretary shall establish a committee to be known as the Salton Sea Research Management Committee. The Committee shall select the topics of studies under this section and manage those studies.

(2) MEMBERSHIP.—The Committee shall consist of 5 members appointed as follows:

(A) 1 by the Secretary.

(B) 1 by the Governor of California.

(C) 1 by the Torres Martinez Desert Cahuilla Tribal Government.

(D) 1 by the Salton Sea Authority.

(E) 1 by the Director of the California Water Resources Center.

(c) COORDINATION.—

(1) IN GENERAL.—The Secretary shall require that studies conducted under this section are conducted in coordination with appropriate international bodies, Federal agencies, and California State agencies, including, but not limited to, the International Boundary and Water Commission, the United States Fish and Wildlife Service, the United States Environmental Protection Agency, the California Department of Water Resources, the California Department of Fish and Game, the California Resources Agency, the California Environmental Protection Agency, the California Regional Water Quality Board, and California State Parks.

(2) SCIENCE SUBCOMMITTEE.—The Secretary shall require that studies conducted under this section are coordinated through a Science Subcommittee that reports to the Salton Sea Research Management Committee. In addition to the membership provided for by the Science Subcommittee's charter, representatives shall be invited from the University of California, Riverside, the University of Redlands, San Diego State University, the Imperial Valley College, and Los Alamos National Laboratory.

(d) PEER REVIEW.—The Secretary shall require that studies under this section are subjected to peer review.

(e) AUTHORIZATION OF APPROPRIATIONS.—For wildlife resources studies under this section there are authorized to be appropriated to the Secretary $5,000,000.

SEC. 6. SALTON SEA NATIONAL WILDLIFE REFUGE RENAMED AS SONNY BONO SALTON SEA NATIONAL WILDLIFE REFUGE.

(a) REFUGE RENAMED.—The Salton Sea National Wildlife Refuge, located in Imperial County, California, is hereby renamed and shall be known as the Sonny Bono Salton Sea National Wildlife Refuge.

(b) REFERENCES.—Any reference in any statute, rule, regulation, Executive order, publication, map, or paper or other document of the United States to the Salton Sea National Wildlife Refuge is deemed to refer to the Sonny Bono Salton Sea National Wildlife Refuge.

SEC. 7. ALAMO RIVER AND NEW RIVER.

(a) RESEARCH AND DEMONSTRATION PROJECTS.—The Secretary shall promptly conduct research and construct wetlands filtration or construct wetlands demonstration projects to improve water quality in the Alamo River and New River, Imperial County, California. The Secretary may acquire equipment, real property, and interests in real property (including site access) as needed to implement actions authorized by this section.

(b) MONITORING AND OTHER ACTIONS.—The Secretary shall establish a long-term monitoring program to maximize the effectiveness of any demonstration project authorized by this section.

(c) COOPERATION.—The Secretary shall implement subsections (a) and (b) in cooperation with the Desert Wildlife Unlimited, the Imperial Irrigation District, the State of California, and other interested persons.

(d) AUTHORIZATION OF APPROPRIATIONS.—For research and demonstration projects authorized in this section, there are authorized to be appropriated to the Secretary $3,000,000.

SEC. 8. EMERGENCY ACTION.

If, during the conduct of the studies authorized by this Act, the Secretary determines that environmental conditions at the Salton Sea warrant immediate and emergency action, the Secretary shall immediately submit a report to Congress documenting such conditions and making recommendations for their correction.

The SPEAKER pro tempore. Pursuant to House Resolution 500, the gentleman from California (Mr. MILLER) and a Member opposed each will control 30 minutes.

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

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

Mr. Speaker, this amendment has been described earlier in the debate. It is offered on behalf of myself and the gentleman from California (Mr. BROWN). The purpose of this amendment, somebody said they want to be plain speaking, is let us just do something about the Salton Sea.

The point is this: When we make a decision to commit the $350 million, we ought to do that which we know works. The many shortcomings in the current bill that is before us have been outlined in both the objections by taxpayer groups, by environmental groups and by the Clinton Administration with respect to serious problems that exist in bill.

But with respect to the studies, let me say that the legislation offered by the committee goes ahead and does some studies relating to feasibility. With respect to dealing with the salinity, there is a whole other body of studies that are in that legislation and in our legislation. There are scientific studies that deal with this issue of nutrient loading, that deal with the issue of botulism, that deal with other concerns that are killing the fish and wildlife at the current time that have got to be developed, and any project that we develop for the Salton Sea should make sure that it deals with the full array of problems that are presented by the current conditions in the Salton Sea.

That is terribly important, because we know that the salinization of the Salton Sea is going to continue to get worse. We also know that some of the best water that flows into the Salton Sea currently, about 1 million acre feet, or over 1 million acre feet of agricultural drain water, that maybe half a million acre feet of that water may leave the Salton Sea because water is going to be sold into other markets.

Discussions are under way to sell water to San Diego and elsewhere, so that drainage water will not necessarily flow to the Salton Sea. That will make this problem even worse. There is nothing any of us can do about that. That is the right of the water rights holders and the contractors there in the Imperial Irrigation District and elsewhere, should they so decide to enter into that contract and if that is approved.

What our amendment says is the same timetable as the majority amendment, the same set of studies, but what we do is we require you to coordinate these studies so you, in fact, make these decisions based upon the evidence, not simply one part of this problem that everybody admits is going to get worse over the next decade. But the birds and fish and wildlife are dying today. That is because of what we do not know yet as to what is causing that.

People want to portray this as somehow that nobody paid attention to this. In 1992, we passed a bill. The majority party has not provided the appropriations for that legislation to do these studies. Everybody in the State wants to do something about the Salton Sea. The reason things have not been done is because we do not know what to do.

We can spend a lot of money, we can run around and build a lot of projects, but unless we know they are going to work, we are not keeping faith with the taxpayers and with the Members of Congress in terms of the authorization of the money.

That is the purpose of the substitute that is offered by us. My conversations with the Senators from our State, my conversations with the environmental groups and with the leadership in the other House lead me to believe that this also has the best chance of being passed by the Senate and in fact becoming law.

If we send this legislation over here with all of these bells and whistles, with the united opposition of the environmental groups, with some of the taxpayer organizations against this legislation, with the statement of administrative policy that has serious problems with this legislation, we are dramatically reducing the likelihood that we can get on with curing the problems of the Salton Sea.

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

Mr. CALVERT. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from California (Mr. CALVERT) is recognized for 30 minutes.

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

Mr. Speaker, I have heard the point from the minority that this is a salinity-only bill. That is nonsense. This bill takes a holistic approach to restoring the Salton Sea. At the request of this Secretary and the Salton Sea authority, $5 million is earmarked for wildlife resources studies to provide real-time science to support the decisionmaking processes during the feasibility study.

Additionally, $3 million is included to improve water quality in the Alamo and New Rivers, the major sources of water for the Salton Sea. The New River, which has been explained earlier, is the most polluted river, in some estimation, in the North American continent.

But if we do not address the sea salinity, we might as well just write the sea's ecosystem off. No leading scientist, none that I am aware of, dispute this fact.

In a speech by Dr. Milt Freed, Chairman of the Science Subcommittee, delivered on July 29 at the U.S. EPA Ecosystems Restoration, a national symposium to bring together practitioners and researchers, he notes the salinity of the sea has reached 43,000 parts per million, a level that is 26 percent greater than ocean water. Salinity is increasing at a rate of approximately 1 percent per year and will soon reach a level that will cause a collapse in fish populations, thereby eliminating the food base for fish-eating birds that come to the sea. This will also end the sports fishery.

The salinity issue is analogous to passing the particles from one end of an hourglass to another. The time frame is finite, and no amount of discussion or study will alter the end result. The collapse of the biological components of the ecosystem due to the physical parameter will have far-reaching impacts on many of the other values humans expect from the sea.

So let us quit talking about, let us get something done, let us defeat the Miller-Brown substitute and get on with saving the Salton Sea.

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

AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Speaker, I offer an amendment and I ask unanimous consent that it be adopted.

I would point out that the gentleman from California (Mr. MILLER) and I have worked out agreement on the language that the gentleman addressed.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT:

Amend the proposed section 101(g)(4) to read as follows:

"(4) APPROPRIATIONS TO THE SECRETARY OF THE INTERIOR.—Amounts appropriated under paragraph (1)(B) to the Secretary may be appropriated to the Bureau of Reclamation as specified in appropriations Acts.".

Page 16, beginning on line 5, strike "from the land and water conservation fund"

Page 21, beginning on line 9, strike "from the land and water conservation fund"

Mr. BOEHLERT (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 New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the amendment offered by the gentleman from New York?

Mr. MILLER of California. Mr. Speaker, reserving the right to object, I thank the gentleman for the changes that he has made, which would completely remove the use of the land and water conservation funds for this legislation. I think that is important.

I would, again, reiterate in our discussions with many of the environmental coalitions opposing this legislation this does not remove their opposition to that legislation. They have numerous items that they are in opposition to.

But I would, if I might, ask the manager of the bill, as we remove this source of funding, the land and water conservation fund, what then becomes the source of funding here? What is left? EPA and Bureau of Reclamation?

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

Mr. MILLER of California. I yield to the gentleman from California.

Mr. CALVERT. Mr. Speaker, I do not control the appropriations process.

Mr. MILLER of California. What is authorized to be used?

Mr. CALVERT. Certainly the Secretary of Interior can designate those funds from various accounts.

Mr. MILLER of California. Mr. Speaker, I guess I am trying to determine what is left with respect to the authorization?

Mr. CALVERT. If the gentleman would yield further, the standard appropriations process, it does not preclude the appropriators to appropriate funds from various accounts that they appropriate from.

Mr. MILLER of California. But what is the gentleman's expectation? And I do not have the language that has been removed.

Mr. CALVERT. Obviously, the Bureau of Reclamation is a source that has been talked about, Fish and Wildlife resources, resources within the appropriations process.

Mr. MILLER of California. So the Bureau of Reclamation remains the source of funding then for this legislation?

Mr. CALVERT. I would not expect any single source of funding for this legislation on any major project. As the gentleman knows, we have probably never had very many that have had a single source of appropriation.

Mr. MILLER of California. Mr. Speaker, reclaiming my time, let me back up here then. My problem is we are preauthorizing in this legislation. What are we authorizing it from? We were going to authorize it from the land and water conservation fund. Now what are we authorizing it from?

Mr. CALVERT. Mr. Speaker, if the gentleman will yield further, the Secretary of Interior and EPA can designate those appropriations.

Mr. MILLER of California. So it is the gentleman's expectation this would come out of the Bureau of Reclamation budget and/or the EPA budget?

Mr. CALVERT. That is correct.

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

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding, and I appreciate the gentleman from New York (Mr. BOEHLERT) offering this amendment to avert the use of LCWF funds. The reason, I think, is pretty transparent as to why the land and water conservation fund was being used, because you would have no new authorization here and it would not score in terms of CBO under the umbrella of LCWF authority.

That is interesting, but it is also interesting and important to find out in 34 years that these funds have been authorized for the land-water conservation, authorized until appropriated, in that sense a trust fund, that there has not been anything of this magnitude of misuse proposed, much less enacted. There have been, I think, some minor uses, especially in the last few years, as individuals are attempting to look for authorization without CBO scoring and use some of the land-water conservation fund, but this measure and action is unprecedented. One-third of a billion or nearly $400 million with studies coming out this fund would be three or four times the amount that this Congress is willing to, in fact, appropriate from that fund on an annual basis in recent years.

□ 1830

So this is an important change. I think there are some other questions that need to be answered about this legislation, but I think it is a step in the right direction to present this as what it is; this is a new authorization that is going to have to score, and clearly, the money should be derived from the various program titles and protocols of the Bureau of Reclamation and/or other agencies that would have a legitimate role. I guess Fish and Wildlife Service would have some role, but it is not clear. I think this is another example of why we need to adopt, or should adopt, a more definitive plan as to what is going to happen regards such Salton Sea project. This measure is simply standing the process on its head.

But that is not the gentleman from New York's problem, but the problem of those that are advocating this particular policy.

So I thank the gentleman from California (Mr. MILLER) for yielding under his reservation.

Mr. MILLER of California. Mr. Speaker, continuing on my reservation, just one point here is as I read the manager's amendment, it says, "May be appropriated to the administrator of the Environmental Protection Agency and the Secretary of the Interior in amounts to ensure that neither the administrator nor the Secretary is appropriating substantially all of the construction costs."

So I do not know if that means they split them, but I just think again, since this is a preauthorization of this $350 million project, Members ought to understand that the rational reading would be about half of it is going to come out of EPA, which is receiving reductions in funding, and half of it is going to come out of the Bureau of Reclamation, which is receiving reductions in funding and not able to meet the demands that the Members already place on those two funds.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The amendment is adopted.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in support of the Miller substitute.

I would just call to my colleagues' attention that the Salton Sea and the resolution that is of concern to the Members is heartening; that is, that we are buoyed by the fact that there is a great deal of interest in terms of trying to restore this area—or at least stabilize it. But I would hasten to point out that the Salton Sea is a man-made ecological disaster. It is a man-made ecological disaster.

The fact is that this particular landscape, this particular area is the product of millions of years, and certainly in the last couple of 100,000 years, the

accumulation of various types of salts and other nutrients, as my California colleague (Mr. MILLER) has pointed out, in this large delta area, the site of an ancient sea. The fact is that in the early part of this century, something like around 1905, this sea came into existence because of modifications to the manmade hydrology and the landscapes modifications in this region of California.

It has, of course, had continued contributions, accelerated contributions of nutrients and contaminated waters that have reactivated many of the salts, many of the nutrients to make the kind of soup that exists in the Salton Sea today that is obviously not conducive to the existence of, even in terms of fauna and flora that would normally occur in the ocean, because the salinity as an example and the nutrients as an example are even greater than what exists in any living ecosystem, in other words, it is toxic to a normal natural ecosystem.

So I think the fact that we have this ecological man-made disaster that continues to of course be compounded by the existing treatment of the watersheds and rivers and the modifications that have occurred, and this is not the only place in the country, incidentally, that we have this problem.

In fact, if we look at the Bureau of Reclamation, and, in fact, the Corps of Engineers have spent billions and billions of dollars, south Florida as an example is another place, and we find that they have so changed the landscape and hydrology, have provided for the incursion of salt water and the damage to these natural areas to a great extent by upsetting the balance. But what we do not need on top of the ecological man-made disaster here is a legislative disaster. That is, frankly, where we are going.

Everyone agrees that there ought to be a project which addresses the problem but we ought to make the commitment to do that, and that it ought to be done on a broad-based basis, and there is someone out there that has apparently come up with a number: $350 million to something in excess of that with studies, $350 million, over a third of a billion dollars, to, in fact, resolve this problem, and they are apparently not ready to say exactly what that project ought to be. But they suggest to those of us that raise questions about this that, in fact, we have had enough study; we have had study for 20 years, and we do not need any more study.

Well, I think we need to know how we are going to use that information, how we are going to use that knowledge. The fact is that water projects that are actually understood and defined much less presented in a glowing generality such as this Salton Sea project are often among the most controversial measures that the Congress deals with.

Our job in Congress really is not all that complicated. I always think of it as trying to translate new information or knowledge into public policy. But what is missing here is not the accumulation of a lot of information, but a conclusion a solution and we are passing the buck, quite frankly, in this bill. In the next 18 months we are saying to the administrator, whether it is Secretary Babbitt or whether it is others in the EPA in this Clinton administration in whom I have some confidence, we are suggesting that they will come up with a final solution, and they will bring it to Congress for a review, but it is not within the context of our legal law making responsibilities, not within the context of our oversight responsibility in terms of this.

In fact, there has been some question as to statements made by the advocates of this measure that the actions that they pretend are powerful limits in terms of what Congress would do are not even constitutional in terms of their nature. In fact, they represent something like akin to and connected to a legislative veto. That is not possible. It is not possible to do that. We have been there, we have tried that, and the courts have said that particular congressional action is invalid.

So the suggestion that we can bring this back and somehow keep review of it is a curious statement and in error. But just giving 18 months and suggesting we have a study and solution, and today preauthorizing or authorizing over a third of $1 billion to go to this particular project without knowing exactly what it is, I suggest, is a predicate to legislative disaster, just as we have had the ecological disaster. A 350 billion dollar water project without definition!

I understand that without quick action, without better action, we will have a continuing compounding of the problem that is going on within the Salton Sea ecosystem, but if we are so hell-bent on action in this case, one way we could do that is to appropriate the money this year, right now, appropriate some money and fence it so that it is there pending authority as to enactment of a policy law. That is what the major hang-up is going to be in terms of what we are doing here coming up with the money. In other words, we authorize many programs, and they do not receive the funding or the full funding—that is what has repeatedly occurred with this issue in fact!

I noted that our colleague from California, the chairman of the Subcommittee on Appropriations, implied that some funds have already being set aside, but I doubt anything of the magnitude of what is being done. That is ⅓ of billion has been set aside! In other words, the spending and standing the legislative process on its head as is being proposed in the underlying vehicle here is, I think, the wrong way to go and likely raising hopes but in the end frustrating a final solution.

I think it is destined to be and to make something that should not and would not apparently be controversial, extremely controversial.

So I would hope that in this instance we would stop and take a closer look at this, recognize that having it follow the normal process in terms of going through and pushing and directing the administration, as this bill initially does and as the substitute does, directs the administration to come up with a sound proposal that we can then authorize and fund, and go through the proper form of debate, rather than suspending our responsibilities and then afterwards suggesting that we can deal with this by remote control. Look, Ma, no hands.

We cannot function that way in this institution. We should not. I do not think it is a responsible way. I applaud my colleagues for their enthusiasm, and I applaud them for their efforts to do something good for the Salton Sea, but this is the wrong way to do it.

The right way to do it is by adopting the Miller amendment in this case and providing a specific project, providing specific actions that we know, and then try to come back at that point with that knowledge in hand, with that specific project in hand and deal with whatever mitigation has to be done, allocating the dollars based upon a sound authority and policy.

There are many problems with this bill that I could go into, including the cost-sharing, the lack of cost-sharing by the irrigators in this area, which are, after all, one of the, I think in my judgment, in the studies that I have read, one of the principal contributors to the saline and nutrient problem. Looking at the modifications that need to be made to facilitate the dealing with the Clean Water Act, dealing with NEPA, dealing with the judicial review process so that we can move ahead quickly, but having a common understanding of what the specific project is going to be, we do not have that.

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

Mr. VENTO. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Speaker, I appreciate the gentleman's remarks. The gentleman is on a border State.

Mr. VENTO. Mr. Speaker, reclaiming my time, I am on a what State?

Mr. BILBRAY. Mr. Speaker, the gentleman is on a border State; he is up North, I am down South. There are two borders, though we forget about that sometimes.

I want to clarify. The gentleman said this happens in many places. Where else in the United States do we have a problem like this that has been perpetuated through either Federal inaction or inappropriate action and been perpetuated through Federal agreements with foreign governments?

I think the gentleman has to admit this is unique in one aspect.

Mr. VENTO. Mr. Speaker, reclaiming my time, there are some unique aspects of this. I am just pointing out that there are man-made ecological disasters of some magnitude in Florida, in California. Fortunately, I do not know that we can compare the great State of Minnesota's environmental problems to this. We have had some problems incidentally with Canada and nonnative species like the sea lamphrey in Lake Superior. But I thank the gentleman, and I appreciate his point. And hope he understands mine. That's why I support the Miller substitute.

Mr. CALVERT. Mr. Speaker, I yield 7 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to address some of the concerns that have been voiced here by the last speaker, my good friend from Minnesota (Mr. VENTO).

First, this is a bipartisan bill, and this is a bill that is the subject of enormous compromise. I want to tell my colleagues first about part of that compromise.

A number of the groups that have written in saying they have some problems with the bill, and the first biggest problem has been taken care of, and that was using the Land and Water Conservation Fund. That is now no longer a problem.

They said there was another problem. They said, you are changing the Clean Water Act. Well, once again, we have a legal opinion voiced by a number of attorneys who should know who say that one cannot clean up a river using wetlands under the present tight construction of the Clean Water Act because, it says, if one takes a bucketful of water out of a river, one has to return that bucketful of water in drinking-water form.

Now, one cannot do that if one builds a series of marshes along the New River, as we intend to do. We intend to build one of the biggest wetlands projects in America that will host hundreds of thousands of birds, hundreds of species, and yet, because of the way we wrote the Clean Water Act, we cannot do it, so we live with the most polluted river in North America in New River.

Now, we worked with all sides on this thing, and I have here the author of this much-hated provision, and the author, according to my memorandum, is the gentleman from California (Mr. MILLER). Because the gentleman from California (Mr. MILLER) sent a memo over to the chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania (Mr. SHUSTER), or his staff did, saying, in general, the gentleman's preferred course of action is to amend Title I of the bill, as reported, et cetera, and they go on to give us the language that they would like to have. The language says, "Subsection D, authorization of appropriations for river reclamation and other irrigation of drainage water actions under this section, there are authorized to be appropriated to the Secretary for Land and Water Conservation Fund $3 million." That is the $3 million that goes into cleaning up New River. And above that, "No permit shall be required under section 402 of the Federal Water Pollution Control Act, 33 USC 1342, for a wetland filtration or constructed wetlands project authorized by subsection A–1 of this section."

We took the gentleman's exact language that he gave us to put in the bill to take care of the problem, and now we are told that it is still a problem. I guess I would say to my friend from California (Mr. MILLER), I want the gentleman to take yes for an answer.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, the gentleman knows my first preference was to remove the exemption from the legislation. We were then asked technically on how you would do it if you were going to do it the way you wanted to do it, and we said that is how you would do it the way you wanted to do it. Our first preference was to take it out of the bill, as recommended by the administration and others.

Mr. HUNTER. Mr. Speaker, in the spirit of compromise, however, the gentleman did provide language and we did put in, I would say to the gentleman, his precise language.

Now, let me go to the second point, and that point is the 18 months.

□ 1845

We had a 12-month period for study before construction, although this thing has been studied 30 years, as the gentlewoman and the gentleman from California (Mr. CALVERT) had mentioned. We had given a 12-month period for study. We sat down in a good talking session with Secretary Babbitt at the Salton Sea, with Secretary Babbitt, his staff and himself. He said essentially to me, I do not think I can do it in 12 months, but he did say in that conversation they thought they could do it in 18 months.

We worked with his staff. His staff sat in on a number of these meetings, and they said 18 months. When we met with Senator BOXER, she wanted us to move from 12 to 18 months, so we did it. We said, we will compromise, we will give 18 months.

Another thing we were concerned about, of course, was judicial review. We did not want lawsuits to stop action on the sea while the sea died. I think the gentleman can understand that, because as the gentlewoman from California (MARY BONO) has shown us, the sea is on a death watch. It is very predictable. At 60,000 parts per million, as it gets saltier and saltier, all the fish die, so we have to move now. And if somebody sues us and the court date is not set for 2 years, and then another suit is filed and that court date is not set for 2 years, the sea expires. The sea dies while we are tied up in court.

So what we said was, okay, to Senator BOXER and others who wanted to have judicial review, we said we will. Let us just say that we have to have expedited judicial review. We said we wanted to direct the court in this language to expedite review.

That means when you have a temporary restraining order, if somebody sues and says, I do not like this because I live down here and I do not want to have the sea saved because I think the gentleman from Minnesota (Mr. VENTO) is right, it is an ecological disaster, so let us have it die, and they happen to get a TRO from somebody, a temporary restraining order, we will say you have to go to trial in 60 days. That means do not put the thing off for 2 years while the sea dies, that means you go to trial in 60 days. So we have put in expedited judicial review instead of eliminating judicial review, so in all areas we have made compromises.

I say to my friend, the gentleman from California (Mr. MILLER), I called one of my constituents last night who had signed one of the letters from one of the environmental organizations that said, we are against it for umpteen reasons. I explained the reason for the clean water change.

He said, that makes perfect sense. He said, that is not what they told me when they called me and said they wanted me to sign it. I think if Members explain that to the people who really care about the 380 bird species, they are going to agree to.

So let us get on with this bill. Let us get it passed. I thank the gentleman for taking the unanimous consent to make the land-water conservation fix that was offered by this side, but this is the right action to take. Once again, let us go back to Sonny Bono, who said, why can not we just get this thing done? Let us get started, at least.

Mr. CALVERT. Mr. Speaker, I yield 5 minutes to the gentleman from Redlands, California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I thank my colleague for yielding time to me. It is a pleasure to rise today and join my colleagues on both sides of the aisle who are strongly committed to finding solutions to the tremendous challenge that is this great environmental project in Southern California that is known as the Salton Sea.

I must say that in the initial stages of my hearing this discussion, I was intrigued to see both my colleague, the

gentleman from California (Mr. GEORGE MILLER) speaking, and he was being aided by his friend, the gentleman from Minnesota (Mr. BRUCE VENTO), and it was almost deja vu all over again. I remember fighting months on this, fighting to get access to our desert lands by both the gentleman from Minnesota (Mr. VENTO) and the gentleman from California (Mr. MILLER), and the thrill of that process was that we won a few.

I have a sense we might win a few today, as well, for there is little question that this coalition has gone together that is a nonpartisan, bipartisan effort to make sure that this tremendous asset, the Salton Sea, is saved, finally. It is going forward.

I must say to my friend, it is going forward almost entirely because of the rather fantastic leadership of the gentlewoman from California (Mrs. BONO), the new congresswoman from Riverside County, who has done a phenomenal job to make sure we keep our eye on this very important target.

If we should remove our serious attention from this for a moment the Salton Sea will be gone in terms of its effective use for the people of Southern California, and peoples all over the country who appreciate just what an important environmental asset this is.

I must say that the cost that is being suggested here is almost beside the point. We are moving forward quickly with rounding out what have been years and years of study. The authorized amount that involves the project is the minimum amount we need for whatever approach is finally selected. There is little doubt that we are going to get to that decision very, very quickly.

I would suggest to my colleague, the gentleman from California (Mr. MILLER), that we need to have this authorization in place early on because that is the way we go about getting money in the pipeline in the appropriations process, very quickly. We cannot afford to wait. Therefore, we are going forward with that minimum amount that is needed.

In turn, I must say that if my colleague remembers some years ago, back in 1974, when Shirley Pettis was a Member of Congress, she being here because her husband, too, had been killed in a tragic accident, raised this flag, the most important environmental project in the country, I must say, if we had moved forward then instead of having these same kinds of questions interfering with that progress, the project would have been completed. It would have cost, before, one-fifth of what it is going to cost, and indeed, this discussion would not have been necessary today.

I want Members to know that I am proud, very proud of those colleagues who have joined with me in this effort, but especially pleased to join with the gentlewoman from California (Mrs. MARY BONO) in what will be a successful and perhaps the most important environmental project of this decade.

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

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I want to say to the gentleman that he has been this year appropriating some money to get the process started, he has already moved out on the project. We deeply appreciate that action. It was really timely, and we are going to be able to move this year. I understand the administration is moving this year.

Mr. LEWIS of California. Mr. Speaker, I appreciate that, but I would not have been able to do that if the gentlewoman from California (Mrs. BONO) had not been beating me over the head almost every day.

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

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. CALVERT. Mr. Speaker, I also thank the gentleman for his hard work in moving this Salton Sea project. With the gentleman's help, we are going to get this done today.

Mr. LEWIS of California. It will be a great time to celebrate, but it is only the beginning. I really do appreciate this nonpartisan effort.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Speaker, I thank the gentleman for yielding me this time. I think I owe the body an apology for not being able to be here earlier, because I wanted very much to participate in this debate, but I was engaged in a ceremony which only occurs once in a lifetime. That is being hung, your portrait being hung, in the committee room.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I do not mean to take much of the gentleman's time, but I was away at that hanging as well, and I must say, at the Library of Congress they had this wonderful ceremony where both the gentleman from Wisconsin (Mr. JIM SENSENBRENNER) and the chairman, the gentleman from California (Mr. GEORGE BROWN) were being honored with their portraits being presented to a cross-section of family and friends as a reflection of years and years of dedicated work on both their parts, but especially my colleague, the gentleman from California (Mr. GEORGE BROWN). And I know he wanted to be here.

I say to the gentleman from California (Mr. BROWN), he should be the first to know that we have taken out of the bill those few little items he was concerned about, so he can be as enthusiastic as he likes.

Mr. BROWN of California. Mr. Speaker, I appreciate the gentleman's comments. Of course, I am extremely enthusiastic about the need to solve the problems of the Salton Sea and the efforts we are making. I am encouraged by the large amount of interest in the Congress, and in general in the public, in doing something about this problem.

I have been rather cynical over the past, because I have followed every study for the last 30 years aimed at solving this problem, and seeing them come to naught, including the 1992 legislation, which actually authorized the same general type of study that we are authorizing here in this bill, and $10 million in order to fund that study, and nothing of any substance has come out of that, which, as I say, has left me somewhat cynical.

I would like to say that I am a coauthor of the bill. I want to see suitable legislation passed. I have had reservations about the bill as it had emerged from committee, not because I did not appreciate the work done in committee to get the bill out, but because I was fearful that the product would not survive the intense scrutiny of the other body, and that in all likelihood might not survive and be approved by the President. That concerns me, because I do not wish to have spent all of this time and effort in a futile exercise if we can do better.

It is my view that we could do better. I have cosponsored the amendment of my good friend, the gentleman from California (Mr. MILLER), because that amendment or that substitute on his part has eliminated much of the material that I think would have caused this problem in the other body, or would have precluded or would have caused the President to veto the bill.

Now I am encouraged by the fact, as my good friend, the gentleman from California (Mr. LEWIS) has just reported to me, and as the gentlewoman from California (Mrs. BONO) had reported to me earlier in the afternoon, that agreement had been reached to resolve the problem of funding from the Land and Water Conservation Fund, which some Members may not think is important, but anything that brings down the wrath of practically every environmental group in this country is of considerable importance to me. It could mean I would not get reelected, for example, and that sometimes influences my judgment a little bit.

The fact that the authors and managers of the bill have been willing to accept that change is a very encouraging thing in itself. That does not solve all of the problems. Nothing ever does in a piece of complex legislation.

I am learning a great deal about the politics of water in the inland empire and in the Salton Sea area, and how many different interests are at stake

here, and the steps that will be taken in order to protect the interests of some of the groups that are involved. I hope I can benefit from what I have learned here.

I am going to support the Miller amendment, because while it reduces the scope of the bill, and originally I had wanted a bill that would make it clear that the Congress wanted to carry this thing through to completion, that it would authorize not only the necessary research and the design and specifications for the preferred solution, but would actually authorize the construction, I am inclined to think that that is one of the things that has added undue complexity to this bill, and that by simplifying it and doing it in two stages, we are likely to succeed in getting better legislation in the long run.

My expectation is that the House will disregard my advice and the advice of my good friend, the gentleman from California (Mr. MILLER), and will pass a less than perfect bill. It would not be the first time that that has happened.

Mr. Speaker, I have co-sponsored this amendment with my colleague from California to offer a constructive alternative that takes into account political, fiscal and environmental realities. My motivation is simple: I do not just want a House-passed bill, I want a bill which will be passed by the Senate and signed by the President. The underlying bill, though it may win House approval, will not be enacted into law.

The substitute which I have co-sponsored with my colleague, Representative MILLER, does not contain both the authorization of feasibility studies and construction, which might hasten the completion of the project. However, it does set specific deadlines for Congressional and Administration action, including direction to the Administration to provide draft authorizing language for the selected mitigation option.

I must admit to having a less than adequate response to those who are asking: "Why should we authorize $350 million for a project that is not fully defined?" They can rightly claim we are asking them to buy "a-pig-in-a-poke." It is not possible to fully define environmental restoration projects from the outset. This amendment provides a framework to begin action.

I would rather see the process of saving the Salton Sea move forward more slowly, but with more certainly, than risk losing this bill because of the questionable shortcuts which are included in it.

I would like to take a few minutes to outline some of the other provisions of this amendment.

Our substitute authorizes funding through traditional sources of water project funding. The funds needed for research, feasibility studies, and construction on the Salton Sea should come from the traditional sources dedicated to these purposes. While it is tempting to suggest otherwise, we westerners cannot avoid setting priorities for expenditures on our water projects by raiding other accounts.

This is tantamount to admitting that the Salton Sea isn't really a priority and that southern California should not expect to be allocated its fair share of water project funds. I firmly reject both of these notions.

This substitute contains no Clean Water Act permit exemptions. I do not believe the authors of the underlying bill intended anything bad in the provisions of the underlying bill. However, the truth is—this provision is unnecessary and it looks suspicious. It is true that the New and Alamo Rivers are in desperate need of clean up, but so are many of our other rivers, and we can not and should not address the problems through permit exemptions.

The constructed wetland projects that are envisioned can move forward in a timely manner. We do not need to bypass the Clean Water Act and leave the process open to criticism.

Our substitute also does not contain the broad liability exemption for the local water districts that have made their way into the underlying bill since introduction. While some type of limited liability protection may be reasonable, that is not what the underlying text contains. We should not be creating an open-ended exposure for federal liability in our efforts to address the Salton Sea's problems. I, and all concerned, want to ensure that federal, state, and local dollars are spent on clean up activity, not on lawsuits.

Finally, I want to once again reiterate my continued commitment to work with all interested parties to restore and preserve the Salton Sea. I want a bill that Members of both parties in both legislative bodies will be proud to support and that the President will be anxious to sign. I want a bill that is as enthusiastically endorsed by the environmental community as it is by the water district representatives. I believe the substitute Mr. MILLER and I are offering is closer to achieving that goal than the underlying bill and I urge my colleagues to support our substitute.

Mr. MILLER of California. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from California (Mr. MILLER) is recognized for 11 minutes.

Mr. MILLER of California. Mr. Speaker, let me just say in closing on this amendment, I think what this amendment does is it ensures the probability that this legislation will become law, and that we can get on with curing the problems of the Salton Sea. It also ensures that when we go to cure those problems, that we know exactly what we are doing, and that the decisions we make and the money we spend will be spent in a scientifically sound fashion; that we will not deal with just one part of the problem of the Salton Sea, which is the salinization, the continued increased salinization of the Salton Sea, but we will also deal with the other concerns with respect to the fish kills and the bird die-off that is taking place today, before the salinization reaches the levels people have talked about in the coming decade. That is the problem of the Salton Sea currently today.

Also, let me say this, that this amendment removes all of the objections of the Clinton administration. It removes all of the objections of the Taxpayers for Common Sense. It removes all of the objections of the environmental legislation.

That means that this legislation, if amended with my substitute, would have the ability to go to the Senate, be taken from the desk, and bypass all of the committee considerations and all of the things that we know happen to you when you go to the Senate late in the legislative year.

I believe that with the commitment of the coalition, the commitment of the gentleman from California (Mr. BROWN) and the gentlewoman from California (Mrs. BONO) and everybody else to this process, that we will in fact see the results of these studies enacted into law.

□ 1900

I think we have a better opportunity of seeing that done with this amendment. We have accepted the change, I was hoping to offer the amendment but the rule did not allow for that, but we accepted the unanimous consent request by the gentleman from New York (Mr. BOEHLERT) to remove the funding from the Land and Water Conservation Fund. That is an improvement.

But let me reiterate and emphasize to all of my colleagues that that does not remove the objections of the environmental organizations. That does not remove the objections of the Clinton administration, objections which are substantial, objections that are serious to this legislation.

I would hope that the Members of the House would vote for this substitute because it does deal with the problems of the Salton Sea. It does deal with them on the timetable suggested by the majority, but what it does not do is it does not preauthorize an unknown $350 million project. It does not waive the Clean Water Act or limit judicial review. It does not make the U.S. taxpayers 100 percent liable for all of the activities that will take place around the Salton Sea. And it does not contain an unconstitutional review scheme.

It does preserve the purpose, the intent and the outcomes that are sought in the legislation but without all of the harmful provisions that are currently embodied in the bill as it came from the committee. I would hope that Members would support the substitute by myself and the gentleman from California (Mr. BROWN).

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I rise in support of the Miller amendment.

Mr. Speaker, I rise in support of the Miller-Brown amendment, and in strong opposition to the underlying bill. While I fully support efforts to restore the Salton Sea, I cannot support a bill which includes exemptions from the Clean Water Act, and could actually reduce the ability of the Environmental Protection Agency to protect this resource.

The proponents of the bill claim that it will benefit the environment. If that is so, why is every major environmental organization opposed to it? The reasons are simple—

It creates an exemption to the Clean Water Act.

It excuses local water companies from their rightful liabilities.

It could divert scarce resources from EPA's environmental programs.

These concerns make the bill unacceptable.

I am particularly concerned about the exemption in this bill to the Clean Water Act. How can you say that you are doing good for the environment if you need an exemption from environmental protection laws?

The Clean Water Act has been under assault by the majority since they won control of the House. In the last Congress, we had to fight the waivers, loopholes and rollbacks of H.R. 961—the Dirty Water Bill. Later, we had to fight anti-environmental riders to the Appropriations bill. Now today, we are faced with yet another attempt to create more exemptions to environmental protection. These assaults on the Clean Water Act must stop.

The Clean Water Act is our Nation's most successful environmental law. Yet, one of its most glaring weaknesses is that irrigation return flows are not subject to regulation. How ironic that, at the Salton Sea, these very irrigation return flows are the major source of pollution, and that this bill specifically allows untreated irrigation return flows to continue to be dumped into the Salton Sea.

Instead of treating the sources of pollution to the Salton Sea, this bill would preserve the existing exemption for irrigators, and create a new exemption from the Clean Water Act.

If the proponents of this bill are serious about addressing the water quality issues at the Salton Sea, their bill should address the sources of the pollution. That objective would best be served by preserving the Clean Water Act, and addressing the pollution from irrigation return flows.

This bill does neither.

If we want to improve the quality of the environment and protect the Salton Sea, we should reject the pending bill and support the Miller-Brown substitute.

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

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

I want to point out that there is an existing 30 years of studies on the shelf. Quite literally, thousands of pages and millions of dollars have been spent and the time for action has finally come to move from the study phase to a consensus-based Federal, State, local, NEPA approved engineering solution. Every day compounds the environmental problems of the sea, adding time and expense to the solution. Act now or the sea dies, period.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. BONO).

Mrs. BONO. Mr. Speaker, I thank my distinguished colleague and dear friend for, first of all, his leadership on this and steering it through today. I am a little bit disturbed about something I heard earlier in the remarks by one of my colleagues from California when he said that he bowed under pressure that he was facing from certain environmental groups to go ahead and support the Miller-Brown substitute.

What about pressure from ordinary people? What about pressure from people who live near the Salton Sea within the 44th district of California? What about pressure from those people, not the pressure from people who live inside the Beltway, who live inside Washington here?

Who cares about how we are going to be rated on a score card if this is what is, in fact, right. And it is. One of my greatest political mentors is Bruce Herschson. He said something brilliant. He said, one day as a Member of Congress you might have that vote that comes before you that you know is right. You know you are going to have to make that vote and know that it might cost you something. Perhaps this is that vote for my colleague here.

I am deeply concerned about the Miller substitute for a number of reasons. First of all, I think it is a mistake to offer something, a study, again, authorize a significant amount of money to say we will study this again, knowing that perhaps we might not go through with the solution here. I think that is the ultimate deal here.

I think we are saying we are going to go ahead and tell the American people again, we are afraid to lead here in Congress so we will write a check and study it again. Three years from now we are going to maybe study it again. That is where we are right here.

It is time for Congress to say no more. It is time for Congress to say, we are serious here, and we are going to do this. I think that we need to get away from the Miller amendment just for that very reason.

The Salton Sea will never be 100 percent perfect for anybody, their side, our side, whomever. But it can be a lot better than it is. It is a mistake for us to stop what we are doing, to stop the progress simply because it cannot be 100 percent. I think we see that in all of the issues that they have raised. It will never be 100 percent, but it will be close to that.

I think to study it again, once more, will just be an insult to the people who live around the area. And when I travel, when I campaign, when I just get out in the district, all I hear is, let us save the Salton Sea. People see the studies, and they know that it is a joke. They will see the front pages and the headlines, and they will say, no more studies.

Let us get serious here. The one thing that Sonny said is, no more studies. I think we need to prove that now. I think, again, it is time for Congress to lead. I just think it is time for a bipartisan Congress to prove that we will finally get serious here and clean up the Salton Sea.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. MILLER).

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

Mr. MILLER of California. 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 202, nays 218, not voting 14, as follows:

[Roll No. 281]

YEAS—202

Abercrombie	Ford	McKinney
Ackerman	Frank (MA)	Meehan
Allen	Frost	Meek (FL)
Andrews	Furse	Meeks (NY)
Baesler	Gejdenson	Menendez
Baldacci	Gephardt	Millender-McDonald
Barcia	Goode	Miller (CA)
Barrett (WI)	Gordon	Minge
Becerra	Green	Mink
Bentsen	Gutierrez	Moakley
Berman	Hall (OH)	Mollohan
Berry	Hamilton	Moran (VA)
Bishop	Harman	Murtha
Blagojevich	Hastings (FL)	Nadler
Blumenauer	Hefner	Neal
Bonior	Hilliard	Oberstar
Borski	Hinchey	Obey
Boswell	Hinojosa	Olver
Boucher	Holden	Ortiz
Boyd	Hooley	Owens
Brady (PA)	Hoyer	Pallone
Brown (CA)	Jackson (IL)	Pascrell
Brown (FL)	Jackson-Lee (TX)	Pastor
Brown (OH)	Jefferson	Paul
Capps	John	Payne
Cardin	Johnson (WI)	Pelosi
Carson	Johnson, E. B.	Peterson (MN)
Clay	Kanjorski	Petri
Clayton	Kaptur	Pickett
Clement	Kennedy (RI)	Pomeroy
Clyburn	Kennelly	Porter
Condit	Kildee	Poshard
Costello	Kilpatrick	Price (NC)
Coyne	Kind (WI)	Rahall
Cramer	Kleczka	Ramstad
Cummings	Klink	Rivers
Danner	Kucinich	Rodriguez
Davis (FL)	LaFalce	Roemer
Davis (IL)	Lampson	Rothman
DeFazio	Lantos	Rush
DeGette	Lee	Sabo
Delahunt	Levin	Sánchez
DeLauro	Lewis (GA)	Sanders
Deutsch	Lipinski	Sandlin
Dicks	Lofgren	Sanford
Dixon	Lowey	Sawyer
Doggett	Luther	Scott
Dooley	Maloney (CT)	Serrano
Doyle	Maloney (NY)	Shays
Duncan	Manton	Sherman
Edwards	Markey	Sisisky
Ehlers	Martinez	Skaggs
Engel	Mascara	Slaughter
Eshoo	Matsui	Smith, Adam
Etheridge	McCarthy (MO)	Snyder
Evans	McCarthy (NY)	Spratt
Farr	McDermott	Stabenow
Fattah	McGovern	Stark
Fazio	McHale	Stenholm
Filner	McIntyre	Stokes
Forbes		

Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn

NAYS—218

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Conyers
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
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
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Dingell
Gonzalez
Hill
Linder
McNulty
Rangel
Reyes
Rogers
Roybal-Allard
Schumer
Sensenbrenner
Sununu
Weygand
Yates

□ 1923

Mr. WELLER, Mrs. CUBIN, Mr. LAZIO of New York, and Mr. BLUNT changed their vote from "yea" to "nay."

Mr. WEXLER changed his vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WEYGAND. Mr. Speaker, just a few minutes ago, as I was returning from the White House, I missed rollcall vote 281. Had I been present, I would have voted "aye" on the Miller substitute.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 500, the previous question is ordered on the bill, as amended.

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

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

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 200, not voting 13, as follows:

[Roll No. 282]

YEAS—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Capps
Castle
Chambliss
Chenoweth
Christensen
Clayton
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Foley
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Herger
Hilleary
Hobson
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kim
King (NY)
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
Lucas
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Millender-McDonald
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Saxton
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Walsh
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barr
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Campbell
Cardin
Carson
Chabot
Clay
Clement
Clyburn
Coble
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Doyle
Duncan
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Furse
Gejdenson
Gephardt
Goode
Goodlatte
Gordon
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Hoyer
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (CA)
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Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Porter
Poshard
Price (NC)
Rahall
Ramstad
Rivers
Rodriguez
Rothman
Rush
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Scott
Sensenbrenner
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stump
Stupak
Tanner
Tauscher
Thompson
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Wamp
Waters
Watkins
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—13

Becerra	McNulty	Roybal-Allard
Dingell	Miller (FL)	Schumer
Gonzalez	Oxley	Yates
Hill	Rangel	
Linder	Reyes	

□ 1941

Messrs. GOODLATTE, KINGSTON, EHLERS and HEFNER changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1945

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

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 498 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 498

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 section 306 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. Points of order against section 628 for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for 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 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 gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Massachusetts (Mr. MOAKLEY), pending which I will 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, H. Res. 498 is a second attempt by our Committee on Rules to bring forward H.R. 4104, the Treasury, Postal Service and General Government appropriation bills for fiscal year 1999.

As Members may recall, on June 25, before the break, this House rather resoundingly defeated the first rule we brought forward, a rule that attempted to balance all the competing demands of the many Members with interest in this bill. We worked long hours at that time and jumped through a series of complicated hoops, making every effort to iron out the problems while remaining as faithful as possible to our commitment to fiscal and legislative discipline. Given the wide margin of defeat for that rule, however, we went back to the drawing board and decided to let the chips fall where they may on the host of controversial issues in this bill, finding our guide in the normal standing rules and procedures of the House for consideration of annual spending bills.

So this evening, Mr. Speaker, we bring H. Res. 498, a rule which, with one exception, presents this appropriation bill for House consideration under the normal process by which appropriation bills may come to the floor.

Members who have been around here for a while may remember our esteemed former colleague, in fact legend, the late Bill Natcher, a wonderful gentleman and appropriations cardinal who prided himself on bringing forward his annual spending bills without a rule. He willingly subjected himself and his legislative product to the standing procedures of House rules, letting the chips fall where they may and making his case directly to the Members through open debate. Not only was he respected, he was successful.

What we are doing here today, Mr. Speaker, comes very close to that type of effort. H. Res. 498 is an open rule providing for the traditional 1 hour debate equally divided between the chairman and ranking minority member of the Committee on Appropriations with one exception. The rule is silent on the many controversial provisions within this bill that constitute legislating on an appropriation bill or that provide funding for programs and activities that are not authorized. I am told by the subcommittee chairman that, in fact, there is something like 80 percent of the bill that would fall in that category.

As Members know, Mr. Speaker, both of those things are violations of rule XXI of House rules. We do not legislate on appropriation bills normally, and without protection from the House Committee on Rules any provision of the bill that falls into those categories is vulnerable to being stricken by a point of order raised on this floor, should Members wish to do that.

The only provision within this bill that this Committee on Rules has felt compelled to protect from that fate of being stricken is the one which precludes Members of Congress from receiving an automatic cost of living increase, the congressional COLA. We all know that, without action by the Congress, a COLA for Members would automatically take effect. This year, as in the past, the Committee on Appropriations erected a barrier to that COLA in this bill so that there would be no such automatic increase for Members' pay. By waiving the point of order under House rule XXI that otherwise would lie against Section 628 of H.R. 4104, that is, the provision relating to the COLA, the Committee on Rules has insured that a procedural maneuver cannot be used to bring back to life the Members' COLA salary adjustment.

As one who continues to believe that the voters have not determined that we in this Congress deserve a raise, I support this action.

Mr. Speaker, this rule also waives points of order against consideration of the bill for failure to comply with Section 306 of the Congressional Budget Act regarding the prohibition on consideration of legislation within the Committee on the Budget's jurisdiction unless reported by that committee. This is necessary because the appropriators included within this bill funding for the year 2000 problem, affectionately known as Y2K, under an emergency designation, which is something traditionally in the province of the Committee on the Budget. This whole Y2K issue and whether to call it an emergency or to find offsets for the additional funding has been the subject of much debate in this body, as Members will recall. This rule ensures that this debate can continue allowing the matter to come to the floor while allowing Members an opportunity to strike the emergency designation, should they wish.

Mr. Speaker, the rule does several additional standard things:

Providing priority and recognition to those amendments that are preprinted in the CONGRESSIONAL RECORD and providing that the chairman of the Committee of the Whole may postpone recorded votes on any amendment. It also allows the chairman to 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. Lastly, the rule provides for 1 motion to recommit with or without instructions.

Mr. Speaker, there may be some Members who wish this rule had come out differently, and some of those Members probably did not like our first rule much either. But I would say to my colleagues that with this rule we have come very close to approximating the standing rules of the House in bringing forth a spending bill that actually meets the requirements we have set out for ourselves in our normal government procedures. In my view, that is a bit of a breath of fresh air, and I urge Members to support the rule so we can get on with the business of funding the agencies covered by H.R. 4104, Postal Treasury.

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

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

I thank my colleague, the gentleman from Florida (Mr. GOSS), my dear friend, for yielding this time to me; and, Mr. Speaker, I must again oppose this rule. I would like to support the rule because it is open and it does give Members an opportunity to offer amendments that are germane and otherwise in compliance with the rules. However, Mr. Speaker, the rest of the rule is even more egregious than the first rule for the bill, and that rule was defeated by this House only 3 legislative days ago by an overwhelming vote of 291 to 125. The changes from the previous rule certainly do not fix the problems that caused the rule to fail, so presumingly, in fact, I think it even makes the problems worse.

The bill itself is not the problem, Mr. Speaker. As before, I think the underlying bill is generally fair, and it is worthy of support. It provides $13.2 billion in discretionary budget authority, a slight increase from last year's bill. This level of funds should adequately support most of the programs and services that are covered by the bill. The major exceptions, however, continue to be the Federal Election Commission, which is funded significantly below the level necessary to do its job properly and effectively; and, furthermore, Mr. Speaker, the bill contains authorizing language imposing term limits for the Commission's staff directors and general counsel which will further impede the FEC's ability to do its work objectively and impartially.

Mr. Speaker, I wish those in their offices would listen. This rule would expose nearly all of this bill to a point of order including the Office of Inspector General of the Treasury, the Federal Law Enforcement Training Center, the Bureau of Alcohol, Tobacco and Firearms, and most of the Customs Service, the Mint, the Bureau of Public Debt, the Secret Service, the Federal Election Commission and the General Services Administration.

Mr. Speaker, the rule also exposes to a point of order critical legislative language to implement a new, fair and reasonable pay system to adequately compensate the Federal firefighters for overtime. This provision is necessary to correct a pay inequity between Federal firefighters and their municipal and civil service counterparts. I strongly support this language, and I am disappointed that it is not protected in this rule.

We all saw the incredible work done by those firefighters, those courageous firefighters, to stop those terrible fires that plagued Florida in recent weeks. We must ensure that those who risk their lives in fighting fires are compensated fairly for their valiant efforts.

Mr. Speaker, I am also disappointed that this rule did not protect from a point of order another provision in this bill that would have helped implement Federal employee's pay reform which was in accordance with legislation signed into law in 1990. Language in this bill, Mr. Speaker, would have fixed the problems that have prevented this law from being implemented.

Also, Mr. Speaker, one of the main reasons that the first rule failed is still a problem in the second rule. That is, of course, the failure to protect the $2.25 billion in emergency designation that is desperately needed to address the massive computer failure known as Y2K. If we do not immediately begin efforts to fix this problem, it could cripple our Nation's computers on January 1 in the year of 2000, and, Mr. Speaker, that is less than 18 months away. If we continue to ignore this problem, if we put it off for another day, we may well run out of enough time to prevent the major chaos and confusion that is certain to compromise our Nation's economic well-being and our national security. Whether it is a crash in the stock market or a failure of our traffic control system or a lapse of our Nation's defense systems, the consequences are likely to be very, very grave.

We just cannot take this risk, Mr. Speaker. We must put aside partisan squabbling and take the action and take that action now.

The Committee on Appropriations wisely included emergency funding for the Y2K in this bill and in the defense bill also, but my Republican colleagues have decided that this crisis just has to wait. They have decided to remove the emergency funds from both of these bills. The majority continues to say they will do it later, they will do it in another bill. Well, it has been almost 3 weeks since the House leadership decided to delete the emergency designation for Y2K first from the defense bill and then from this bill. I still do not see any action that any legislation will be on the schedule shortly.

□ 2000

This problem is not going to go away, and we are wasting very, very precious time.

Mr. Speaker, we are playing with fire by not dealing with the Y2K matter immediately, and I hope, for all of our sakes, that my Republican colleagues are genuine in their promise to make this a top priority. This should not be a political issue, and we must act now.

Mr. Speaker, I oppose the rule because it fails to protect this critical funding and subjects much of the bill to being struck on a point of order. I urge Members to join with me in voting no on this rule.

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

Mr. GOSS. Mr. Speaker, I am privileged to yield such time as he may consume to the distinguished gentleman from Glens Falls, New York (Mr. SOLOMON), the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, when I hear my good friend, the gentleman from Massachusetts (Mr. MOAKLEY), who is the ranking member of the Committee on Rules, stand up here and make the absolute opposite argument that he has made in the past, I do not know whether to lose my temper or just to smile. I guess I will just smile.

But I am just looking at the vote that took place several weeks ago on June 25 when we brought a rule to the floor that fits the exact description that the gentleman just outlined that he would vote for. Now, as I look down at the vote that took place, I see my good friend, the gentleman from Massachusetts (Mr. MOAKLEY), did not vote. I do not know why. He did not cast his vote. But I see that 135 Democrats voted "no" on that rule that the gentleman just described. The rule was defeated with 125 yes votes and 291 no votes. The House overwhelmingly spoke against it.

Now, what normally happens in a situation like that? If you are on the floor and the rule does not pass, you generally bring these appropriation bills back to the floor.

I remember Mr. Natcher from Kentucky, one of the most respected Members of this body, a perfect southern gentleman, and he often sat in that chair where you are, Mr. Speaker, and let me tell you, he knew how to run this House. He ran it fairly. He also was the chairman of a subcommittee on appropriations, and he did not bother coming to the Committee on Rules. He brought his bill right to the floor.

Mr. Speaker, the point I am trying to make is that once this rule was defeated, protecting all of these issues the gentleman has just outlined, and there are a lot of them in there that I support. We have a gun issue in there that is very important to those of us that stand up for property rights and for gun rights of people. We have the Federal firemen's pay issue. We have some FEC language in there. We have some currency language. All of these things I support very strongly.

But the truth of the matter is, there is no way to put together a rule that anybody is going to support, because if we protected the Lowey amendment, we are going to have all of the prolifers vote against it. If we do not protect it, we will have another group vote against it.

So what we have done is said, okay, let us bring this bill to the floor without a rule, and then let the chips fall where they may, with one exception, and that one exception is that in this bill is a ban on a pay raise for Members of Congress going into effect.

Now, we cannot bring this bill to the floor under these circumstances and allow that provision to be knocked out. That means that Members of Congress are going to get their pay raise. I happen to be for pay raises, but the point is that we cannot allow that to happen here.

So we have simply brought this bill to the floor without a rule, except that we are saying that the ban on the pay raise from going into effect shall be protected. Otherwise, the bill stands as is.

So for Members that want to come over here and vote this time, let me just say once and for all: You come over here and you vote against this rule and you are voting for a Member's pay raise. There is absolutely no question about it. Because that is the only issue at stake here, other than regular order, regular procedure, of bringing this rule to the floor. Members ought to know that. So I want to make that perfectly clear.

Mr. Speaker, I would be glad to discuss this at any time with other Members for the next hour.

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

Mr. Speaker, I enjoyed my chairman's dissertation, but most of the rules on appropriations that come out of the Committee on Rules, they protect most everything. In fact, we just voted a rule today that protected everything but two issues. This was beaten 3 weeks ago, Mr. Speaker, because of some of these items that are not protected today. We are just doing exactly what we did a couple of weeks ago. I am sure this is going to meet the same fate.

About the pay raise being blocked, we could correct that in 1 minute, and the chairman knows that. We could go back, on any rule coming out, we could put that in there, we could stop it. So that is really a red herring on this bill. This rule should not be passed.

Mr. Speaker, I yield 7 minutes to the gentleman from Maryland (Mr. HOYER), the ranking member on the Subcommittee on Treasury, Postal Service and General Government.

Mr. HOYER. Mr. Speaker, I thank the distinguished gentleman from Massachusetts, the ranking member of the Committee on Rules, for yielding.

Mr. Speaker, I rise in opposition to the rule.

At the outset, let me say that it is unfortunate that we find ourselves in this position. The chairman of the Treasury Postal Subcommittee, the gentleman from Arizona (Mr. KOLBE), as I said in the committee markup, has forged a fair bill as it came out of subcommittee. It was a bill that sought to address the problems that confront the agencies that are our responsibility. It was a bill as well that sought to fund a critical situation that confronts not just our agencies but almost every agency of government other than defense, and that critical crisis was, as we refer to it, the Y2K problem, ensuring that computers would be compatible with the change of century.

Because if they are not, we will not be able to fly airplanes. Indeed, we will not be able to collect revenues. We will not be able to pay Social Security. We will not be able to pay Medicare. The fact of the matter is, government will come to a screeching halt, and commerce will come to a screeching halt. That is not an acceptable alternative.

As a result, the gentleman from Louisiana (Mr. LIVINGSTON), and it is my understanding the Speaker, the gentleman from Missouri (Mr. GEPHARDT), the minority leader, and the Committee on Appropriations, all agreed that we would confront this issue forthrightly and designate it for what it is, an emergency, one that cannot be delayed, one that must be solved on behalf of every American, young and old. We did not do that.

I tell my friend, the chairman of the Committee on Rules, that his rule does not protect that issue. It does not allow us to proceed as we should. And the ranking member of the Committee on Rules is absolutely correct, on this floor, on the debate, when this rule was last considered 3 weeks ago on the 25th of June, it was represented that by the time we got back, we will know how to solve this problem. We will know where to get the $2.3 billion. That was represented to us on this floor by the leadership on the other side of the aisle. As the gentleman from Massachusetts (Mr. MOAKLEY) has correctly pointed out, that has not happened.

Substantively, this was a good bill, as I said, as it came out of subcommittee. It was not a perfect bill as it came out of the full Committee on Appropriations from my perspective. There were matters in it that I had concerns about, but they would not have led me to oppose the rule. But as it came out of the Committee on Rules last time, it was not acceptable.

Now, I say to my friend, the chairman of the Committee on Rules, this is not about a pay raise. Like the chairman, I am for a pay raise, because it is effectively simply a cost of living adjustment, less half a point that every other Federal employee gets, less a half a point. So we get a half a point less, because we did not want to take a full pay raise. We wanted to respect the American public's concern on that issue.

I say to my friend, the chairman of the Committee on Rules, our committee reported out, as he well knows, the preclusion of the acceptance of that pay raise, and that is the only matter the gentleman has protected in his rule.

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

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

Mr. SOLOMON. Mr. Speaker, if the gentleman would help clarify something in my own mind. The gentleman knows that he and I have worked together on many issues dealing with Federal employees, and I have the greatest respect for them, as does the gentleman, but the committee of jurisdiction, the authorizing committee, as the gentleman knows, has not dealt with this issue. There is a $7 billion price tag.

Mr. HOYER. Mr. Speaker, reclaiming my time, I am talking about the Members. The gentleman brought up the Members' pay raise. The gentleman said this was about a Members' pay raise. My representation to the gentleman is that, in fact, the committee included the preclusion, the prohibition on the receipt by Members of a pay raise.

There is nothing in this bill about employees' pay raises, as the gentleman knows, so that what I am saying to the gentleman is whether this rule fails or whether this rule passes, Members will not get pay raises, the reason being because, if we have to go back to the drawing board, we will come back with the same provision. The gentleman knows that, and Members ought to know that.

Mr. Speaker, if I might therefore conclude, I say to my friend, the chairman of the Committee on Rules, his representation about a Members' pay raise vote is, frankly, political tactics, not substance. It is political tactics to try to scare Members into voting for or against this rule.

What this is about is the failure of the Committee on Rules to protect what are democratically adopted in the Committee on Appropriations provisions, some of which I like, some of which I did not like.

Now I will tell my friend, he says if he protects the Lowey amendment, for instance, which provides for access to contraception, which I believe the overwhelming majority of Americans believe is good policy and good family practice, the overwhelming majority of Americans in my opinion believe that, he says that people will vote against the rule to prohibit a vote in the people's House on that issue. It does not make sure that it happens. What it

says is that the representatives of the American public will be able to vote on that issue.

The gentleman has provided for a procedure, as the Chair well knows, where one Member can come and strike out what the Committee on Appropriations adopted in a democratic process.

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield further, the gentleman is moving from one subject to the other so fast it is hard to stay concentrated.

Mr. HOYER. One has so little time, one needs to deal with all the subjects at one time.

Mr. SOLOMON. One Member can rise and strike, and that is under regular rules of the House, so we do not want to change those rules.

Mr. HOYER. Mr. Speaker, reclaiming my time, with all due respect, as the gentleman from Massachusetts said, the gentleman changed it yesterday on the rule. The gentleman protected everything except two items that were in that bill.

Mr. GOSS. Mr. Speaker, I think it is most important that this debate continue, and I am pleased to yield such time as he may consume to the distinguished gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, let me be very, very brief. What the gentleman has been complaining about that this rule does not take care of is the fact that we did not protect a change in the locality pay for Federal workers. That is very important, and I agree with the gentleman. But the truth is, there is a $7 billion price tag, which is not paid for in this bill. Now, true, it does not take place until next year, but we just cannot allow this kind of legislation to go through without it being paid for. We are going to blow the balanced budget deal that we have had.

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

Mr. SOLOMON. I yield briefly to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I have not mentioned that issue.

Mr. SOLOMON. Well, the gentleman mentioned it to me on many occasions, including up in the Committee on Rules.

Mr. HOYER. That is correct. But I have not mentioned that as the rationale for this opposition to the rule.

The gentleman mentioned that if the Lowey amendment was left protected, that the gentleman could not get the votes of right-to-lifers on his side of the aisle. My proposition to the gentleman is that what the gentleman is saying is they would not want to bring to the floor for a democratic vote up or down a resolution of that issue.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, let me just say I do not understand why, when we brought the rule to the floor which protected the Lowey amendment, 135 Democrats voted against it. We could have passed that rule and this bill would already be over at the Senate where it belongs. Now we are here today under a regular rule process, and Members ought to come over here and vote for the rule.

□ 2015

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I must oppose this rule. Under this rule, any Member can strip funding from this bill by raising a point of order.

I am particularly concerned about the appropriations to repair the year 2000 problem. Numerous computer programs will either crash or generate errors when computing dates for the year 2000. People should know that date-sensitive computer programs are everywhere. In desktop and mainframe computers, in machines used in manufacturing, in simple devices such as the computer chips in coffeemakers which have timers.

Consumers everywhere are going to be watching what we do here. Since computers are so widespread, since software is time-sensitive, since computer chips are in all kinds of devices, failures cause serious repercussions.

In government, many areas are vulnerable to failure. Many government agencies have made progress on the Y2K problem, and that is thanks to the gentleman from California (Mr. HORN) and also thanks to President Clinton and Vice President GORE. It has been bipartisan, but we have a lot of progress that needs to be made. Removing the Y2K appropriations from this bill cripples the agencies' ability to cope with this problem.

Now, the President asked for $234 million for year 2000 conversion. We will need another $138 million next year. If the IRS does not get funding to clean up the Y2K problem, we are looking at failures in customer service, failure to refund taxpayers' money, problems with the Taxpayer Relief Act of 1997, implications for the IRS restructuring bill, delays in the 1999 filing season, effects on the 2000 filing season, effects on the processing of refunds. The processing of refunds will be delayed.

The IRS has 127 mission-critical systems. So far, 59 of these systems have been repaired. The Customs Service is making progress on Y2K repairs. Currently, only 25 percent of the mission-critical systems are in the testing phase. The Financial Management Service in the Treasury Department has not completed the assessment of all of their systems yet. The Postal Service has many repairs to make. They expect to have 21 percent of their mission-critical systems ready for funding by this September.

Sufficient Y2K funding is critical to ensure that our law enforcement can operate, that government can collect taxes, write refund, tax refund checks and deliver the mail. The Y2K problem is a management challenge and a programming challenge. It must not become a political football.

Again, I will say the progress that has been made so far I will credit Chairman HORN, I will credit the President and Vice President for moving quickly on this, but we cannot let this become a political football. The American people are depending on us to make sure they receive government services on and after January 1, the year 2000. Let us not let them down.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in opposition to this rule. It pains me to do so since we defeated it a few days ago, but I believe there is a good rule that can protect the excellent work of this subcommittee, and I do believe that the subcommittee reported a fair and sound and thoughtful piece of legislation that would have served the appropriations process very well and would have done honor to this body.

This is a rule that exposes all parts of this bill with a small exception of one section to points of order. It is also a unique appropriations bill in the sense that most of the sections have not been authorized, and for many years we have protected them against points of order.

So it is true that under this rule the funding for the IRS could be knocked out. We just spent months and months and months passing the most significant reform of the IRS passed in the history of this body. And why would we then want to bring this to the floor under an appropriations bill that is not going to actually fund this important agency?

Now, there is no need for this kind of rule. Honestly, we need to get ourselves together, come back with a rule that addresses the critical snarly areas of this bill that have caused the controversy.

I regret that the passage of an amendment in the subcommittee that guaranteed Federal employees full access to contraceptives has caused such a hullabaloo in this body. Frankly, this same bill denies Federal employees access to abortion, which is a medical, legal procedure in America. But we have made the decision that Federal employees should not have access to this legal medical procedure.

Well, it is perfectly rational then to at least guarantee that our own employees have access to the full range of contraceptives so that they do not get pregnant unintentionally, that is all. If we disagree with that, fine. Have a rule that allows a vote on that. We have offered, have a rule that protects everything except the Lowey amendment.

Let that be struck on a point of order; just let that rule allow us to offer an amendment to reinstate access to contraceptives for Federal employees, and we will argue it here on the floor. Let it take its course.

There is this controversy about the funding of the Y2K resources. Let that be up or down. Let us talk about it. Let us debate it. I am for how the bill does it. I think it is irrational to take the funding for Y2K compliance for the whole government out of one budget and thereby disadvantage all of the other important programs that that budget provides for all the people of America and for our important Federal functions.

So let us have a rule that brings the primary controversies to the floor. My colleagues, vote down this rule. This is an overreaction to an unfortunate lack of communication that caused the defeat of the first rule. I urge a "no" vote.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to this rule. As my colleagues know, this rule leaves unprotected the Lowey contraceptive coverage language in the bill, language which provides that Federal employees must have their contraceptives prescriptions covered if, in fact, other prescription drugs are covered.

This language passed in the full Committee on Appropriations with support from Democrats and Republicans, prolife and prochoice Members, but the Committee on Rules has denied Members a chance to have a debate and a vote on this critical issue and on the amendment of the gentleman from Wisconsin (Mr. OBEY) which will give religiously-based plans an opt-out from covering the plans of contraceptives if it conflicts with their religious beliefs.

We have had vote after vote after vote on legislation that would restrict women's access to abortion, but we are not allowed to have even one vote on improving women's access to contraception, which will prevent abortion.

The rule we are considering is a clear infringement on the rights of Members to offer amendments in the House, and it is a slap in the face, frankly, to more than 1 million American women who are covered by the Federal Health Benefits Plan who stand to benefit if Federal health benefit plans that cover prescription drugs are required then to cover contraceptives as well.

Why is this language so important? We are all in agreement that we want to reduce the number of abortions. Close to half of all unintended pregnancies end in abortions, and although all but one of the FEHBP plans cover sterilization, all but one cover sterilization, only 10 percent cover the five most basic, widely-used forms of contraception, and over 80 percent of the plans do not cover all five methods.

Contraception, my colleagues, is basic health care for women. It allows couples to plan families and have healthier babies when they choose to conceive, and it makes abortion less necessary, which is a goal we all share.

Currently, women of reproductive age spend 68 percent more in out-of-pocket health costs than men, and part of the reason for this gender gap in health care costs is the failure of health plans to cover contraception. Plans refuse to cover contraceptives because they know that this is a necessity for women and that if forced to, women will pay for it themselves. On average, women using the pill pay $25 a month, that is $300 a year for their prescriptions.

It is important to understand, my colleagues, what we are talking about when we talk about contraceptive methods. We are not talking about abortion, we are not talking about RU 486 or any abortion method. No abortions will be covered by this amendment. We are talking about the range of contraceptive options that women need, including the five most popular methods, the oral contraceptive pill, the diaphragm, the IUDs, Depo-Provera and Norplant.

It is crucial that plans cover the full range of choices because some methods do not work for some women. For example, many women cannot use any of the hormone-based methods such as the oral contraceptive pill because it causes migraines or because they have been advised not to because it may increase their risk of stroke or any other reason that is peculiar to them and the advice from their physician.

Now, some of my colleagues may think that we should not be telling FEHBP plans what they have to cover, that this is an insurance mandate. Let us be clear. This is not a mandate on private plans. What we are discussing here is what the United States as an employer should provide to its employee. The United States Government should be a model for other employers.

There was strong support for this provision in the Committee on Appropriations. It has the support of the subcommittee chairman, the gentleman from Arizona (Mr. KOLBE); it has the support of several prolife Democrats on the Committee on Appropriations, and, in fact, a myriad of health groups support the provision, including the American Medical Association, the American Academy of Family Physicians, the American Academy of Pediatrics. It is also supported by the AFL-CIO, the AFGE.

Let me say in closing that a recent Congressional Budget Office analysis determined that this improved coverage for Federal employees would not have any impact on the budget totals for fiscal year 1999, no budgetary impact for fiscal year 1999.

This issue is absolutely essential. I would hope that the Congress could come together to support contraceptive coverage and defeat this rule.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would advise all Members that the gentleman from Florida has 15 minutes remaining, and the gentleman from Massachusetts has 7 minutes remaining.

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

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I very reluctantly rise in opposition to this rule. I rise in opposition because it endangers many provisions that are important to Federal employees and their families, many of whom I have the honor of representing.

□ 2030

But before I give the reasons why, I do want to say that it is not because of the fact that the money for the Y2K problem is not put into this bill, because it is going to be put into a separate appropriations bill, so we do not have division, one agency versus another agency. So that is certainly not the reason I oppose the rule.

This rule actually does not protect an important provision regarding insurance coverage of contraceptives for women. It requires Federal Employees Health Benefit plans to cover prescription contraception, just as they cover other prescriptions. The vast majority of FEHB plans offer prescription drug coverage, but they fail to cover the full range of prescription contraceptives which prevent unintended pregnancies and reduce the need for abortion.

Congress has repeatedly voted to exclude abortion coverage from FEHB plans. Contraceptives help couples plan wanted pregnancies and reduce the need for abortion. Close to half of all pregnancies are unintended. Currently, women of reproductive age spend 68 percent more in out-of-pocket health costs than men. Treating prescription contraceptives the same as all other covered drugs would help to achieve parity between the benefits offered to male participants in FEHB plans and those offered to female participants.

I also want to point out that the rule does not protect an important provision affecting Federal employee pay. The bill would close a loophole in the Federal Employees Compensation Act of 1990 that has allowed the President to deny Federal employees their just raises because of a severe economic condition, despite our booming economy.

The FEPCA was enacted to ensure fair pay raises for Federal employees, but according to CRS, it has never been implemented as originally enacted. The bill closes this loophole by defining a severe economic condition as two consecutive quarters of negative

growth in the real Gross Domestic Product, which was the generally accepted definition of a recession.

The rule also leaves vulnerable an important provision to bolster firefighter pay, something for which I have been working for many years. Within the Federal work force firefighters are paid less than other Federal employees. A GS–5, Step 5, Federal Government worker makes 44 percent more per hour than a GS–5, Step 5, Federal Government firefighter.

The pay gap between Federal and non-Federal firefighters is largely due to an unfair and convoluted method of calculating Federal firefighter pay. They are dedicated civil servants, we have certainly seen that with the disasters that have occurred in Florida and other parts of the country, constantly risking their lives so our communities can sleep at night with confidence that our safety and the safety of our loved ones is protected.

I encourage my colleagues to join me in opposing this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

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

Mr. Speaker, I rise in strong opposition to this rule. This rule strips the Lowey Federal employee family planning provision from the bill so we cannot even debate this deeply important issue.

As a nurse, I believe that contraception is, first and foremost, a health issue. The fact that close to half of all pregnancies in the United States are unintended is astounding. The decision to have children should be made by individuals in a family setting and in consultation with doctors and within a religious belief context. We need to support that in this House.

I believe that the Federal Government must set an example for the rest of this country by providing our employees with full access for health care for women. This includes opportunities for the whole range of contraception methods. We in Congress must demonstrate that we consider family planning a key health issue.

I urge my colleagues to vote against this rule, and provide our Federal employees with fundamental health care coverage, including contraception, according to the Lowey provision.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

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

Mr. Speaker, I hate to see a good bill sacrificed on the alter of contraception. That is what this rule does. We are seeing many important provisions of this bill go up in smoke because of one provision.

The notion that plans could pick and choose what contraceptive a woman or man should use is or should be anathema to this House. I warn this House, the Lowey amendment is one of seven priorities of the Bipartisan Women's Caucus. We have chosen seven bills on which, Democrats and Republicans alike, as women we regard as must-pass provisions for this Congress. The Lowey amendment is one of those. We had an entire hearing on contraceptive research because of the neglect of contraception and what that has done to women over the past decade.

We have gotten to the point where if you are in service to your country as a member of the Armed Forces or as a Federal employee, you can guarantee to have your privacy invaded. We are talking about grown women, and plans, health plans choosing what contraceptives they should use.

The last thing a woman or a man should be subject to is somebody else choosing or advising them which contraception is best for them. Some do not work, some are absolutely harmful, some have side effects. We have to have a choice here, because one size absolutely does not fit all, and indeed, one size clearly endangers the health of many.

I am looking for anti-choice allies on this one. If we cannot come together on this one, I am not sure where we will come together. Members cannot go home and say they are against abortion, and also go home and say they are against preventing abortion. Defeat this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for yielding me the time. Mr. Speaker, this rule allows the bipartisan Lowey amendment on contraceptives and the funding to fix the year 2000 computer problem to be struck by a point of order. What does that mean? That means without even a recorded vote. The Lowey amendment was adopted in committee. She did it fairly, she did it squarely, and now the Republican leadership is ready to knock her out of the bill without a vote.

We have heard just a second ago how important this is on expanding insurance coverage on contraception. We also heard, Mr. Speaker, about how important this is to prevent abortions. This process is a sham. It is unfair. We will oppose this rule.

Because some on this side of the aisle want to play games with us now and politicize the issue of Members' pay, they want to cover up and hide their extreme proposals with respect to contraceptive insurance coverage, so we are not going to let that happen.

We are going to move to defeat the previous question on this rule, and if successful, we will do three things, three things. Number one, we will make in order the Lowey and the Obey amendments on contraception, we will preserve funding for the year 2000 computer problems, and we will stop any increase in pay for Members of Congress.

I urge my colleagues to vote no on the previous question and to vote no on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the great gentleman from Maryland (Mr. HOYER).

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

Mr. Speaker, I want to explain what procedure we are going to pursue. I believe it is very important to have every Member understand what we are going to ask for. We are going to ask that the previous question be defeated. That will then allow us to offer an alternative rule.

I want to represent to every Member in this Chamber and listening in their offices what that rule will be comprised of. First of all, we will continue the provision reported out of subcommittee, reported out of full committee, that will preclude Members' pay from going into effect.

Secondly, we will provide for the consideration of the Lowey amendment, which was democratically adopted in the committee and reported to this floor, but is unprotected. Not only would it be not subjected to a vote, yea or nay, but one Member under the rules that were proposed will be able to exclude that or any other item.

Thirdly, we will protect in our rule the Y2K funding, which everybody in this House and in this Nation knows is an emergency, and which the Committee on Appropriations, with the leadership of the gentleman from Louisiana (Mr. LIVINGSTON), designated an emergency, to his credit, and frankly, to the credit of the Republican leadership that initially agreed with that procedure.

So to remind Members, if they vote no on the previous question, they will then be able to vote yes on a rule which will preclude a pay raise, which will take it out of a political demagoguery situation; that will allow a democratic vote in the people's House on whether or not we ought to allow for access to contraception so we can preclude more abortions; and thirdly, if Members vote no on the previous question, they will be able to protect the provision which provides for funding of the solution to the Y2K problem, and ensure the effective operations of our computers and our governmental programs, as well as commerce in this country in the next century.

I urge Members to vote no on the previous question to accomplish these three objectives.

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

Mr. Speaker, we have heard a lot of inconsistent comment this evening relative to just three legislative days ago, as our friends across the aisle said, actually it was a little more than that, because it was on the calendar a couple of weeks ago when we tried to come up with a rule to protect the Lowey amendment, do the things they asked, and lo and behold, 135 Democrats took a hike on us and did not support the bill.

We listened to them before, we tried to work it out in a deliberative and I think nonpartisan way, and we did not get their support. So now we are trying to do our job faithfully, and we have come back for what is one of the important appropriations bills, and we have tried to craft a way to let the deliberative body work its will.

There has been some mischaracterization, if not misrepresentation, of the fact that the sky is going to fall automatically if we pass this rule. That is not the case. If somebody, some Member, wishes to get up and strike on a point of order, that is a privilege. That happens to be a House rule. If somebody says that is unfair, what they are really saying is the House rules are unfair.

If Members are saying that the rules that have served this House so well for so long are unfair, then come on up to the Committee on Rules and let us talk about changing them, and why Members think they are unfair. But that is not something that is done lightly.

So I think there has been a series of mischaracterizations going on, as I have listened to the concern about the people who have failed to get the authorizations of measures that they want enacted. We all know that we are not supposed to do a lot of authorization on appropriations bills.

The failure of the authorizations process to get the work done now has been picked up by the appropriators, trying to pick up what pieces they could to do a good faith job, and the Committee on Rules tried to do a good faith job to bring a rule forward that would get enough votes to pass so we could have a debate. That went down by a big number. That went down 291 to 125 three legislative days ago, so I remind Members of that.

Now we are coming back with a different one and saying okay, let the body work its will in a different way. We will have what is basically an open rule. Now, open rules used to be something we spoke of around here with a certain degree of reverence, that that is something we all strive to achieve is the open rule. I know the number of times that the gentleman from Massachusetts (Mr. MOAKLEY), when he was Chairman MOAKLEY of the Committee on Rules, we brought him to task because he did not have enough open rules.

I know his colleagues on the other side regularly tried to do that to Chairman Solomon and the rest of us in the majority. We understand that. But we do strive for open rules and we do it in a good-natured way.

The only thing that is different is that we did protect the issue of the pay raise, so if Members are trying to shoot this rule down, they are basically saying, let us get the pay raise back on the floor.

□ 2045

At least some will characterize it that way. I think there is much more at stake than the pay raise issue obviously. We had the contraception question. We have had the question of Y2K.

On the contraception question, again, we had our chance, 135 Members on the other side voted against the Lowey provision apparently because it was protected in that rule.

We had the Y2K. It surprises me a little bit that we are talking about Y2K as an emergency. It is not an emergency to those of us who understand the consequences of Y2K. We have been for some time trying to encourage the Clinton administration to get a grip on the fact that the calendar is real, that the year 2000 is coming and that we do have a problem. Most people in the world know that the year 2000 is on the calendar, and they have a fairly approximate idea of when it is coming. Even if one does not know much about the computer problem, one can at least understand the calendar.

We have not done well with the Clinton administration. Some agencies are ahead of others. Again, I will join with my colleague who congratulated the gentleman from California (Mr. HORN) for the work he has done trying to bring attention to that and trying to stimulate some interest in the administration to get that job done.

The debate about whether or not is it an emergency payment or not an emergency payment, therefore, if it is an emergency, we all know we do not have to figure out a way to pay for it. If it is not an emergency, then we have to figure out a way to pay for it. It is a little extra harder because we have to actually designate the money from some revenue source. So I would say that that is a secondary debate to the debate that Y2K is very serious. We all agree on that. We are not going to put off the solution because we cannot decide whether to pay for it from here and designate what the source of payment is going to be. I think that is a bit of a red herring before us.

I think what is, frankly, out here is this, that the authorizers did not get that their job done. The appropriators tried to pick it up. The Committee on Rules has tried to work with everybody. Apparently it has not happened.

The next step is, we can go the other route and say, fine. We can bring a rule out here with no protection at all on it and let it go to the floor.

I would urge all those listening to understand that this is a good faith effort to try and bring forth some kind of a workable rule to get this legislative appropriations bill on the floor. It is a legislative appropriations bill, because it is about 80 percent legislation. We know that. It is way overburdened. That is wrong, but that is what we are presented with. We are presented with a schedule. We are presented with a calendar of our own. We are presented with a budget we have to deal with.

So if the question is, shall we go forward and deal with the business of getting these agencies funded, the answer is yes. Vote for the rule. Yes, vote for the previous question.

Voting no on the previous question, throwing this thing into a controversy which is sure to destine it to another defeat, another round of this, is not going to get this appropriations bill passed. Some of those Members who live in the area and represent workers in the area have a great concern, naturally, doing good jobs of representing their districts, and the people in their districts are going to be very, very concerned, if this thing goes down a couple of more times because we cannot get it together.

I can guarantee Members that the provision that has been suggested with regard to the motion on the previous question on Members pay and the Lowey amendment and Y2K will appeal to some Members but it will not appeal to enough because we did that. We already did that a couple of days ago, three legislative days ago. We did some other things as well. But you will not be allowed to bring a rule forth that will get necessary majority support with just those provisions. It is not going to happen.

The final point I would make on this is, there is not going to be a better offer right now than voting yes on the previous question and voting yes on the rule to get this piece of legislation on the floor. If we do not pass it, it goes home.

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

HOUSE RULES COMMITTEE

THE PREVIOUS QUESTION VOTE: WHAT IT MEANS

The previous question is a motion made in order under House Rule XVII and is the only parliamentary device in the House used for closing debate and preventing amendment. The effect of adopting the previous question is to bring the resolution to an immediate, final vote. The motion is most often made at the conclusion of debate on a rule or any motion or piece of legislation considered in the House prior to final passage. A Member might think about ordering the previous question in terms of answering the question: Is the House ready to vote on the bill or amendment before it?

In order to amend a rule (other than by using those procedures previously mentioned), the House must vote against ordering the previous question. If the previous question is defeated, the House is in effect, turning control of the Floor over to the Minority party.

If the previous question is defeated, the Speaker then recognizes the Member who led the opposition to the previous question (usually a Member of the Minority party) to control an additional hour of debate during which a germane amendment may be offered to the rule. The Member controlling the Floor then moves the previous question on the amendment and the rule. If the previous question is ordered, the next vote occurs on the amendment followed by a vote on the rule as amended.

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition to this rule. Earlier today, we debated abortion again—for the 87th time since 1995—and this House passed a bill to criminalize abortion in yet another way.

Now, we learn that this rule does not protect language already included in this Treasury Appropriations bill to provide for contraceptive coverage equity for federal employees.

Later today, we will vote once again on the issue of whether a federal employee's health plan can choose to cover abortion. I find this very contradictory.

If you want to prevent abortion, why not do everything we can to make contraceptives more available and affordable.

The language left unprotected by this rule simply requires Federal Employee Health Benefit plans that currently cover prescription drugs, to also cover FDA-approved prescription contraceptives and related services to individuals and their families.

Mr. Speaker, women of reproductive age spend approximately 68% more than men in out-of-pocket health care costs.

Much of this disparity can be attributed to the lack of coverage of reproductive health care costs.

By improving insurance coverage of contraceptive care, we can reduce or eliminate this unfair financial cost to women.

More than half of all pregnancies in the United States are unintended, and half of these pregnancies end in abortion.

Currently, 10% of FEHB plans offer no coverage of reversible contraceptives and, in some cases, plans cover only one method of prescription contraception.

This lack of insurance coverage leads many women to choose less expensive and less reliable methods of contraception.

So why not allow a vote on this provision? It won a bipartisan victory in committee, and now this rule will make it easy to strip this language.

That is unfair and undemocratic. We have a real opportunity today to decrease the number of unintended pregnancies and the number of abortions. And, the Republican majority says no. It is shameful. I urge a "no" vote on this rule.

Ms. JACKSON-LEE of Texas. Mr. Speaker, thank you for the opportunity to speak today. I strongly oppose the Rule Committee's decision not to protect Representative LOWEY's amendment in the FY 1999 Treasury Postal Service General Government Appropriations bill, H.R. 4101. Representative LOWEY's amendment required Federal employee health benefits to cover contraceptive drugs and related services to individuals and their families.

Currently the Federal Employee Health Benefit Plan uniformly offers prescription drug coverage, but the majority of such health plans discriminate against women by failing to include coverage for the full range of prescription contraceptives.

In fact, 10 percent of Federal employee health plans fail to include reversible contraceptives. In some cases, plans only cover one method of prescription contraception. Overall, 81 percent of Federal Employee Health Benefit plans do not cover all five leading reversible methods of contraception, which of course, prevent unintended pregnancy and reduce the need for abortion.

The Federal program should be a model for private plans, and as an employer, it is shocking that the Federal Government does not provide this basic health benefit for women and their families insured through FEHB.

Women of reproductive age spend 68 percent more of their own money for health care than men, with contraception and related health services accounting for much of the difference.

Making the full range of contraceptive options available to our Federal employees is not only an issue of fairness, but is an issue of women's health and reproductive choice.

We must remember that increased access to contraceptives is critical to the effort of reducing the number of unintended pregnancies. Close to half of all pregnancies in the United States are unintended. Increasing access to contraceptives through insurance coverage will help Federal employees obtain the methods and services they need to plan their families.

Polls show that 90 percent of the American voting public supports family planning. I hope that my colleagues will take this opportunity to support family planning. Let's make sure every child is a wanted and cared for child. I urge my colleagues to oppose this rule.

Mr. GOSS. 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. MOAKLEY. 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 231, nays 185, not voting 18, as follows:

[Roll No. 283]

YEAS—231

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
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
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
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
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—185

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
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
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
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kleczka
Klink

Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—18

Allen
Clement
Dingell
Gonzalez
Hill
Kennelly
Kind (WI)
McDade
McNulty
Meeks (NY)
Moran (VA)
Roybal-Allard
Schumer
Shuster
Slaughter
Smith (OR)
Sununu
Yates

□ 2106

Mr. MOLLOHAN and Mr. KLINK changed their vote from "yea" to "nay."

Mr. FOLEY changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). 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. HOYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 201, answered "present" 1, not voting 14, as follows:

[Roll No. 284]

AYES—218

Abercrombie
Aderholt
Archer
Armey
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kildee
Kim
King (NY)
Kingston
Knollenberg
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—201

Ackerman
Allen
Andrews
Bachus
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

ANSWERED "PRESENT"—1

Kolbe

NOT VOTING—14

Clement
Dingell
Gonzalez
Hill
Kennelly
McDade
McNulty
Roybal-Allard
Schumer
Shuster
Slaughter
Smith (OR)
Whitfield
Yates

□ 2123

Mrs. NORTHUP changed her vote from "no" to "aye."

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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4194, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–628) on the resolution (H. Res. 501) providing for consideration of the bill (H.R. 4194) 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, which was referred to the House Calendar and ordered to be printed.

REQUEST TO WAIVE CERTAIN POINTS OF ORDER AGAINST PROVISIONS OF H.R. 4104, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the House waive all points of order under clause 2 or 6 of

rule XXI against the Y2K provisions of H.R. 4104, to wit: the provisions on page 37, line 12, through page 38, line 14.

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

Mr. KOLBE. Mr. Speaker, reserving the right to object, and I would object, Mr. Speaker, I would have to object on the grounds that this unanimous consent agreement is contrary to the rule which was just adopted by the House of Representatives, and for that reason I do object.

The SPEAKER pro tempore. Objection is heard.

CHEAP POLITICS AT THEIR VERY WORST

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

Mr. HEFNER. Mr. Speaker, I have been in politics for a long, long while and I have been in tough campaigns when the rhetoric was very, very high but there is something that came to my attention tonight that was issued by the Republican National Committee, and the last paragraph says if Democrats want to block this motion so they can get a raise, so be it, said the gentleman from Georgia (Mr. LINDER), but by tomorrow I guarantee every newspaper in their district will know about it.

I would not even bring this up but a few months ago my sister-in-law died after a 3-year battle with cancer, and I had an excused absence from this House, and there was a vote that was taking place and a press release sent to my district accusing me of making a bad vote, it was bad for my constituents.

It only takes 10 seconds to check this computer to see if people are here. You have no guarantee that there will not be a press release in your newspaper whether you are even here or voting or not. This is cheap politics at its very, very worst, and I abhor it to the nth degree.

□ 1930

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4104 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 Arizona?

There was no objection.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 498 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. 4104.

□ 2131

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. 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, with Mr. DREIER 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 Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

PARLIAMENTARY INQUIRY

Mr. HOYER. Parliamentary inquiry, Mr. Chairman?

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Chairman, I do not know that anybody has made an announcement, but am I correct that the only thing we will be doing for the balance of the evening will be general debate? There will be no votes?

Mr. KOLBE. Mr. Chairman, will the gentleman yield? I would be happy to respond to that.

Mr. HOYER. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, yes, it is our intention to proceed through the hour of general debate, which will include a number of colloquies that we have, but not yet to open the bill at any point, not to begin the reading of the bill.

The CHAIRMAN. The Chair will anxiously look forward to a motion to rise and will certainly recognize a Member who might choose to make that proposal.

Mr. HOYER. So, Mr. Chairman, the Members should know that they have no need to be here if they wanted to object or make any other suggestions in the body of the bill itself?

Mr. KOLBE. Mr. Chairman, if the gentleman would continue to yield, any provisions dealing with the bill itself, amendments or motions to strike, would not be in order tonight because we will not begin the reading of the bill this evening.

Mr. HOYER. Mr. Chairman, I thank the gentleman from Arizona for his clarification.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. KOLBE).

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

Mr. Chairman, tonight I am pleased that we have gotten to the point where we are and that I can bring to the floor H.R. 4104 which is the fiscal year 1999 Treasury, Postal Service and General Government appropriations bill. As reported, this bill provides $13.2 billion in discretionary budget authority for the agencies under the subcommittee's jurisdiction, and this level of funding is consistent with the subcommittee's section 302(b) allocation.

Mr. Chairman, I might note that the rule that we have just adopted, I realize, places in jeopardy large portions of this bill and many parts of the bill which include legislative provisions carefully crafted and agreed upon by the Members on both sides of the aisle. So I want to say that I believe the bill, as reported by the Committee on Appropriations, is an outstanding bill. It is one which every Member, I believe, on both sides of the aisle, can be very proud.

The bill that we have here today is one that is very strong for law enforcement. It is tough on drugs. It supports our efforts to restructure and reform the way the Internal Revenue Service does business. It is supportive of much-needed new court space for our judicial system.

First, in this area of law enforcement we continue our commitment to the drug and law enforcement efforts of the Department of Treasury as well as to the Office of National Drug Policy drug control policy headed by General McCaffrey. In total, we provide $3.6 billion for Treasury law enforcement efforts and $427 million for the activities and operations of the Office of National Drug Control Policy. As it specifically relates to drug efforts, the mark provides $1.8 billion. That is an increase of about 3 percent over the current fiscal year and approximately the same as the President has requested.

Second, we continue to target resources to restructuring the IRS management, computer modernization and customer service; and, third, we end the moratorium on the Federal construction of courthouses, providing much-needed space and security for the judiciary to meet the demands of its increasing workloads.

Mr. Chairman, as my colleagues are very aware, this bill carries an emergency appropriation of $2.25 billion for ensuring that all Federal information systems are Year 2000 compliant. I cannot stress enough to my colleagues the emergency nature of this issue. The implications of an information systems crash on January 1 in the Year 2000 would be simply mind-boggling.

Checks to senior citizens, to veterans, to financially-needy Americans will go unsent because the group responsible for getting these payments out, the Financial Management Service, may not be able to meet its deadline. The FMS, Financial Management Service, sends out 63 million Federal payments each month. They pay 85 percent of the government's bills. Rail

systems could come to a standstill with trains sitting idle on tracks because switches are locked in place. Major power grids could be thrown into a massive blackout because nuclear power plants have gone off line, have shut down for safety reasons. FAA's contingency plan for the year 2000, that is, in the event their computers go belly-up and they do not have their mission-critical systems compliant, their contingency plan is simply to reduce the number of flights by 60 percent.

My colleagues, it is obvious that this kind of solution or this kind of problem is one we simply cannot afford.

In OMB's last report to the Committee on Agency Progress in Meeting the Year 2000 Deadline we were told that only 40 percent of all critical mission systems in the Federal Government are compliant. That means that 60 percent are not. We are being told that 15 of the 24 largest Federal agencies will fail to meet the January 1 deadline.

Mr. Chairman, January 1, 2000, is not a date that we can slip. We cannot in this body, in this Congress, pass legislation which will postpone the beginning of the millennium, which will stop the clock in its tracks, so it is critical that agencies get the resources they need and that it gets them in a timely fashion. We cannot and we should not afford to play politics on this issue. We need to do everything possible to ensure that the agencies have the money they need and they have it when they need it, and regardless of the outcome of what happens on this bill, we must make sure that we take the steps, whether it is in this bill or a separate supplemental appropriation bill, to get that money to these agencies that is absolutely necessary.

Mr. Chairman, I want to make a few general observations about several possible amendments to this bill. At this point, we have a list of some 25 different colloquies, amendments and points of order. I suspect with the adoption of the rule that we have just had there will be many other points of order that will be made. Of these only seven, seven have anything to do with an appropriations matter, with the dollars that are in this bill. The rest are all legislative in nature.

I appreciate and share the frustration that we all have when important legislative issues are not and cannot be addressed through the appropriate authorization process. But there is a reason that these provisions cannot and are not moved through the regular legislative process. They are controversial, and they are difficult issues. They require the thorough vetting of a committee hearing. They require the careful consideration of the authorizing committees which are established and constituted and staffed to consider that kind of legislation. Attaching these items to an appropriation bill does nothing to address the underlying controversy. In fact, it intensifies the debate and serves to threaten and derail the very important work of the Committee on Appropriations which is to make sure that our agencies have the funds they need to carry out the tasks that this Congress has given them through the authorizing legislation.

Mr. Chairman, the bill before us today supports those critical operations for the Customs Service, the Internal Revenue Service, the Secret Service, the General Services Administration. We simply cannot afford to shut those agencies down in order to advance controversial legislative items.

Finally, Mr. Chairman, let me take just a moment to take this opportunity in this moment to express my sincere appreciation for the very hard work and the dedication of the distinguished ranking member of this subcommittee, the gentleman from Maryland (Mr. HOYER), and for his staff, Cory Alexander, Kim Weaver, Pat Schlueter. They have been absolutely invaluable as we moved this bill through the subcommittee, the full committee, and now to the House floor.

And as I pay tribute to them, let me pay tribute to those staff members who are around me on this side of the aisle who have done such an outstanding and fantastic job: the clerk for our committee, Michelle Mrdeza; our other professional staff, Bob Schmidt, Jeff Ashford, Tammy Hughes; and our detailee from the Federal Government, from the Secret Service, Frank Larkin; and to my personal staff member, Jason Isaak; all of whom have toiled an incredible number of hours in order to get us where we are this evening.

Mr. Chairman, without the cooperative work on both sides of the aisle, I do not think that we would have the bill that we have here this evening.

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

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

Mr. Chairman, the gentleman from Arizona is, in my opinion, one of the most decent, hard-working Members of the House, and he is continually. Because this is a difficult bill to handle, plays in very difficult situations, and I want to thank the gentleman from Arizona for his bipartisanship in handling this bill.

I also want to join him in congratulating the staff at the beginning of my remarks. He mentioned, and I will mention them again because that deserves such: the Chief Clerk of our committee, Michele Mrdeza, with whom I have had the opportunity to work for 7 years now, Bob Schmidt, Jeff Ashford, Tammy Hughes, Frank Larkin and Jason Isaak who is, although not on the committee staff like Cory Alexander of my personal staff, of my leadership staff, a critical component of the consideration of this bill, and Pat Schlueter and Kim Weaver, who work respectively for the committee and for the Committee on Appropriations' associate staff.

Mr. Chairman, I want to begin by saying that this bill in many respects is a very good bill given the fiscal constraints that confront the Committee on Appropriations. This subcommittee's commitment of over $4 billion to the Treasury's very important law enforcement activity is present in this bill. Almost one-third of the $13.2 billion in discretionary budget authority in this bill is targeted at law enforcement.

I am pleased that the bill fully funds the President's request for the Youth Crime Gun Interdiction Initiative. The $27 million program is an important part of the administration's overall strategy to curb youth violence. This administration has been successful in presenting to the American public in its first term a program to reduce crime in America. The good news is they have been successful.

□ 2145

This bill will continue that progress. This bill funds antidrug activities totaling over $1.8 billion. Over $400 million is provided to the drug czar for a variety of drug-fighting efforts, including $162 million for the very successful high-intensity drug trafficking areas.

I am pleased that we are able to maintain IRS funding at a level that will enable Commissioner Rossotti to continue progress with reform.

I want to speak briefly of the changes that had been effected in IRS. Secretary Rubin and Deputy Secretary Sommer should be given great credit for rescuing the failing tax system's modernization program. They provided the needed high-level oversight for IRS to make a sharp turn in this computer systems area. They appointed a new chief computer systems officer who, after months of intense work, released a blueprint for technology modernization. This multibillion dollar program is now on the right track and it has been put on the right track by a bipartisan effort of this Congress and by the leadership and through the leadership of Secretary Rubin and Secretary Sommer and members of the IRS staff.

The appointment of Commissioner Rossotti was another clear change, Mr. Chairman, for IRS. Commissioner Rossotti is a tough-minded business manager. During his brief tenure, together with Secretary Rubin, IRS has improved customer service in a number of ways. Telephone access has been increased from 69 percent to 90 percent. Problem-solving days were instituted in all 33 IRS districts, allowing taxpayers to cut through the red tape and resolve difficult problems. National

and local taxpayer advocates were established.

In addition to Treasury, this bill, Mr. Chairman, funds many smaller agencies, including Archives, OPM, GSA, the Federal Elections Commission and the Executive Office of the President. We will be talking about those agencies as we proceed through the markup of this bill. They are critically important agencies of our government; and, for the most part, we have tried to fund them so that they can perform their responsibilities as appointed by this Congress through legislation and as is expected by the American public.

For GSA, I am pleased that we are able to include money for absolutely essential courthouse construction projects. One of the reasons crime has gone down is because prosecutions are up, and we are processing criminals and letting them know that prosecution will be swift and sure. It is obvious that we need facilities to accomplish that objective.

I want to congratulate the gentleman from Arizona (Chairman KOLBE) because he disciplined our committee to taking the priorities of the Judicial Conference and the General Services Administration. These are not political choices. These are choices by the experts who know the needs and the abilities of the GSA to perform the responsibilities assigned to them by this Congress.

I remain concerned, however, about authorizing language for the FEC that would essentially establish term limits for the staff director and general counsel. I presume that will be struck, and I expect it to be struck.

Finally, I am pleased that this bill contains special emphasis in funding for solving the century date change problems with computers government-wide. We talked about that in the consideration of the rule. I hope that it stays in this bill. The chairman has pointed out it is a critical need, and our committee has responded to that need, not just on behalf of the agencies in our bill but the agencies throughout government.

As I pointed out in my opposition to the rule, which did not protect this, that was absolutely essential as we confront, as the chairman said, January 1 of the year 2000, because if we fail to solve this problem, not only will government shut down, not only will Medicare and Social Security be put at risk, not only will veterans benefits be put at risk, not only will the FAA, who controls our airplanes and our flight patterns and safety in the skies be at risk, but private commerce, which relies on the operations of government, will also be put at risk. I would hope, but do not expect, that we will protect that item.

Mr. Chairman, I want to thank again the chairman and the staff for their work on this bill. We will see how it proceeds, and we will see what is left of the bill after the Members in this House or this House works its will on it within the framework of this unfortunate rule.

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

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume for the purpose of a colloquy with the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. KOLBE. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I thank the distinguished gentleman from Arizona for this time.

Mr. Chairman, I would say to the gentleman from Arizona (Chairman KOLBE), I would like to take a moment to thank you for your hard work on this Treasury, Postal Service, and General Government appropriations bill. In particular, I am very pleased the gentleman and his committee has seen fit to include report language that directs the White House Counsel's Office to clearly define the line between personal and official legal business in representation.

Mr. Chairman, I have been examining this issue for many months now and have come to the conclusion that the White House Counsel's Office continues to use taxpayer funds to pay legal staff to work on the President's personal legal issues. I think this is clearly a misuse of taxpayer funds. That is why I introduced a sense of the House resolution this March that, along with the cosponsorship of 30 of my colleagues, sends a clear signal to the White House that the public will not stand for footing personal legal bills of its elected officials.

Mr. Chairman, the White House Counsel's Office does not need 34 staff members, when previous Counsel's Office staff was limited to seven at most, and the American taxpayers should not be held accountable for $2.36 million in salaries for this legal work.

Mr. KOLBE. Mr. Chairman, reclaiming my time, first of all, I would like to commend my colleague from Arizona for the hard work that he has done on the research on this issue. Our subcommittee has spent a good deal of time in the past several months reviewing the operations of the Office of General Counsel in the White House. What we have learned is that, of the 34 full-time employees in this office, there are seven attorneys that are assigned to ongoing Congressional, Independent Counsel and Justice Department investigations.

We all know that appropriations cannot be used to pay an employee's personal expenses. While we know that this is the case, the General Accounting Office has found that there may be some instances in which official and personal interests of a Federal employee may overlap. It appears this is precisely the case in the current investigations of the President.

I agree with my colleague that a proper distinction needs to be made between these two very separate sources of legal business, and I was pleased to include report language to this effect in the Treasury, Postal Service, and General Government appropriations bill.

Mr. Chairman, as the gentleman knows, the bill before us today calls for the counsel's office to write guidelines to ensure that "no Federal funds are used for the private defense of the President." The gentleman and I agree on this issue, and I look forward to continuing to work with the gentleman on this and other issues to ensure that tax dollars are not used to pay the private legal expenses of the President.

Mr. HAYWORTH. Mr. Chairman, if the gentleman will yield further, I would like to thank my colleague from Arizona for his continued support of this very important issue.

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

Mr. KOLBE. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I would ask the gentleman from Arizona (Mr. KOLBE), am I correct that our committee has made no finding that such funds have been used?

Mr. KOLBE. Mr. Chairman, our committee was not and we were not charged with making such a finding, that is correct.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member and former chairman of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, first of all, I want to congratulate the gentleman from Arizona (Mr. KOLBE) for his opening statement. I think it was a very thoughtful discussion of the procedural obligations of the House. I think the gentleman is a distinct credit to the House, and it is a privilege for me to serve with him. I think the gentleman tried to do the right thing on the subject that I am about to talk about.

Mr. Chairman, our job as Members of Congress is, first of all, to define differences and then to try to find resolution to those differentials. There are a number of items in the appropriation bills which are always subject to being stricken on a point of order, but they are usually included because they are necessary to build the kind of consensus that one has to have to pass bills like this.

The committee knew, for instance, that we had an emergency with government computers with the year 2000 problem that our computer manufacturers have tossed in our lap, and the committee tried to deal with that in a responsible way. But the rebels in the Republican caucus blew that agreement up, and so we had a rule which will allow that to be stricken.

On the issue of contraception involving Federal employee insurance, again we had a bipartisan committee consensus on that issue, but the rebels in the Republican caucus did not like that, so they have blown up that agreement.

I tried to make my earlier motion because I sought to prevent one Member from being able to strike the language in this bill that treats as an emergency the government-wide computer problems which we have. That motion was objected to.

If the majority is insisting on striking that emergency provision and if the majority is insisting on striking of the Lowey language, then it seems to me that, in the interests of equity, I have no choice but to strike most of the language of the bill which is vulnerable to points of order, and I intend to do so as we move through the committee process. I take this time simply to notify the House of that so that they will understand why I will be striking a good many provisions, including a number of those that I happen to personally agree with.

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

Mr. Chairman, before I yield for a colloquy, let me just say in response to the gentleman from Wisconsin (Mr. OBEY) that I appreciate very much his kind words about our work on this bill, my work. Certainly he and his staff have been also very helpful in getting us where we are.

Obviously, the statements that I made about the Y2K, I believe very strongly that we need them. My objection earlier to the gentleman's unanimous consent request was not because I do not believe that we should have this, but because I think it is my responsibility as the chairman of this subcommittee and managing this bill to preserve the rights of the House in what the rule that they just passed says, which is not to protect that. So I am still very hopeful we are going to have this issue resolved in the not-too-distant future.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. SESSIONS) for a colloquy.

Mr. SESSIONS. Mr. Chairman, I have an amendment at the desk, but rather than introducing it, I rise to engage the gentleman from Arizona (Mr. KOLBE) in a colloquy. I would like to discuss with the gentleman from Arizona, the distinguished chairman of the Subcommittee on Treasury, Postal Service and General Government, provisions, issues, that are contained in his fiscal 1999 appropriations measure.

In title 3 of the bill, there is funding for high-intensity drug trafficking areas. As the gentleman knows, the illegal drug trade has been a problem in the Dallas-Fort Worth area for quite some time. However, in the last 13 months, it has gotten progressively worse.

Since 1997, 13 young people have died from heroin overdoses in Plano, which is an affluent subdivision of Dallas. From January to June 1997, Parkland Hospital in Dallas has had 311 cocaine overdoses, 44 heroin overdoses and 19 methamphetamine overdoses. I reiterate, this is just in one hospital in Dallas.

Recently, the U.S. Attorney's Office in Dallas and the Drug Enforcement Administration announced the seizure of $11.7 million in heroin at the Dallas-Fort Worth International Airport. It is clear that the DFW area has become a major trafficking point for international narcotics trafficking.

According to the Office of National Drug Control Policy, a region's designation as a HIDTA is the result of massive collection and analysis of various kinds of drug and law enforcement information. This information should demonstrate that increased resources can be brought to bear in a specific area and would result in progress being made in that area.

In our discussions with the Office of Drug Policy Director, Barry McCaffrey, General McCaffrey, has indicated that he believes that resources should be brought to bear in the Dallas-Fort Worth area. This $5 million that we believe is necessary is something that we would like to ask to be designated as a result of these discussions and would ask that General McCaffrey designate this area as a HIDTA.

□ 2200

My good friend and colleague, the gentleman from Texas (Mr. SAM JOHNSON) and I wanted to engage in some discussions about this.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I rise today to join in this colloquy with the distinguished chairman of the Subcommittee on Treasury, Postal Service, and General Government, as well as my friend and colleague, the gentleman from Texas (Mr. SESSIONS). The 13 that died from heroin that the gentleman discussed came from Plano, which is the area that I represent, and the drug seizure at Dallas-Fort Worth Airport which was $11.7 million in heroin, amounts to only 2 percent of what goes through there in their estimation. They do not have the resources to address the problem, and that is why we are requesting the gentleman's help in securing the necessary funds to designate north Texas as a high-intensity drug area.

Providing funds will give local law enforcement the necessary resources to fight the war on drugs. The gentleman knows what our position in Texas is relevant to the country of Mexico, and therefore, I think that the gentleman understands that our Dallas-north Texas area has become a funnel for that process, and Barry McCaffrey, as he indicated, does agree and informs us that he supports our efforts.

The Senate has already earmarked $5 million for the creation of HIDTA in northeast Texas, and we hope that the gentleman will continue to work with us and support the Senate language in conference. I know that the chairman of the subcommittee, the gentleman from Arizona (Mr. KOLBE) and I have had a discussion previously, and the gentleman indicated that perhaps the dollars were not there, but in conference, perhaps the gentleman and the Senate can find them.

Parents and children of north Texas need this help, and we are really fighting a war there, and we need the essential weapon of the HIDTA in the Dallas area. I know for the people of our area that the gentleman will help us. We just cannot afford to lose one more child to the ravages of drugs.

I thank the gentleman for allowing us to discuss it with the gentleman this evening.

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

Mr. SESSIONS. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I thank both of the gentlemen for the questions and the comments that they made. I am very aware of the work done by the High Intensity Drug Trafficking Areas, the HIDTAs, and the efforts that they make in order to cooperate with local law enforcement. I think they do make a difference, and I certainly understand from the eloquent statements tonight how critical the need is in the Dallas-Fort Worth area.

It is my understanding that the director plans to designate the Dallas-Fort Worth area as a HIDTA, and this legislation, I can tell my colleagues that this legislation does provide adequate funding of the overall HIDTA account to fund the creation of another HIDTA in that area.

Mr. SESSIONS. Mr. Chairman, I would like to thank the distinguished gentleman from Arizona, and the gentleman from Texas (Mr. SAM JOHNSON) and I both have worked very carefully with the chairman of the subcommittee, not only to enunciate what the problem has been in Dallas and Fort Worth, but also to receive his advice along the way in how to get this done.

I have great respect and I want to thank the gentleman very much. I will tell the gentleman that the citizens of Dallas and Fort Worth, the police departments that will utilize this and the U.S. Attorney, we will spend the money very wisely. We have a great respect for the taxpayers who have provided this money, and we intend for our resources to be used very carefully. I thank the gentleman.

Mr. HOYER. Mr. Chairman, I yield such time as she may consume to a distinguished member of our committee, the gentlewoman from South Florida (Mrs. MEEK), the former State Senator

and now a distinguished Member of our body.

Mrs. MEEK of Florida. Mr. Chairman, to the gentleman from Arizona (Mr. KOLBE) my chairman of the subcommittee, and to my ranking member, the gentleman from Maryland (Mr. HOYER), it has been a pleasure to serve on this subcommittee.

First of all, the chairman has conducted the meetings with a professional acumen that is rarely seen in a body such as this. The ranking member has supported him and has helped us. We have worked as a group. It is not a partisan committee, it is a bipartisan committee where we work together on issues and we work toward the resolution of those issues.

This is a very good bill. I support it. I would like my colleagues to support it. It is extremely important that attention be paid to the reduction of violent crime, and this subcommittee has seen to that, not only in its proceedings, but in all of its action in that committee.

What effort is any better in a Congress than the reduction of crime and the saving of lives, and this committee has seen to that and has funded it.

I am particularly interested in the gang resistance reduction program in that gangs are on the rise in our country, and we need more and more attention paid to them, and this subcommittee has done that. We have given the kind of support to investigations so that when something is discovered, that there is support for the findings.

Most importantly, attention is being given to missing and exploited children. My colleagues may have heard of many instances in my Miami, Dade County, of children who have been missing and have yet to be found, and this committee is focusing on that, to strengthen the families and to try to give us some assurance that once there is a missing or a lost child, this committee has paid attention to that.

The Customs Service, that is the highlight of an area that I represent, Miami. We are surrounded by water, and if it were not for the attention of the gentleman from Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER) and this subcommittee, we would have many, many problems in Miami. They have steadily increased the number of Customs Service operators we have in Miami, and in south Florida we are extremely grateful for that. I could go on and on, telling my colleagues about the many things that this committee has focused on, but most of all, it is important to be a working Member of this committee and not be left out of decisions. That has not happened on this subcommittee.

I want to congratulate the chairman and the ranking member for such professional acumen.

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Erie, Pennsylvania (Mr. ENGLISH) for the purposes of a colloquy.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, it is indeed a privilege to engage the distinguished gentleman from Arizona (Mr. KOLBE), my friend, the subcommittee chairman, in a colloquy.

Mr. Chairman, it is my understanding that the subcommittee felt, understandably so, that they had to closely follow the recommendations of the Judicial Conference when deciding on courthouse priorities in this appropriation.

As the gentleman is well aware, because we have discussed it at length, the Federal courthouse complex in my hometown of Erie, Pennsylvania, is badly in need of renovation and expansion. Repair and renovation of this courthouse is a strong community priority that enjoys active support by the Federal judges who work there, the GSA, as well as most of our local elected officials.

Recognizing that the committee had severely limited funds to work with this year on new courthouse construction projects, does the chairman agree to consider this project for funding for the fiscal year 2000 legislation?

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

Mr. ENGLISH of Pennsylvania. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I appreciate the gentleman's question and yielding to me to respond to him.

Let me just say, first of all, that the gentleman from Pennsylvania has been extraordinarily eloquent and persistent on this issue, and he has made a case, I think a very strong case, not just to me, but I believe to the GSA, about the need for this in the gentleman's community, and his community is very fortunate to have the gentleman advocating on their behalf for this, I know, very important project for the gentleman's community. Let me just say the gentleman made me aware, and if I was not before, I am very aware now, for the need for renovation and expansion of the Erie Federal Courthouse that the gentleman brought to my attention both last year and again this year.

As the gentleman points out, we did follow the priorities established by the Judicial Conference of the United States in this year's bill. Last year we did not have any courthouse construction, this year we do have some, and we have gone right down the list, funding as many as we can going straight down that list.

It is my understanding that the Erie project is currently in the Judicial Conference's fiscal year 2001, not fiscal year 2000, construction program, but I will certainly continue to work with the gentleman on the gentleman's project as we attempt to continue funding priorities for new courthouse projects, and I hope that we can get additional funding next year to move as many projects forward as possible.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I thank the gentleman, and I thank him for all of his efforts on our behalf, for his willingness to consider this project, and I look forward to supporting this appropriation and working with him in the future to make sure that the Erie project goes forward.

Mr. HOYER. Mr. Chairman, I yield 3½ minutes to the distinguished gentlewoman from New York (Mrs. MALONEY), who has been such a hard worker on the Federal Election Commission and such an assistance to our committee in working on this issue.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, tomorrow I will raise a point of order against section 511 of this bill. I had planned to offer an amendment to strike this language. However, the provision is not protected, and I will instead raise a point of order.

The current version of this bill contains an unprecedented provision which makes Members of Congress micromanagers. It would essentially fire the general counsel and staff director of the Federal Elections Commission.

Since when, Mr. Chairman, have Members of Congress gotten into the business of hiring and firing staff at the Federal Elections Commission? The Federal Elections Commission is a congressional campaign watchdog. How can Congress be put in charge of hiring and firing people who are supposed to be policing them? It is sort of like letting the inmates run the penitentiary.

This is how it is being engineered: The FEC is a bipartisan commission made up of three Republicans and three Democrats. The Commissioners make all the final decisions: Salaries, decisions regarding who or what is investigated. It is all made on a bipartisan basis because four members must agree.

The bill that is in front of us tonight and tomorrow would change all that. It would allow the general counsel and the staff director to be fired by just three Commissioners or by just one party.

It was not long ago that the new majority tied the hands of the FEC financially by fencing their money, saying it could only be used for computers and not for investigations, which is what they needed. Now the new majority is attempting to tie the hands of the FEC politically. In other words, if one's party or big donor becomes a target of the FEC, the FEC and its staff will become the target.

Unfortunately, I believe the pattern has already been set. The current FEC general counsel, Mr. Lawrence Noble,

has served the agency with distinction for 11 years. During that time he has recommended investigations of anyone he believes may have violated election laws, Republicans, Democrats, Independents alike.

However, because he is making sensible recommendations regarding an FEC ban on soft money and tightening the definition of "independent expenditure," he has become the target of the GOP. Also, his investigations of GOPAC have been questioned.

I must note quickly that these two recommendations are currently contained in the Shays-Meehan campaign finance reform bill. That, too, is a proposal that the leadership on the other side of the aisle has taken great creative pains to kill.

Mr. Chairman, I have before me a recent editorial from the New York Times called "Punishing Competence at the FEC." The text reads, "This change is nothing more than an attempt to install a do-nothing staff. Reform-minded members from both parties have a duty to oppose this vendetta." Vendetta.

Mr. Chairman, we have enough on our plate to do; we should not be getting into the area of making personnel decisions at the Federal Election Commission, and I am relieved that this provision will be stricken tomorrow, and I hope that this is the last time that we will ever hear of such an ill-conceived, partisan, misguided idea as was put forward by the majority party.

□ 2215

Mr. KOLBE. Mr. Chairman, I am happy to yield 2½ minutes to the very distinguished gentlewoman from Connecticut (Mrs. JOHNSON), who has worked very hard on the reform of the Internal Revenue Service.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, no one opposed the rule under which we are working more strongly than did I. No one regrets more keenly that that rule passed. However, it gives us extraordinary latitude, extraordinary freedom, and with that freedom comes a good deal of responsibility. I would call on my colleagues on both sides of the aisle to exercise the power that this rule gives us individually in the interests of the people of this country.

I lost that rule fight. Those who opposed it lost that rule fight in the good old-fashioned way democracy works. I would hope that no one in this House would raise a point of order against the funding for the IRS, whose very structure and organization we have worked hard to reform.

I would hope we would not raise a point of order against the Customs; against the Financial Management Services, that pays all the bills in this country; the GSA, responsible for building courthouses, some of them so desperately needed to administer justice in this country.

I know the passions that underlie some of the controversial sections of the bill, like that referred to by my colleague, the gentlewoman from New York (Mrs. MALONEY) in the section regarding the FEC. There certainly will be some sections struck as this bill goes forward. But I would hope that none of us would use the latitude granted under this rule in a punitive, vindictive, or destructive manner.

It is extremely important that this House be able to exercise freedom responsibly. We tell our constituents to do it, and we have to do it. So I would hope that we would be able, at the end of the day, to come out with a bill that does appropriately fund the many, many functions of government that are encompassed in this appropriations bill.

Mr. Chairman, as one who opposed the rule strongly, I ask my colleagues to not exercise the authority it grants except in a very, very narrow manner.

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

Mr. Chairman, I thank the gentlewoman for her very eloquent comments and remarks. I think they are remarks that I hope will be heeded by Members on both sides of the aisle.

As the ranking member from the other side said a few moments ago, this has been a bill that has been carefully crafted, and I think has had the work in a bipartisan way of people on both sides of the aisle, so I would hope that we would not strike out, and it does not mean that we have agreed on everything, but I would hope that we do not get into a spirit of tit for tat, and we do not strike all the provisions of this bill.

Mrs. JOHNSON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Chairman, as chairman of the Subcommittee on Oversight of the Committee on Ways and Means that has direct responsibility for the IRS, I have held the hearings on compliance on the year 2000 matters for all of those agencies under our jurisdiction, which is more than half the Federal Government.

I believe that many, many, many people in our government are working extremely hard to assure that on January 1, 2000, we will be able to pay the bills, that there will be no interruption in government services, that Medicare will go well, Social Security will go well, contractors will get paid, defense will move forward.

I think it is our obligation, while we may not all agree on how to fund this at this particular moment, to let this bill move forward. So my plea is not just to those who might want to eliminate any agency that is vulnerable to elimination under this rule, like those that I mentioned. It is also, for a second thought, by some on my side who are not satisfied with how we are funding the Y2K challenge.

There are many rounds yet in the public discussion within this body and in the Senate as to how we satisfy that, so I think restraint on both sides of the aisle to move forward on this very important bill is a responsibility we share.

Mr. KOLBE. I thank the gentlewoman for her comments. I certainly concur with them.

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

Mr. HOYER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would like to simply comment and thank the gentlewoman from Connecticut (Mrs. JOHNSON) for her comments. Unfortunately, as she knows and we all know, the problem with the rule is that any one of 435 people can, under the rule, object and strike any matter in the bill that is not authorized, or is so-called legislation on an appropriation bill, which in many instances is absolutely essential to carry out objectives that are generally agreed upon.

The problem with doing that, of course, is that acting reasonably is sometimes in the eye of the actor, and one of our 435 colleagues may well think they are acting very reasonably and responsibly by striking a matter that 434 of us do not. But under this rule, any one of us that sees something as a reasonable action to strike probably a majority of this bill can do so. That was and is the problem with this rule.

Mr. Chairman, I yield 4½ minutes to the distinguished gentleman from Massachusetts (Mr. DELAHUNT).

Mr. KOLBE. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I rise to engage the gentleman from Arizona (Mr. KOLBE) in a colloquy. Before I do, I just want to associate myself with the remarks of the ranking member regarding the hard work and the dedication by both staff on the minority and the majority side, as well as the kudos and praise that he proffered to the chairman.

Mr. Chairman, I ask to engage the gentleman from Arizona in a colloquy.

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

Mr. DELAHUNT. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I am pleased to engage the gentleman from Massachusetts (Mr. DELAHUNT) in a colloquy.

Mr. DELAHUNT. Mr. Chairman, I say to the Chairman, the gentleman from Arizona, as a former prosecutor, I have seen firsthand the devastating toll of

illegal drugs on countless individuals, families and communities. As we strive to continue to reduce the demand for illegal narcotics, we must also do all we can to supply the men and women who patrol our borders with the tools they need to prevent drugs from reaching our shores.

Today I rise in support of a new interdiction technology that could help law enforcement do its job. The innovative, sea-going Night Cat catamaran has outstanding fuel efficiency, remarkable speed, and superior handling and maneuvering capability, as well as a unique wave-piercing engineering which addresses the problems of physical stress and injuries to crew members caused by vertical acceleration in choppy seas.

These advances would provide a dramatic increase in our ability to outmaneuver smugglers and maintain control in high-speed pursuits. There is a long list of recent rave reviews from Federal, State, and local anti-smuggling officials.

In extensive tests last September that were funded by the Office of National Drug Control Policy's Counterdrug Technology Assessment Center, and carried out by the Naval Surface Warfare Center and the Massachusetts Institute of Technology, the Night Cat outperformed other craft up to 150 percent larger. Its design has been formally endorsed by U.S. Customs, U.S. Border Patrol, the DEA, U.S. Coast Guard, Navy Seals, and the Naval Surface Warfare Center.

Now it is time to help realize the potential of the prototype Night Cat catamaran. Congressional support, by providing an additional $2.5 million, would allow research and development of a 40-foot vessel with night vision and stealth capability, and the manufacturing of two additional 27-foot vessels desperately needed in high-intensity drug traffic areas.

Such vessels could be put to use to test this concept in an operational context before any additional funding might be sought. Too often the smugglers have the tactical edge. We owe our agents the most sophisticated and effective technology available for their safety and the success of their mission on our behalf.

I recognize that the subcommittee has produced a bill within very tight budget constraints, and that this request comes very late in the appropriations process. I cannot at this time propose an amendment to transfer this funding from other activities included in this bill. Instead, I would hope to work with the committee to explore ways to work with this program as the bill proceeds to conference.

Will the chairman agree to work in conference with the other body to find funding for the Night Cat pilot program?

Mr. KOLBE. Mr. Chairman, I want to thank the gentleman from Massachusetts for his efforts in this innovative and promising law enforcement technology program.

The committee is highly concerned about the state of U.S. marine law enforcement, and the poor condition of the vessels and operational capabilities of the Custom Service's marine interdiction program. Our bill adds $1 million for the Customs marine interdiction program. That is a 20 percent increase over last year's level.

While the Night Cat would be a major asset for the interdiction mission, many other issues, apart from procurement, have to be addressed in order to upgrade the condition of Customs marine enforcement.

Scores of vessels are deteriorating or are in poor condition, sitting in drydock or otherwise languishing for lack of resources to operate or maintain them. Inadequate staffing and operational support is a continuing problem, as is the need for management to integrate operational intelligence, investigative efforts, and air assets far better than is currently the case.

I would also expect to see efforts to secure funding through DOD channels. Nonetheless, test results do show the Night Cat could make a strong contribution to the interdiction effort along our vulnerable coastal areas. As the gentleman has indicated, it could be a useful military asset.

With the understanding that we have to address a broad range of issues in supporting marine interdiction, I want to assure the gentleman from Massachusetts that we will work with him to explore ways in which we can support this program, this very useful program as we go to the conference.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. BLAGOJEVICH) for the purposes of entering into a colloquy.

Mr. BLAGOJEVICH. Mr. Chairman, I rise to engage in a colloquy with the gentleman from Arizona.

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

Mr. BLAGOJEVICH. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I am pleased to enter into a colloquy with the gentleman from Illinois.

Mr. BLAGOJEVICH. Mr. Chairman, as the gentleman from Arizona knows, the Violent Crime Coordinators Program was organized under Public Law 103–322. This law provides that in the investigative component of the Department of Justice's Trigger Lock program, the violent crime coordinators work with local prosecutors, police departments, and the United States Attorney's Office to investigate armed career criminal cases and ensure that they are prosecuted to the full extent of the law.

VCC's represent an important link in our law enforcement system, and have been successful in keeping our Nation's most violent repeat offenders off our streets by making sure that Federal mandatory extended sentences are implemented.

VCC programs have been supported by groups on all sides of the gun debate as a way to increase the prosecution of violent crime. I know that the subcommittee has worked hard to craft a bill within a very limited budget. Unfortunately, no money was appropriated for this very important program in the House bill. I have been working with the subcommittee to find a way to provide $2 million for the program to bring it to cities like Chicago, as well as others.

While I had initially intended to offer an amendment to transfer $2 million from the General Services Administration's building operations account to fund this program, I am instead hoping to work with the subcommittee as the bill proceeds to conference to find a way to achieve this goal.

Will the chairman agree to work in conference with the other body to find funding for the violent crime coordinator program?

□ 2230

Mr. KOLBE. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman for his interest and for the strong support that he has given to this law enforcement issue.

The committee has tried very hard to fund law enforcement priority programs that have been requested by the administration, and I would like to point out that we increased funding for the ATF by $16 million to a total of $28 million for the youth crime gun interdiction initiative that was requested by the President.

In trying to accommodate all the requirements the committee needed to fund, it was not possible to increase the funding for support of the trigger lock investigative efforts. However, we believe that locking up violent career criminals is an important objective, and ATF can contribute significantly to that effort. I, therefore, want to assure the gentleman that we will work with him on ways to fund this requirement when we do get to a conference on this bill.

Mr. BLAGOJEVICH. Mr. Chairman, I would like to thank the chairman. He is a great chairman. The ranking member is a great ranking member. Jeff Ashford from the gentleman's staff, Pat Schlueter from the ranking member's staff and Deanne Benos from my staff.

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

Mr. HOYER. Mr. Chairman, I yield myself the balance of my time.

I rise to say that in ending this general debate, we ought to, again, lament the fact that a large part of the work of this committee is, in my opinion, supported by the majority on both

sides. It is unfortunate that we have gotten ourselves involved in a lot of political gamesmanship and that this rule will plunge us into seeing much of this bill stricken because, as I said, one person can do that.

Furthermore, we will not really focus, I predict, during the course of the consideration of this bill, on the substance of this bill, which is funding critical law enforcement, critical tax collection and tax reform issues, critical building of facilities to confront the crime problem in America, critical programs to make sure that our elections are fair, that people who are running for election follow the rules and that we adequately fund those who we are assigned the purpose of overseeing those elections.

It is unfortunate that as we consider this bill we will focus on the elimination of programs because they have not been authorized, through no fault of the Committee on Appropriations and perhaps even through no fault of the authorization committees, but the fact is they have not been authorized. So many of the programs that the gentlewoman from Connecticut referenced, which all of us know ultimately will be adopted, will be stricken from this bill. That is unfortunate, but the rule allows that.

In closing, I want to again congratulate the chairman and thank the chairman, thank the staff on both sides of the aisle, thank the members, the gentleman from North Carolina (Mr. PRICE) and the gentlewoman from Florida (Mrs. MEEK) on my side, and the members on the other side for working together to try to adequately and appropriately fund agencies that are critical to the continued success of this country.

We are fortunately experiencing one of the longest, most successful economic periods in the history of America. We clearly have not been the sole persons who have brought that about. In fact, what government has done has been only a portion and not the majority portion of that success.

It has been the private sector, their innovation, their enterprise, their investment that have brought about this growth. But clearly, as I said in relationship to the Y2K problem, the agencies in this bill are critical partners in that success.

This bill has a long way to go before it becomes law. We will work together with the chairman and with the Members of this committee in a bipartisan way to try to bring it to fruition successfully.

I want to regret that and hope that the provision that the gentlewoman from New York (Mrs. LOWEY) included in this bill and the Committee on Appropriations adopted providing for women in the Federal service to have access to contraceptive services to preclude unwanted pregnancies and, therefore, abortions, which everybody wants to do, will not be struck on a point of order and that at the very least we can consider that by majority vote in this House, which is not precluded by the rule, probably will not happen but is not precluded by the rule.

I thank, again, the gentleman from Arizona (Mr. KOLBE) for his leadership, his openness, and his positive attitude and actions as we consider this bill.

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

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

I thank the gentleman from Maryland for his kind words and would echo them back to him and tell him that I appreciate very much his cooperation and the efforts that he has made this year and in the past year that I have been chairman of this subcommittee to help me craft a bill that I think has been a good bill and one that can be supported by a majority on both sides of the aisle.

I come to this subcommittee with a lot less knowledge than the ranking member has of these agencies that are under the jurisdiction of this committee and he has been extraordinarily helpful. Again, I want to thank his staff and the staff that is with me on this side of the aisle for the work that they have done.

Mr. Chairman, as the ranking member said, tonight is the calm before the storm. Tomorrow is not likely, when we take this bill up again, to be quite so easy in terms of the kinds of things that will happen to this bill tomorrow.

As the gentlewoman from Connecticut said, I hope that Members will exercise as much restraint as possible, but as the gentleman from Maryland has pointed out, it takes only 1 Member out of 435 to strike most of the provisions of this bill, 80 percent of which, sadly, have not been authorized by the appropriate authorizing committees.

So I would only say that if this is going to happen tomorrow, I will, although we will have to concede the point of order, I will vigorously object or urge Members not to make that point of order. I would do so now in a general fashion and will tomorrow at the time that they make these points of order.

Nonetheless, I would note for my colleagues on both sides of the aisle that there will be another day for this bill. We will have an opportunity in the conference committee with the Senate to craft, I think, again, a bill, using the work that we have already done in the subcommittee and the full committee, using that work to make sure that our priorities that have been expressed by this House through the committee process, as it should be done, that those priorities are included in the final bill which gets brought to the floor this fall in a conference report.

I am confident that we will have a bill. I am confident we will have a bill that can be generally supported by Members on both sides of the aisle. I am confident we will have a bill that will deal with the priorities that we have established for law enforcement, for restructuring the Internal Revenue Service. I believe that those priorities will be dealt with.

Mr. Chairman, I will say that while I believe that tomorrow may be a stormy day, the sun will come out on the other side of that day. And we will have legislation, we will have an appropriation that all of us can look with some pride on.

Mr. KUCINICH. Mr. Chairman, this rule strikes the emergency funding appropriation related to the Year 2000 conversion of Federal information technology systems. I must protest this provision in the rule because of the severity and potential impact of the Year 2000 problem.

I'd like to commend the work of Representative STEVE HORN who is the Chairman of the Government, Management, Information and Technology Subcommittee where I serve as ranking member. Mr. HORN has been a leader on the Y2k issue long before anyone else. I am pleased to be serving with him on the subcommittee on this issue.

I'd also like to commend the Majority for paying special attention to the Y2k problem. However, I'm concerned that if we delay the emergency appropriations for Y2k that we will not be giving the agencies the support they need to solve this problem.

Last month, the U.S. Postal Service released their first progress report on fixing the Y2k problem. The report was worrisome. Out of 335 mission-critical systems, 210 need to be repaired, 59 need to be replaced, and only 54 were Year 2000 compliant. The Postal Service needs their emergency appropriations as soon as possible. Imagine the disservice we are doing to the American people and economy by not doing our best to make sure their mail is delivered in a timely manner once January 1, 2000 is here.

At the Treasury, the Financial Management Service issues all the Social Security and other checks for the Government. Currently, they have 5 systems that have not been completely assessed to see if they are Year 2000-compliant. Renovation of these systems is critical if U.S. citizens are to receive their Social Security checks in the Year 2000.

The IRS is funded with this appropriations bill and currently has 93 out of 243 information technology systems fixed. That leaves 150 systems to be fixed before the year 2000. If the U.S. Government is unable to collect taxes on January 1, 2000, this could have serious consequences to the continued operation of the Government.

The Customs Service Year 2000 effort is also funded under this bill. All three of Customs mission-critical systems need to be repaired and tested. One of them is the NCIC component of the Treasury Enforcement Communications System which is also used by the FBI. NCIC is the Federal criminal database. Not fixing these systems in a timely manner could affect the apprehension of smugglers come January 1, 2000.

Alcohol, Tobacco, and Firearms is funded under this bill and needs to replace several of

their programs. The funds need to be there for them to assure that the ATF can enforce the law come January 1, 2000.

Removing the emergency appropriations for Y2k from the Appropriations bill and setting up a separate emergency spending measure delays agency efforts at fixing the Y2k problem. Also, a separate emergency appropriations bill could contain unrelated objectionable amendments just as last year's flood relief bill did. Politicizing Y2k emergency funds this way trivializes the problem and threatens our readiness for the new millennium.

Mr. STARK. Mr. Chairman, I rise today in support of the Sanders amendment to H.R. 4104 which prohibits financial loans, guarantees, or other obligations from the Exchange Stabilization Fund (ESF) in the U.S. Treasury unless authorized by the U.S. Congress. Congress must have a say in how billions of taxpayer dollars are distributed worldwide. Under the current system, the administration is given a blank check—in the form of the ESF—to bail out failed economies in developing countries. This blank check, however, has been used to support irresponsible, and undemocratic international economic policy. Congress needs to gain leverage so that it can force the administration to abandon short-sighted goals and unequitable practices.

The ESF has evolved from a fund with a specific mission to an unaccountable giant nourished by tax dollars. Created by President Roosevelt under the Gold Reserve Act, the ESF was intended to be used to stabilize the exchange value of the dollar. The billions of dollars recently taken from the fund to bail out Asian countries and the $12 billion loan to Mexico in 1995 fall way outside of the realm of the ESF's original mission. A fund that no longer fulfills its original Congressional directive must be made accountable once again.

In addition to serving a financial purpose, ESF loans symbolically demonstrate American support for regimes, such as the Mexican regime that was bailed out in 1995. Loans with such international political and economic significance should require more than just the Administration's backing. The ESF currently has no direct accountability to the American people.

It is unwise for these funds to be distributed without Congressional approval. Each year on this floor we debate appropriations worth millions of dollars. We are shirking our responsibility to the American people by accepting unilateral executive appropriation of billions of dollars every year from the ESF to developing countries. Congress needs to be able to voice the American people's concerns over the use of the ESF.

And Mr. Chairman, I have many concerns over the projects that the ESF is currently supporting. These concerns have a direct bearing on the lives of the hard-working people back in my district.

ESF loans are part of an international tax and transfer cycle that rescues irresponsible risk-taking international banks at the expense of American and foreign middle and lower-income taxpayers. The short-term economic recovery promoted by ESF bailouts, not to mention U.S.-subsidized IMF structural adjustment, ignores long-term economic and political instability. Instead of learning to make more sound investments, banks continue to take risks knowing that they have a safety net. As a result there is a cycle of debt and rescue, subsidized by U.S. taxpayers. It is outrageous for wealthy international financiers and industrial moguls in developing countries to be saved time and time again by the hard-working people of America.

Congress needs to have the power to control the ESF so that lasting democratic regimes can be established and strengthened in countries benefiting from ESF funds. Under the present system, the ESF guarantees the solvency of insolvent institutions and unjust governments by continually bailing them out of crisis. The use of the ESF to support dictators in countries like Indonesia makes it obvious that Congress is needed to guarantee that the U.S. helps spread democracy and not corruption around the world.

Mexico in 1995 is a case in point in the use of the ESF to support corruption. The Mexican government purchased more than $45 billion of bad debts from Mexican banks in 1995 with the aid of $12 billion in ESF loans. Despite promising to eventually hold borrowers liable for the debts, the government has permanently absorbed the debt burden, agreeing to rescue the very financial elites that control the government. The likely result is that the $45 billion will be directly transferred from Mexican and American taxpayers to the politically and economically elite in Mexico, accentuating the class divisions that plague that society. Congress must have the power to insure that ESF loans are not given to countries that perpetuate corrupt political and economic regimes, such as Mexico.

ESF loans are part of a larger pattern of irresponsibly short-sighted international financial bailouts subsidized by U.S. taxpayers. Currently members can voice their feelings about funding for the IMF and other multilateral development banks. We deserve to also have our voice heard on the appropriation of billions of tax dollars to foreign countries through the ESF. I strongly urge my colleagues to support the amendment.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GILCHREST) having assumed the chair, Mr. DREIER, 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. 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, had come to no resolution thereon.

STEVE SCHIFF AUDITORIUM

Mr. REDMOND. Mr. Speaker, I ask unanimous consent that the Committee on National Security be discharged from further consideration of the bill (H.R. 3731) to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the "Steve Schiff Auditorium", and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

GENERAL LEAVE

Mr. REDMOND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3731.

The SPEAKER pro tempore (Mr. GILCHREST). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New Mexico?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3731

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

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) Congressman Steve Schiff represented the First Congressional District of New Mexico in Congress from 1988 to 1998 with honor and distinction.

(2) Mr. Schiff chaired the Subcommittee on Basic Research of the Committee on Science emphasizing protection and improvement of America's economic and military strength into the 21st century through the support of a robust national science and technology infrastructure.

(3) Mr. Schiff was a tireless advocate of facilitating the transfer of technologies developed at federally supported institutions into the commercial sector.

(4) Mr. Schiff supported technology transfer efforts at Sandia National Laboratory, located in the First Congressional District of New Mexico, including its cooperative research and development programs, which have benefited the people of New Mexico and the Nation as a whole.

(5) Mr. Schiff's contributions should be acknowledged with a fitting tribute within the district he so selflessly served.

SEC. 2. DESIGNATION.

The auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, and known as Building 825, shall be known and designated as the "Steve Schiff Auditorium".

SEC. 3. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the auditorium referred to in section 2 shall be deemed to be a reference to the "Steve Schiff Auditorium".

The SPEAKER pro tempore. The gentleman from New Mexico (Mr. REDMOND) is recognized for 1 hour.

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

I rise today in support of H.R. 3731, a bill to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico as the "Steve Schiff Auditorium."

It is a privilege to bring this bill to the floor today. This bill is a fitting

tribute to the late Steve Schiff, who represented New Mexico's first congressional district, which includes Sandia National Laboratory, for nearly 10 years.

As chairman of the Subcommittee on Basic Research, Steve Schiff set a standard of commitment, furthering national science and technology. Naming the auditorium for Mr. Schiff memorializes Steve and his legacy of support for the scientific community of New Mexico and the United States. Steve Schiff lived a full life of achievement that epitomized service to the local community and to the Nation at large.

As a young man, Steve enlisted in the Air Force and eventually became a full colonel in the U.S. Air Force Reserve.

As a young attorney, he worked as an assistant district attorney for Bernalillo County and ultimately rose to become the district attorney.

Mr. Speaker, Steve Schiff had a long and admirable career in public service, and we have a number of our distinguished colleagues who would like to speak in tribute to Mr. Schiff.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New Mexico (Mr. SKEEN), our senior Representative.

Mr. SKEEN. Mr. Speaker, as Members know, our citizens of the great State of New Mexico mourned the death of Congressman Steve Schiff earlier this year. Steve was one of the most distinguished colleagues of this honorable body we proudly call the "people's" House of Representatives.

Changing the name of the auditorium at Sandia Technology Transfer Center in Albuquerque, New Mexico to the Steve Schiff Auditorium will provide New Mexicans and all who visit the center with a continuing tribute to this great Congressman, Steve Schiff.

Steve was dedicated to his constituents, and he worked hard to represent their interests in Congress. All of us remember Steve Schiff for caring so much, for trying so hard and for doing so much for his district, our State and country.

As chairman of the House Committee on Science Subcommittee on Basic Research, Steve led efforts to improve the Nation's economic and military strength into the 21s century through the support of robust national science and technology infrastructure.

Steve represented the first congressional district of New Mexico, which includes Sandia Laboratory. And as many of my colleagues know, Steve was a leading advocate for the use and transfer of technology developed at federally supported institutions for use in the private sector.

Naming this building in Steve Schiff's honor is most appropriate to recognize the memory of Steve and his contribution toward the enhancement of our quality of life through his support of technology transfer.

I ask my colleagues to strongly support this bill.

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Mr. REDMOND. Mr. Speaker, I yield 4 minutes to the gentlewoman from the first Congressional District of New Mexico (Ms. WILSON).

Ms. WILSON. Mr. Speaker, it is a real pleasure to rise in support of this bill to rename the auditorium at the Technology Transfer Center of the Sandia National Laboratories the Steve Schiff Auditorium.

The first time I met Steve Schiff was about 3 weeks after I moved to New Mexico. We had a little reception at our home for our wedding, and my husband invited a friend of his from the Air National Guard named Steve Schiff. He was humble, he was focused on public service, he was a good and a great man, and it is often harder to be a good man than to be a great man.

In 1994, when he was up for reelection, he asked me to chair, or co-chair, his finance committee, and I quickly understood that his asking me to chair his finance committee had less to do with his needing my help than my needing his and his belief in stewardship of young people in this country and in the Republican Party in New Mexico.

At that time, I went into his campaign headquarters and was signing hundreds of letters to people who might donate to his campaign; and he walked in and he said, "Well, Heather, you know, you don't need to sign all those letters yourself. If you hadn't noticed, there are a lot of Steves around here." Well, the truth is that we all know that there are not many Steves around here. He was a unique and valued individual, an honored Member, former Member, of this body, and I know all of us miss him dearly.

He was known for his humility and also for his humor. He told many, many stories about service in the public interest; and he gave a good name to being a public servant. It is more difficult to be good than to be great, and Steve Schiff was an example to us all.

I would urge my colleagues to support this bill.

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

The SPEAKER pro tempore (Mr. GILCHREST). Without objection, the previous question is ordered.

There was no objection.

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

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

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

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

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

The yeas and nays were ordered.

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

SAVE THE "E-RATE"

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous material.)

Mr. MCGOVERN. Mr. Speaker, the telecommunications industry is holding hostage the future of every single child in America. We all know our classrooms and libraries must be wired to the Internet for our children to have the skills to compete in the 21st century, but this must happen today if our children are to become the leaders of tomorrow. Over half of all jobs in the future will require computer and networking skills.

The Telecommunications Act of 1996 specifically provided such services to our schools and libraries at discount rates. Over 30,000 schools and libraries have applied for this education rate, including 59 from my own congressional district. Yet now, just as this important program is getting off the ground, the telecommunications industry, which has profited by billions of dollars from this act, is reneging on its part of the deal, with the full support of the Republican leadership of this House.

It is shameful. We cannot let corporate greed put an end to this historic effort to meet a critical national need. I urge my colleagues to stand up on behalf of our children and support the E-rate.

[From the School Board News, June 9, 1998]

TO THE TELECOMMUNICATIONS INDUSTRY, CONGRESS, AND THE FCC: DON'T PULL THE PLUG ON AMERICA'S CHILDREN

(By Anne L. Bryant)

When Congress was debating new telecommunications legislation a couple of years ago, NSBA was there lobbying to make sure the law included a plan so schools and libraries can afford to provide Internet access, distance learning, and other technologies.

When the Federal Communications Commission (FCC) began drafting the regulations to put the e-rate into effect, NSBA lobbyists were there to make sure the e-rate would provide a deep enough discount and to ensure that schools could use the discount for a wide variety of services with few limitations.

NSBA and other education groups were key players in the FCC's negotiations with the telecommunications industry and utility regulators to come up with a plan to finance the e-rate that all parties agreed to.

And now that the e-rate is under attack, NSBA is there, working with a coalition of education groups, to make sure it is not held hostage in a "telecommunications war" as long distance and local phone companies fight over market share.

Since NSBA and five other education groups launched the "Save the E-Rate Campaign" last month, school officials from across the country generated 10,000 letters to

members of Congress, the FCC, and telecommunications companies to support full funding for the e-rate.

Despite earlier statements from the FCC that it would provide up to $2.25 billion a year for the e-rate discounts, first-year funding now is likely to be in the range of $1.75 billion.

Schools and libraries that have applied for the e-rate have requested a total of $2.02 billion, and the Schools and Libraries Corp. (SLC) is carefully reviewing all the applications to make sure that the discounts are used for eligible costs. If there is not enough money in the fund to finance all the applications, FCC Chairman William Kennard says schools in poor and rural communities will get first priority.

Local school boards' overwhelming support for the discounts underscores how crucial the e-rate is to ensure that our students can be full participants in the Information Age. Without the e-rate, the gap between the technology haves and have nots will continue to grow.

The SLC received more than 30,000 applications for the e-rate before the April 20 deadline. These applicants have developed extensive technology plans and have lined up local funding sources to support their part of the bargain. They are counting on these discounts to start July 1 so they can begin providing services to the students they serve.

Just as this important program is getting off the ground, the telecommunications industry is backing off from its commitment to contribute enough to the FCC's Universal Service Fund to pay for the discounts.

Certain long-distance telephone companies—AT&T, MCI, and Sprint—are undermining the program by charging their customers higher rates and blaming the increases on the e-rate. Other companies—SBC, BellSouth, and GTE—have filed a lawsuit that, if successful, could destroy the e-rate program.

The fact is, the Telecommunications Act of 1996 cut the access fees the long distance carriers are charged to connect with local telephone systems. These fees will be cut even further in July.

The savings from these fee reductions would offset the long distance companies' contributions to the Universal Service Fund to finance the e-rate and also allow the companies to pass along the savings to customers. In addition, these companies, have the opportunity to make a profit by winning contracts to serve schools and libraries.

Despite earlier agreements, however, AT&T has raised its long distance rates, and now claims it won't be able to contribute to the Universal Service Fund unless it adds a surcharge to customers' phone bills.

This ploy has gotten the attention of consumer groups, who now have asked the FCC and Congress to delay implementation of the e-rate until the issue of access charge reductions is resolved.

A coalition that includes the Consumer Federation of America, Consumers Union, and groups representing business telephone users wrote to the FCC May 21 requesting another $1 billion be cut annually from the access charges. They claim that is the amount consumers are being asked to pay in unrelated new line-item charges that began showing up on long-distance bills earlier this year. The groups want the e-rate to be halted until new fees are imposed to pay for it.

That would be a grave mistake. The e-rate must not be delayed or reduced. The FCC and Congress should not break their promise at the eleventh hour.

We must not let the nation's schools be held hostage to policy disputes among various sectors of the industry, government policymakers and regulators, unrelated businesses, and consumer groups. Schools and libraries—and the thousands of students, teachers, parents, and community members they serve—are consumers, too.

There is a huge demand for the e-rate. Our children's—and our nation's—future requires that our schools have access to the telecommunications services they will need to succeed in the 21st century.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 9, 1998.

Hon. WILLIAM E. KENNARD,
Chairman, Federal Communications Commission, Washington, DC.

DEAR CHAIRMAN KENNARD: We are writing to you today to express our utmost concern and support for the education rate (E-rate) created by the Telecommunications Act of 1996. It is absolutely imperative that you, as Chairman of the F.C.C., work with your fellow Commissioners to implement the intentions of Congress regarding this initiative and ensure that the E-rate receives the comprehensive funding that it has been promised. It is vital that you hear of the positive support that the E-Rate program has in Congress, as well as the valuable and practical impact that the program will directly have in all of our communities. We urge you and the Commission to ensure that funds allocated to the E-rate meet the demand that has already been demonstrated by schools and libraries in the 30,000 applications submitted thus far.

Despite the adverse message that has been relayed by a small number of Members of Congress, the E-rate has overwhelming endorsement in the House, Senate, and in communities nationwide. By creating the E-Rate, Congress clearly enumerated its commitment to guarantee that each child and community have the tools necessary to become technologically capable of participating in the global marketplace. The influx of advanced technology in our society makes it imperative for our schools and libraries to have adequate technology with which to teach the youth of our future. The E-Rate program provides discounts to schools and libraries for a limited number of services. Internal wiring, one of the most integral endeavors eligible for E-Rate discounts, would enable countless local schools and libraries access to the information superhighway.

The E-rate, financed through reductions in the regulatory fees assessed to telephone companies, is a positive and beneficial program which encourages the economic development of infrastructure for both schools and libraries. However, the uncertainty of such funding now becoming a reality greatly concerns us—the overall impact on Massachusetts would be devastating if E-Rate discounts were not provided for the projects proposed statewide. The Massachusetts Department of Education has begun the initial implementation of a statewide dial-up Internet access network for all Massachusetts educators. Though there are already over 20,000 educators who have registered for this service, without financial assistance through the E-Rate program, thousands more will be denied of a tremendous opportunity to access the Internet and ensure that they will be able to transfer information and technological skills to their classrooms.

The negative publicity that has surrounded the implementation of this program is distressing, and despite some naysayers, the program has attained solid support from local communities, educators, students, and many businesses. This effort must not be compromised nor delayed by the potential ongoing debates and criticisms that are fueled and based on misinformation. The message from local communities has been resoundingly clear—our students need to be exposed to technology and have access to as much information as possible in order to be successful and to function in modern society. The E-Rate is a prime means by which the federal government can offset, and often times initiate, the inception of high tech infrastructure in our schools and libraries.

We urge you to not impede or delay decisions to grant many Massachusetts schools and libraries with the funding needed to access technology. Thank you in advance for your time and attention to this matter. We look forward to hearing from you in the very near future and to working with you to promote the E-Rate program and the goals that it aims to achieve.

Very truly yours,

RICHARD E. NEAL.
JOHN W. OLVER.
JOE P. KENNEDY, II.
WILLIAM DELAHUNT.
JIM P. MCGOVERN.
MARTY MEEHAN.
JOE MOAKLEY.

E-RATE PROGRAM PROVIDES HOPE AND PROMISE TO STUDENTS AROUND THE COUNTRY

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Mrs. CAPPS. Mr. Speaker, I rise today in support of the E-rate program, which provides hope and promise to students, parents, and schools all over this country.

I have here letters in support of the School and Libraries Telecommunications Discount, and they are from school districts across the 22nd Congressional District of California. These letters clearly state the deep need that exists for these discounts and the losses which will be incurred if the program is repealed.

Dr. Gale Tissier, the Santa Maria Bonita School District superintendent writes, "Without the E-rate, our community will not be able to provide technology and Internet access for our students and families."

In the small district of Shandon, Superintendent Summers states, "Without this program we will continue to struggle with what little obsolete facilities and equipment we currently have."

Funding of the E-rate was part of a deal reached by Congress, the telephone companies, schools and libraries as part of the Telecommunications Act of 1996. I call on the phone companies to live up to this agreement and fund the program without burdening their customers. I call on Congress to support the E-rate and prepare today's students for the challenges and the opportunities of tomorrow.

Mr. Speaker, I include for the RECORD letters that I referred to in my remarks.

SANTA MARIA-BONITA SCHOOL DISTRICT,
Santa Maria, CA, June 17, 1998.

Hon. LOIS CAPPS,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSWOMAN CAPPS: I am writing to ask your support for full funding of the Schools and Libraries Discount Program that has been put in place as a result of the passage of the Telecommunications Act of 1996. That program has come under attack in recent weeks. I am concerned that the tremendous opportunity it provides to help all students in America gain equal access to the benefits of modern technology and the Internet might be lost in the debate.

While the FCC has ordered funds for the support of this program to be collected, the amount to be collected is less than the amount that the program originally set as being needed. It will also not cover all of the requests for the current funding cycle. This means that many projects will not be funded. The FCC has acted courageously in setting even this funding amount in light of the extreme pressure exerted on it from the large TELCOs and other detractors of the program. The TELCOs claimed need to add 5% to long distance rates to cover the costs of Universal Service has been blamed on the Schools and Libraries Discount program. In fact, only a little over one third of that amount (1.5%) would raise more than enough to fully fund the program. With the elimination of local access charges starting in July, the TELCOs will save much more than that amount.

This is a landmark program that will help assure a brighter future for many students who otherwise will not be able to benefit from the rich technology that can transform education in our country. Our community will not be able to provide technology and Internet access for our students and families, of which less than 20% now have access to computers and the Internet at home, without this program. The school may be the only place that the next generation of workers and consumers can get the training and experience they need to compete in the 21st century job market.

We ask for your support for the future of our children and the full funding of the Schools and Libraries Discount Program. We need a strong voice in this debate in favor of the program.

Sincerely,

GAIL M. TISSIER,
Superintendent.

SHANDON UNIFIED SCHOOLS,
Shandon, CA, June 18, 1998.

Hon. LOIS CAPPS,
U.S. Congress,
San Luis Obispo, CA.

DEAR CONGRESSWOMAN CAPPS: I want to express my thanks to you for your fine work on behalf of the schools and school children of San Luis Obispo County. We in Shandon have been encouraged by the time you have taken to listen our requests for relief from some of the special problems of the smaller districts in low income areas.

I am alarmed, though, after the wonderful promise offered by the FCC "e-rate" process, that there are those in the Congress that are working to dilute its value to us or to eliminate the program entirely. If there are those who harbor doubts about the worth of this program, I would love to have them visit my schools.

For Shandon children, this program will absolutely offer a chance for technological literacy on a par with school children in the most advantaged schools. Large numbers of our families are at or near the poverty level, and our district has no economies of scale. This program will allow us to acquire nearly $200,000 worth of services, wiring, and equipment at less than one-fourth the cost. Without this program, we will continue to struggle with what little obsolete facilities and equipment we currently have.

Every one of my employees works very hard to get the most out of what we have. Our students are motivated and eager to learn.

Please, carry this message to your colleagues: Help me to help these people!

Sincerely,

RICHARD L. SUMMERS,
Superintendent.

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.

INDONESIA'S HUMAN RIGHTS VIOLATIONS IN IRIAN JAYA/WEST PAPUA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, my remarks, in sharing these thoughts with my colleagues, I have entitled Indonesia's Human Rights Violations to the People of the West Papua, New Guinea.

Mr. Speaker, many of our colleagues are familiar with Indonesia's dismal record of human rights violations in East Timor. The abuses have been well publicized and documented, especially the Dili massacre of 1991, where hundreds of innocent Timorese were killed by government security forces. What has not received much attention, Mr. Speaker, is the tragic story of the people of West Papua, New Guinea, or Irian Jaya, as the people of New Guinea have renamed that province. West Papua, New Guinea, borders the independent nation of Papua, New Guinea, and forms the western half of the world's second largest island.

Mr. Speaker, the recent violence by the Indonesian government against the people of West Papua, New Guinea, is nothing new. It is part and parcel of the long history of Indonesia's oppression of the native Melanesian people of West Papua, New Guinea.

In 1961, the people of West Papua, New Guinea, with the assistance of Holland and Australia, prepared to declare independence from its Dutch colonial master. This enraged Indonesia, which invaded West Papua, New Guinea, and threatened war with Holland. As a Cold War maneuver to counter Soviet overtures for Indonesia to become a member of the Communist block, the United States intervened in the West Papua, New Guinea, issue. After the Dutch were advised that they could not count on the support of the allies in a conflict with Indonesia, Holland seized involvement with West Papua, New Guinea's, independence. Indonesia thus took West Papua, New Guinea, in 1963, suppressing the West Papua, New Guinea, people's dreams of freedom and self-determination.

In 1969, a referendum called the "Act of Free Choice" was held to approve the continued occupation by force of West Papua, New Guinea, by Indonesia. West Papuans called it the "Act of No Choice". Listen to this, Mr. Speaker. Only 1,025 delegates, hand picked by the Indonesian government, were allowed to vote, and bribery and threats were used to influence them. The rest of the 800,000 citizens, the local, or the indigenous Melanesians, the 800,000 West Papua, New Guineans, had no say in the undemocratic process. Despite calling for a one-person, one-vote referendum, the United Nations recognized the so-called vote.

Mr. Speaker, since Indonesia took over West Papua, New Guinea, the native Melanesian people have suffered under one of the most repressive and unjust systems of colonial occupation ever known in the 20th Century. The Indonesian military has waged an ongoing war against the free Papuan movement and their supporters since the 1960s, and against the civilian populace that has objected to Indonesia's plan for development in West Papua. An example of the latter are the thousands of killings associated with the expansion of the Freeport copper and gold mines in West Papua, New Guinea.

Incredible as it may seem, Mr. Speaker, estimates are that between 100,000 to 300,000 indigenous West Papua, New Guineans, have been killed or have simply vanished or disappeared from the face of the earth during Indonesian colonization. Mr. Speaker, the depth and intensity of this conflict, spanning three decades, underscores the fact that the people of West Papua, New Guinea, do not have common bonds with nor accept being part of Indonesia.

The indigenous people of West Papua, New Guinea, are racially, culturally and ethnically different from the majority of Indonesians. West Papuans are Melanesians, Mr. Speaker, they are not Indonesians. West Papuans practice Christianity. Indonesians practice Islam, or the faith of Islam. West Papuans have a unique language and culture which is distinct and different from the rest of Indonesia.

Mr. Speaker, to make matters worse, the government of Indonesia has chosen a policy of transmigration, or a unilateral forced settlements, where hundreds of thousands of Indonesians

have now taken residence in the lands belonging to these 800,000 to 900,000 West Papua, New Guineans, in their own homelands.

Mr. Speaker, the tragic situation in West Papua, New Guinea, greatly concerns me. With the recent shootings over the pro-independence demonstrations in West Papua/Irian Jaya, I would hope all my colleagues in the House would join me in urging the Indonesian government to immediately stop these human rights violations and take steps now to review the status of West Papua, New Guinea, as it should be, especially perhaps it should be considered as a non self-governing territory under the auspices of the United Nations, similar to the territory of New Caledonia, currently a colony of France.

REPUBLICAN TASK FORCE TO RELEASE LANGUAGE ON MANAGED CARE REFORM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, this week the Republican health care task force here in the House is supposed to release the language for its so-called managed care reform bill. And we know from what the task force has already released publicly that this bill will be a farce, a cosmetic fix that lacks some of the most important patient protections.

Despite an avalanche of real-life examples of people who have died because their HMOs refuse to approve needed care, the Republican leadership has kowtowed to the insurance industry. The Republican plan will not allow patients to sue their HMOs when they are denied needed care.

This weekend Senate majority leader TRENT LOTT announced that Republicans in the Senate are following suit. The Senate Republican bill will also deny patients the right to sue their HMOs. Unlike the Republicans' proposals, the Democrats' patient bill of rights would give patients the right to sue their HMOs.

Although this provision is included in the Patient's Bill of Rights, support for giving patients a legal mechanism to hold HMOs accountable is hardly limited to Democrats in Congress. Federal judges around the country are increasingly frustrated by the Employee Retirement Income Security Act, or ERISA law, which is the source of the problem. ERISA shields HMOs and insurance companies from being sued by patients.

I would like to give some examples, Mr. Speaker. Take the case, for example, of a Louisiana woman named Florence B. Corcoran. Miss Corcoran brought suit against her HMO after her fetus died following the HMO's refusal to hospitalize her for a high-risk pregnancy. After the suit was thrown out, the U.S. Court of Appeals for the fifth circuit in New Orleans said the Corcorans have no remedy for what may have been a serious mistake.

□ 2300

The court observed that the death of Mrs. Corcoran's unborn child would seem to warrant a reevaluation of ERISA so that it can continue to serve its noble purpose of safeguarding the interests of employees.

There are other courts around the country, other Federal courts, that have also been critical of ERISA and the fact that patients cannot bring suit against their HMOs.

In Boston, Judge William C. Young of the Federal court expressed his deep concern by the failure of Congress to amend the statute that due do the changing realities of the modern health care system has gone conspicuously awry. "It is deeply troubling," Judge Young said, "that in the health insurance context ERISA has evolved into a shield of immunity which thwarts the legitimate claims of the very people it was designed to protect."

I could give other examples. I will give one more, Mr. Speaker. In San Francisco, the U.S. Court of Appeals for the Ninth Circuit ruled just last month than an insurance company that denied Ms. Rhonda Bast from Seattle treatment for breast cancer. She had died from the disease. "This case presents a tragic set of facts," said Judge David R. Thompson. "Without action by Congress," he added, "there is nothing we can do to help the Basts and others who may find themselves in the same unfortunate situation."

I think that these examples clearly demonstrate the severity of the problem. From coast to coast, Federal courts are forced to tell patients and families of patients who have died that they would like to help but cannot. The law does not allow for it. The law does not allow for a patient to bring suit effectively for damages against an HMO.

And this, I would remind my colleagues, is what the Republicans now are ardently defending. No matter what the cost, the Republican leadership will not break its alliance with the insurance industry and allow for adequate enforcement of patient protections.

Giving patients the right to sue HMOs is an absolutely vital component of managed care reform. The right to sue is the enforcement mechanism through which all the patient protections we are advocating are to be protected. President Clinton summed it up best when he said the other day that "a right without a remedy is not a right."

The public's support, Mr. Speaker, for true managed care reform I think has translated into an enormous amount of support for the Patients' Bill of Rights, the Democratic proposal, which offers the most comprehensive set of protections of any managed care reform bill in Congress today.

Currently, the Patients' Bill of Rights has the support of over 175 patients, physicians, consumer medical and public health groups. It has 190 cosponsors in the House, including some Republicans.

Despite this groundswell of grassroots support, the Republican leadership is still throwing up roadblocks to progress. Their are reports today that the Republican leadership may bring its sham proposal directly to the floor for a vote as early as next week.

This week, supporters of the Patients' Bill of Rights will be working hard to gather support for the bipartisan Dingell-Ganske discharge petition, which was introduced before Congress adjourned for the July 4 recess. This discharge petition would force the Republican leadership to allow the Patients' Bill of Rights to come to the floor for a vote. The discharge petition will play a crucial role in ensuring Members of this body are given the opportunity to vote on the Patients' Bill of Rights if the Republicans bring their sham proposal to the floor next week.

I think, Mr. Speaker, it is time that we all took stock of the fact that if we are going to pass patient protections, and we certainly should, that it should be patient protections that is real managed care reform.

MANAGED CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I would like to pick up a little bit on where the gentleman from New Jersey (Mr. PALLONE) was talking about on managed care.

The leadership of the majority in both the House and the Senate have now finally entered into public discussions on trying to adopt a Patients' Bill of Rights. And I think that is great, because I think, as a country, American families are demanding that we begin to deal with the inequities that we find in health maintenance organizations organizations and managed care plan.

So I also think it is an important step that the Republican majority is starting to engage finally in this conversation. And I think, as America has the chance to look at the different plans that are out there, they will clearly see that there is a choice. They can choose the Republican majority plan, which really affirms the right of a patient to appeal to the health maintenance organization which denied them their coverage.

So I think that is an internal appeal which falls really on deaf ears. I am afraid that the majority plan does not have any real enforcement provisions and simply moves the appeal, if you will, internally within the HMO. And as I said earlier today, the denial of coverage would be moved up the management ladder to a more fancier waste paper basket.

Now if we take a look at the Democratic plan, the plan that has been out there for a number of months, what we see is the Democratic plan does provide for real enforcement of all the provisions of the HMO that the consumer pay for will be entitled to receive. It gives the patient the right to enforce all the provisions of their manage the care plan.

That is why we need the Democratic Patients' Bill of Rights legislation. The Democratic proposal reaches beyond the quick fix that is put forth by the Republican majority, and the Democratic plan will give consumers a real power in dealing with their HMO and managed care plan.

And when we think about it, in managed care and HMOs, we have the insurance executives determining what their coverage will be or what they are going to pay for, what will be covered underneath the plan, what will not be covered.

Well, we Democrats happen to think that is wrong. We believe in a doctor-patient relationship, and that is why the American Medical Association and most of the medical and consumer groups have endorsed our plan. We believe, as Democrats, that the doctor and the patient should make the decision, not what is in the fiscal interests of the managed care plan.

Some of the other very positive aspects of the Democratic plan also makes for women, the OB/GYN can be your primary care physician; not a specialist, but could be your primary care physician and would be covered underneath your HMO. In the Democratic plan, when you have a true emergency, when you have an emergency, the closest emergency room, whether they come underneath that HMO or not, must treat you.

Of course, the enforcement that I have been speaking of, as the gentleman from New Jersey (Mr. PALLONE) mentioned, gives you, the patient, the right to make the enforcement process, and if that enforcement process says that you are denied coverage, you have a right to then go into court and not sue the hospital or the doctor who are trying to give you the care, but sue the insurance executive that denied you the coverage for whatever treatment or specialist you may need.

What we try to do in the Democratic plan is put back medicine where it belongs, back with the doctor/patient. The decisions on your health care should be what is medically necessary to help you overcome your illness or disease, and that is where the doctor and the patient should make the decisions.

And in the Democratic plan, all specialists that are needed, that are medically necessary, are going to be covered underneath your managed care plan. Unfortunately, in the parts that we have seen of the Republican proposal, only some specialists are covered, not all of them.

We lift the gag rule. A doctor can say, well, you may need this CAT scan, and even though your plan does not pay for it, I can refer you outside your plan for this specialty. Right now, many doctors are forbidden, underneath the contract they have signed with the managed care plan, not to even make referrals outside the plan that would cost the plan more money. Therefore, there is what has always been called a gag rule on the physicians. That would be lifted.

So you can see, the Democratic plan, in fact, I am looking at the National Journal of Congress Daily of June 25, just before we broke, and the proposal was floated, GOP plan draws diverse criticism. Even those that are supporting the plan were criticizing the Republican proposal because it provides controversial proposals that would make it easier for small businesses to band together and would escape State benefit mandates, cap damages awards.

While you are trying to give the consumer more power, the Republican plan actually took the power away from the consumer, away from the medical profession.

So the Democrats, the insurers, the consumer groups and even the American Medical Association all happen to like H.R. 3605, which is the Patient's Bill of Rights put forth by the gentleman from Michigan (Mr. DINGELL). I would hope each and every Member would take a chance, take a look at this bill and support us with this legislation.

NATIONAL RIGHT TO WORK BILL

The SPEAKER pro tempore (Mr. GILCHREST). Under the Speaker's announced policy of January 7, 1997, the gentleman from Virginia (Mr. GOODLATTE) is recognized for half the time until midnight, as the designee of the majority leader.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to advise and extend their remarks and include extraneous material on the subject of this special order.

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

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I rise this evening to speak in support of legislation that I have introduced, called the national right to work bill. This is a very short bill. In fact, I am very proud of the fact that it is on one piece of paper. That is the entire bill, but it is a very important bill regarding protecting the rights of all American citizens.

This legislation deals with the right of every individual in the country to decide for him or herself whether or not they want to join a labor union when they get a job or pay dues to a labor union.

The issue is one that stems from changes in the law made more than 60 years ago. Prior to that time, every American had the right to decide for themselves whether or not to join a labor union or pay dues to a union. That right was taken away by the National Labor Relations Act in 1935.

So this is not an issue of States rights. There are States today that have State right-to-work laws that are allowed under the Taft-Hartley Act which was adopted in 1948. This is legislation that deals with overturning specific provisions of Federal law to restore to individuals all across this country the right that they had prior to that time.

□ 2310

Mr. Speaker, this Chamber has spent the better part of this session discussing the need to reform misguided and counterproductive federal laws. We have made great strides toward reforming the education and welfare systems by taking the federal bureaucracy out and returning the focus back to individuals. We have taken a great step towards scrapping the counterproductive Tax Code and allowing the American people to keep what they have earned and spend it as they see fit.

Yet, Mr. Speaker, this Chamber has remained almost silent on one of the most abusive intrusions on individual liberties ever enacted by Congress. The passage of the National Labor Relations Act in 1935, some 63 years ago, granted union officials a unique package of coercive powers and privileges at the expense of working Americans.

Foremost among these coercive powers granted to union officials are monopoly bargaining, the power to force workers to accept representation they disagree with, and compulsory unionism, the power to force independent workers to join or pay fees to unions as a condition of employment. Compulsory unionism and monopoly bargaining are contrary to the American tradition of individual liberty and allow a tiny elite of union officials to wield dictatorial power over millions of working Americans.

Mr. Speaker, the National Labor Relations Act created a massive increase in the Federal Government's regulation of and interference in labor relations. It is time for reform. The antidote to compulsory unionism is right

to work, the principle that Americans must have the right, but not be compelled, to join or financially support a labor union.

That is why I have sponsored H.R. 59, the National Right to Work Act. H.R. 59 does not add one word to Federal law, it simply removes the forced union dues provisions from the National Labor Relations Act and the Railway Labor Act guaranteeing every American's right to work and decreasing Federal intervention of labor policy.

Thomas Jefferson said it best: To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical.

This legislation is designed to cure that limitation on the rights of all Americans that Congress passed 63 years ago. Indeed, compulsory unionism blots the American tradition of individual liberty by stripping working Americans of their right to join, or not join, or financially support a labor union. This legislation in no way interferes with the right of individuals to form labor unions, to engage in collective bargaining, indeed to strike under current law. It simply gives the employees the right to decide for themselves whether or not they want to join.

By forcing independent employees to join or pay fees to a union, big labor officials have embraced collectivism based on coercion and have discarded individual liberty. And how did the defenders of compulsory unionism justify their beliefs? They do not. In fact, union officials and their allies, who support forced union dues, offer no apologies at all.

Robert Reich, former Secretary of Labor for President Clinton summed up the sentiments of big labor when he said: In order to maintain themselves, unions have to strap their members to the mast. The only way unions can exercise countervailing power is to hold their members' feet to the fire.

Mr. Speaker, that statement speaks for itself. It goes against the very values of the founders of the modern labor union movement.

And I point to this quote from Samuel Gompers: Union officials long ago abandoned the principles of Samuel Gompers, the grandfather of the American trade union movement and the founder of the American Federation of Labor who once said the workers of America adhere to voluntary institutions in preference to compulsory systems which are not only impractical, but a menace to their welfare and their liberty.

Mr. Speaker, compulsory systems are a menace to the workers' welfare and to their liberty. That is what the grandfather of the American trade union movement and founder of the American Federation of Labor thought of today's system. What a contrast. While Samuel Gompers spoke of the welfare and liberty of workers, today's union officials and their supporters are concerned with maintaining their power and strapping their members' to the mast.

Mr. Speaker, the American worker has the right to know where their elected representative in Congress stands on the issue of compulsion versus freedom. The American worker has the right to know whether their elected representative in Congress supports the liberty of workers or supports the government-endorsed policy of allowing union officials to strap their members to the mast and hold their feet to the fire.

It is clear where the American people stand. A poll conducted by Mason Dixon shows that 76 percent of all Americans support the individual rights of workers to decide for themselves, 76.6 percent support right to work, 17.1 percent support forced union dues, 6.3 percent had no opinion in that poll, and I might point out that the vast majority of members of labor unions in the United States support right to work. And why would they not? It increases their ability to assure that their union is responsive to their needs because, if they belong to a union and have the right to decide for themselves whether they are going to leave the union or remain a member of the union, pay dues to the union or not, that union leadership is going to be far more responsive to their needs and their concerns because they know that if they are not responsive to the needs of their members, those members can walk out, and that is the right that every American should have.

Just yesterday 500,000 petitions were delivered to the United States capital from right to work supporters across the country urging a vote on H.R. 59 this session. I urge my colleagues and the leadership to schedule a vote to free the independent-minded voters, and I urge a vote on H.R. 59, the National Right to Work Act.

At this time I am delighted that we have been joined by the majority whip of the House of Representatives, the gentleman from Texas (Mr. DELAY) to speak on this important issue.

Mr. DELAY. Mr. Speaker, I really appreciate the gentleman from Virginia (Mr. GOODLATTE) for bringing this special order. It is high time we started talking about these issues, particularly the issue of workers having the right to, the freedom, to pick whether they belong to a union or not. Compulsory unionism is an archaic concept that no longer belongs in the economy of the United States, and it is being exemplified, quite frankly, in what is going on in the strikes in Michigan where we have people in Texas who are being laid off because two different plants in Michigan have decided to strike and the plants in Texas have no right; a right-to-work State by the way, have no right to decide their fate when their fate is being decided by the union.

I just want to take just a minute, if the gentleman will allow me, to sort of relate what we are doing and what we have been doing for the last couple of weeks in campaign finance reform and how compulsory unionism affects people's right to participate in the political process. I am a co-sponsor of this Right to Work Act and would like, I personally would like, to see a floor vote on this legislation. Nobody, nobody questions the right of labor unions to participate in our democracy. We have all been targets of their advertising campaign, but so-called campaign reform legislation that has been authored by the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) while restricting the first amendment rights of all Americans does not deal with the root issue. The root issue is compulsory unionism that we are trying to get at.

The authors of Shays-Meehan legislation like to claim that they have a provision in the bill, for instance, that codifies the Beck decision to protect union workers from compulsory unionism, having their dues taken from them and used in political activities that they may not agree with. What the authors of this bill fail to tell anyone is that the way they drafted this provision does not even apply to union workers, it applies to nonunion workers.

□ 2320

In other words, in a compulsory union State that does not have right-to-work, one's dues is taken and used not only for collective bargaining practices, but they are also used for political activities, even if one does not agree with those political activities. How they disguise things all the time around here and will try to disguise what the gentleman is trying to do in bringing H.R. 59 to the floor is disguising it in such a way that says that we are going to protect workers' rights and freedoms to decide whether they are going to be involved in political activities or not, because we are going to codify a decision by the Supreme Court of the United States; but at the same time they say, one has to resign from the union in order to stop the union from using one's dues for political activities.

My question, number one, is what if one is in a compulsory union State and one loses their job if one resigns from the union? So what the gentleman is bringing to the attention of the American people and to this House is a bill that basically gives the right of workers back to them.

So, Mr. Speaker, this provision in Shays-Meehan is a fig leaf that comes woefully short of covering the problem.

The root problem is forced union dues authorized by Federal law. It is this coercive power that allows union officials to funnel union dues into their political machines without the consent of their memberships. Shays-Meehan, by amending the Labor Relations Act, will actually act to cement compulsory unionism in place while failing to eliminate the many problems facing America's working men and women, and for these reasons alone, Shays-Meehan deserves our opposition.

But, Mr. Speaker, there is more. The curious wording of those that want to protect compulsory unionism through even the Shays-Meehan campaign reform, so-called campaign reform, would even authorize union officials to charge for political activities related to collective bargaining, which union bosses contend is just about everything they do.

Now, this provision not only is a perversion of the Beck decision, but it ignores the Beck decision's holding that workers may object to any dues payment for any union activities not directly related to collective bargaining activities. So if this language was adopted, union officials would be able to force, force workers to pay 100 percent of their dues to the unions.

So the language that the pro-union people are trying to put forward, for all practical purposes, destroys existing legal procedures that provide protection, albeit minimal protection, to workers who must pay union dues to work, must pay union dues to work. In other words, under this bill, these sponsors, whether intentional or not, would actually enlarge the scope of expenses that union officials could charge workers, and for independent-minded workers, passage of the Shays-Meehan proposal is clearly a step backward and a major victory for big labor.

Only this bill, H.R. 59, would return a basic right to millions of Americans, a right that they should never have lost in the first place. The American worker deserves more than just the right not to be forced to pay for political policies that they disagree with, they deserve the right not to be forced to pay dues or fees to a labor union just to keep or just to get a job.

We are in America. If the unions of America are viable representatives of the workers of America, then they ought to be able to compete in the marketplace just like anybody else, and they should not have to have laws on the books that forces someone that may disagree with their practices to belong to that union to keep or get their job. That is what H.R. 59 is all about. It is giving freedom back to Americans when it has been taken away from them.

I thank the gentleman for holding this Special Order.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for his participation.

The gentleman is exactly correct with regard to what this is all about. Both political parties claim Thomas Jefferson and much of his philosophy as a part of their historic tradition, and certainly I from Virginia am very proud of Thomas Jefferson. He said it best: "To compel a man," and of course today we mean men and women, but "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical," and that is what we are faced with in this country for the last 63 years because of legislation passed a long time ago that is outdated, certainly not in step with the vast majority of the American people who support right-to-work, and we need to pass this legislation.

I am pleased that we have been joined now by the gentleman from Arizona (Mr. HAYWORTH), and we welcome him to this discussion.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Virginia and our distinguished majority whip for taking time on the floor tonight, Mr. Speaker, to discuss this vital issue. I am proud to stand strongly and foursquare in support of one of America's most fundamental rights: The right to work.

Mr. Speaker, Arizona's favorite son recently passed, and Barry Goldwater's memory has been extolled by members of both major political parties and many others on the scene. Indeed, tonight I am reminded that Barry Goldwater, Jr., the former Congressman from California, who returned to his native State of Arizona, and now, I am pleased to say, a very good personal friend of mine, that on this date, Barry Goldwater, Jr., celebrates an important birthday. But I must say, in all sincerity, the plain-spoken, commonsensical ways of Barry Goldwater, Sr. were brought to bear in this fight, in this endeavor as Arizona clearly and unequivocally is a right-to-work State.

Said Senator Goldwater, quoting now, "I believe people have a right to join a union, but I also believe people have a right not to join a union." And that simple two-sentence statement sums it up.

In this Nation we have rights to freely associate. How then could this government move to abridge those rights in the 1930's? It is sad, but truly a part of our history, that there have been times when certain factions have moved to consolidate political power in the attempt to ensure a permanent majority and abridge the rights of American citizens.

So tonight I remember the simple eloquence of Barry Goldwater, Sr., extolling the virtues of that basic fundamental American freedom, not to the detriment of unions or the collective bargaining process, which as my colleague from Virginia pointed out was summed up in the message of one of the great leaders of the American Federation of Labor, Samuel Gompers, to talk about voluntary institutions and how it was preferred that voluntary institutions would work far better than compulsory systems. Indeed, as my colleague from Virginia pointed out earlier in this time, Gompers said those compulsory systems are not only impractical, but a menace to their welfare and to their liberty.

□ 2330

I am struck by the words of another who served at the other end of Pennsylvania avenue, and who went to foreign soil a decade ago. President Ronald Wilson Reagan stood clearly and boldly, square in the jaws of tyranny, and challenged the leader of the then Soviet Union to tear down a wall that came to symbolize oppression.

Mr. Gorbachev said, President Reagan, tear down this wall. And, Mr. Speaker, tonight, to my colleagues, to those who found it so seductive to strip Americans of a basic freedom of association, and thereby build a wall of compulsory coercive unionism, to them we say, in the best traditions of freedom, Mr. Speaker, tear down this wall, tear down this wall of compulsory unionism, tear down the wall that Thomas Jefferson would call sinful and tyrannical, because it moves to abridge the very basic rights of freedom of association. It moves through coercion and through compulsory status to extinguish the freedoms of association, and it moves against the basic fabric of American society.

Hear clearly what I say. I heard it from constituents in the Sixth District of Arizona, given the fact that we champion in this country political discourse, and give and take, and a free, open debate.

Mr. Speaker, and those who join us electronically far beyond these walls, I cannot tell Members the number of times union members in Arizona would come to me and say, I support you, but to keep my seat at the bargaining table, even though we live in a right-to-work State, to avoid retribution I must support you silently.

What does that say about those in our society who would have moved to abridge this most basic right? It certainly calls not upon the best traditions American history has to offer, and yet, tonight, this is that fundamental choice. That is why we are pleased to rise in favor of the right to work.

That is why I am pleased that Arizona, not only in the alphabet, beginning with A, leads the way, but Arizona shows the way, the youngest of the 48 contiguous States, and yet at the forefront of championing the rights of workers to freely associate with different groups.

I am pleased that every one of my colleagues on the majority side from

Arizona joined me in sponsorship of the legislation offered by the gentleman from Virginia.

Of course, there are other practical means beyond the most practical and basic notion of freedom that commend this act. The simple notion of prosperity is also commended. The gentleman from Virginia (Mr. GOODLATTE) is well aware of the academic labors at George Mason University and the scholar there, James T. Bennett, where, in his study of a higher standard of living in right-to-work States, he illustrates how families in States like Arizona enjoy a higher standard of living than families who hail from States with compulsory unionism.

According to the study of Mr. Bennett, the cost of living in the 21 right-to-work States is nearly 25 percent less than in the 29 compulsory unionism States. Families in right-to-work States also have lower State and local tax burdens than compulsory unionism State families. It is what the scholar calls a right-to-work boom.

The average urban family living in a right-to-work State has an after-tax cost-of-living adjusted household income of $36,540 dollars, almost $3,000 more than a family in a forced unionism State, because of the principle of the free market working, where people can freely associate and have work and not artificially inflated prices, either in the public sector, through public works, or in private works.

These are the fruits of honest labor, and this is what we come to the floor to extoll, not in the fashion of a green eyeshade, but again, evoking the best of American traditions; again, evoking the words and the memories of those who have gone on before.

Lest anyone mistake this as a harangue against any one political party or the current liberal minority, I will not only call on the memory of Arizona's favorite son and the standard-bearer of my party in 1964, but I would call upon the memory of another great member of the other body, the gentleman from North Carolina, Senator Sam Irvin.

In his book entitled "Preserving the Constitution," Senator Irvin wrote, quoting now, "Right-to-work States remove the motive of the union to subordinate the interests of the employees to its wishes, and thus leaves it free to conduct negotiations for the sole purpose of obtaining an employment contract advantageous to the employees."

So we can see even from that observation that one from the other side of the aisle, if you will, talked about the true nature of collective bargaining, the essence of collective bargaining, not the intervention in other areas.

The SPEAKER pro tempore (Mr. GILCHREST). The time of the gentleman from Virginia (Mr. GOODLATTE) has expired. The gentleman from Pennsylvania (Mr. KLINK) is not on the floor. Does the gentleman from Virginia (Mr. GOODLATTE) wish to claim the remaining time until midnight?

Mr. GOODLATTE. Mr. Speaker, we would claim the rest of the time until midnight, because we do have some additional matters.

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

Mr. GOODLATTE. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Virginia, and I thank the Speaker pro tempore, the gentleman from Maryland, who manages the proceedings of the House in a manner that behooves bipartisanship, as I call it, in the bipartisan fashion of the writings of Senator Sam Irvin and what he had to say about the true notion of negotiation; not all the other trappings and all the compulsory addenda to what is the central mission of the labor-management dynamic, but to concentrate on what is really important.

It is a sad fact, as my colleague, the gentleman from Virginia, will attest, that even now there are those at the other end of Pennsylvania Avenue what would look to limit the choices even of this Federal Government. When it comes to competitive bidding, there are those in this administration who have said that competitive bidding should be open only to union shops.

Mr. Speaker, I ask Members to stop and think about that for just a second. In addition, again, to abridging, to segregating the choices available in the work force, what would happen there to carry that scenario to fruition would mean billions upon billions of dollars of extra costs to the American taxpayer; indeed, the most conservative estimate I have seen is some $5 billion in additional spending by the taxpayers, simply to assuage the notion of those who would even move in a greater way to force compulsory unionism past the membership, already subverting the notion of free association, but to the point where this government could not contract with non-union shops.

Mr. Speaker, I will work and fight to maintain the rights of all companies to freely bid, because in that way, in that way the best interests of the taxpayers are preserved, and in that way the best interests of this country is preserved.

Yet, my colleague, the gentleman from Virginia, brings it to the most simple and elemental fact here, because it deals with freedom of the individual, because it deals with the clear, simple notion that we in this Congress should undo the unfair power grab of those who succumbed to temptation in the middle part of the 1930s; that we in fact should stand, as we are poised for a new century, to reemphasize the most basic of freedoms: freedom of association, freedom in the marketplace, freedom for families, freedom from fear, and freedom to work; indeed, the right to work for all Americans for all time.

Mr. GOODLATTE. I thank the gentleman for his remarks. I think he is particularly correct in pointing out that Arizona and Virginia have led the way with right-to-work laws, as allowed under an exception to the Federal law that was created some time after the right was taken away from all Americans to have right-to-work.

It is important to note that this is not a States' rights issue. I would point out to the gentleman, this entire bill, and we complain about bills that are thousands of pages long, this bill is on one piece of paper.

□ 2340

All it does is repeal provisions of Federal law that took away the most precious liberty that an individual can have, and that is the right to decide for themselves what they are going to do with their life, whether when they get a job, they are going to be required to pay dues or belong to something that they may or may not believe in. And we take nothing away from those who want to join labor unions, this does not affect that in any way, to organize, to collectively bargain or even strike as permitted under law.

I would like to point out that we have a number of press clippings that under the unanimous consent order previously given we would like to make a part of the RECORD. And before I do so, I would like to read from one of those from the Chattanooga Free Press of Chattanooga, Tennessee which wrote:

One of the most basic human rights that most assuredly should be protected in America is the right of men and women to work and earn a living for themselves and their families without being forced to join or pay tribute to anyone or anything. If an American can be denied the right to work, what liberty remains? Yet in all but 21 of our States that have right to work laws, American citizens can be forced to join and pay dues to a labor union against their will or be denied jobs or be fired. That obviously is utterly wrong.

Part of American freedom includes the right of workers to join unions voluntarily and to pay dues to them voluntarily. But tyranny prevails if they are forced to join a union or any other organization and pay it involuntarily or be denied the right to earn self-support.

We need a national right to work law. It is as simple as that. No one would tolerate a situation in which any American would have to join a certain church to work or join a certain lodge or fraternal group to work. Why tolerate forced union membership to work? Until a national right to work act is passed, the basic philosophy of our Declaration of Independence and

Constitution of the United States is being denied American citizens. This should not be allowed to continue.

Does the gentleman have any additional remarks?

Mr. HAYWORTH. Mr. Speaker, I just was struck by the eloquence of my colleague from Virginia, and I think, again, he has pointed out quite correctly, but it bears some repeating, because we all realize sadly that there are those who would attempt to deliberately misunderstand or distort the message we offer tonight. Again, the message we offer is in the finest tradition of freedom and individual self-determination.

As my colleague from Virginia points out, this is not an attempt to eliminate unions. This is not an attempt to destroy collective bargaining. This is not an attempt to end anyone's right to strike. Those rights exist in a free society and will be maintained. But what we are saying, Mr. Speaker, simply, clearly and we believe ultimately persuasively to the American people is the fact that we want people to have the right to decide for themselves when it comes to economic association, when it comes to making determinations about their economic future and freedom, and how wrong it is to predicate the acceptance of a job on compulsory membership in a union.

Again, the quarrel is not with those who would voluntarily join such an union. That is the right of an American. But, again, we reaffirm that right in its true essence by saying, if you want to belong to a union, well and good. Join, be involved in that process. If you want to be involved politically in that union and have a portion of your earnings secured through some mechanism for union dues ultimately to go to political expression, God bless you, you should have that right. But just because you have that right does not mean you should abridge the rights of others and in some way step in and subvert their abilities, A, either to join the union or choose not to join the union or, B, once a member of the union, coercively force them to surrender a portion of their paycheck and union dues to go to political activities with which they may disagree.

Mr. GOODLATTE. Mr. Speaker, the fact of the matter is that those union dues collected and used to influence policy that individuals who are members of a union may not agree with or to influence political campaigns for candidates that they may not support, that money is used all over the country. Even if you are in a right-to-work State, you are affected by forced compulsory unionism in other States. That is why we need to have a national right to work law.

Mr. HAYWORTH. Indeed, as my colleague from Virginia accurately points out, in having lived through the experience firsthand in 1996, as the number one target of boss John Sweeney and the other union bosses of the AFL-CIO, who took from their membership compulsory union dues used for the committee on political education, I can tell you, one of the real tragedies from my vantage point was not the give and take and the rough and tumble of public discourse because, as Abraham Lincoln said, the American people, once fully informed, will make the right decision. And I trust the people. No, the tragedy was this, Mr. Speaker, that that longshoreman in Maryland, or that lettuce picker in California or that assembly line worker in Michigan who knew nothing of the political dynamics of the sixth district of Arizona, who had no direct stake in the political expression of the people of the sixth district of Arizona, yet found their wages against their will imported to the State of Arizona to the tune of $2.1 million for false television ads distorting my record. And we will see that, I dare say, again as we receive reports around the country that the same activity continues.

Again, let us stress, free and open debate is fine. If people voluntarily give of their wages, that is a time-honored tradition in the Constitution. That is something we freely welcome, freedom of speech, freedom of association.

But when that crosses to compulsory, coercive, accumulations of wealth by the labor bosses against the will of the very working people they purport to help, how sad and how cynical. And again, Mr. Speaker, amidst all the talk of campaign finance reform, there is this one fact that comes from 1996. In a Rutgers University study, it is well documented that despite the reports of some $35 million used in an effort to influence congressional elections, the actual figures, according to the Rutgers University study were these. Between 300 million and a half a billion dollars was taken coercively from members of unions to go into political campaigns in an attempt to change control in this Congress.

How much better for our constitutional Republic had all those donations been freely given and freely accepted. How much better for the rights of workers would it be if they had the opportunity to express this most basic of freedoms, the right to associate and, indeed, the right to work regardless of the encumbrances of those who would compel them into associations with which they might disagree.

This is something that must change for freedom in its truest form to flourish, so that the give and take can be genuine, not coercive and for those who would stand for true reform to end the practice or the threat of this constitutional Republic, as some would say, being sold to the highest bidder. That is what is at stake every 2 years in our renewal and celebration of freedom at the ballot box expressed in this institution, the most basic, the most responsive designed by our founders to be a constitutional office absolutely beholden to the people. How much better it would be if the people were free to truly express their opinions, their free associations without the specter of intimidation or the specter of economic ruin for failing to belong to an organization.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for his participation. I would point out that just yesterday petitions signed by more than half a million American citizens were delivered here at the Capitol from right to work supporters all across the country, urging a vote on this important legislation.

I urge my colleagues in the leadership to schedule a vote to free independent-minded workers who wish to choose for themselves whether or not to belong to a labor union or pay dues to a labor union. Let them decide for themselves by passing into law the National Right to Work Act. I hope we have the opportunity to vote on this legislation soon.

I thank the gentleman again for his participation and the majority whip the gentleman from Texas (Mr. DELAY).

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding and for his leadership on this important issue. I am pleased to have this opportunity to reiterate my strong support for the National Right to Work Act, HR 59. Unlike much of the legislation considered before this Congress, this bill expands freedom by repealing those sections of federal law that authorize compulsory unionism, laws that Congress had no constitutional authority to enact in the first place!

Since the problem of compulsory unionism was created by Congress, only Congress can solve it. While state Right to Work laws provide some modicum of worker freedom, they do not cover millions of workers on federal enclaves, in the transportation industries, or on Indian Reservations. Contrary to the claims of Right to Work opponents, this bill in no way infringes on state autonomy. I would remind my colleagues that, prior to the passage of the National Labor Relations Act, no state had a law requiring workers to join a union or pay union dues. Compulsory unionism was forced on the people and the states when Congress nationalized labor policy in 1935. It strains logic to suggest that repeal of any federal law is somehow a violation of states' rights.

I would also like to take this opportunity to emphasize that this bill does not in any way infringe on the rights of workers to voluntarily join or support a labor union or any other labor organization. Nothing in HR 59 interferes with the ability of a worker to organize, strike, or support union political activity if those actions stem from a worker's choice. Furthermore, nothing in HR 59 interferes with the internal affairs of unions. All the National Right to Work Bill does is stop the federal government from forcing a worker to support a labor union against that worker's will. In a free society, the decision of whether or not to join a union

should be made by the worker, not by the government.

No wonder the overwhelming majority of the American people support the National Right to Work Act, as shown both by polling results and by the many postcards and petitions my office has received asking for Congressional action on this bill.

I once again thank the gentleman from Virginia for his leadership on this bill.

Mr. DOOLITTLE. Mr. Speaker, Thomas Jefferson said, "To compel a man to furnish contributions of money for the propagation of opinions in which he disbelieves is sinful and tyrannical."

The House of Representatives has an opportunity to hold a historic vote on legislation to repeal those provisions of Federal law which require employees to pay union dues or fees as a condition of employment. This vote is long overdue for the working men and women of this country.

Nearly 80% of Americans share in the belief that compulsory unionism violates a fundamental principle of individual liberty, the very principle upon which this Nation was founded.

Compulsory unionism basically says that workers cannot and should not decide for themselves what is in their best interest, that they need a union boss to decide for them. I can think of nothing more offensive to our core founding principles which we celebrated on the Fourth of July, a few days ago, than that principle that the working people of this country do not have the ability to decide for themselves.

With this bill, not a single word is added to Federal law. It simply repeals those sections of the National Labor Relations Act and Railway Labor Act that authorizes the imposition of forced-dues contracts upon working Americans. It simply does away with the requirement that people have to belong to a union to hold a job.

I believe that every worker must have the right to join and financially support a labor union if that is what they want to do. Every worker should have the right, of his own free will and accord, but he should not be coerced to pay union dues just to keep his job. This bill simply protects that right, and no worker would ever be forced into union membership without his consent.

Union membership should be a choice that an individual makes based upon merits and benefits offered by the union. If a union truly benefits its members, they do not have to coerce them. If workers had confidence in the union leadership, if the union leadership was honest, upright, and forthright, then they would not need to coerce their members to join. A union freely held together by common interests and desires of those who voluntarily want to be members would be a better union than one in which members were forced to join. If the National Right to Work Act is passed, nothing in Federal law will stop workers from joining a union, participating in union activity, and paying union dues.

Union officials who operate their organizations in a truly representative, honest, democratic manner would find their ranks growing with volunteer members who are attracted by service, benefits, and mutual interests, not because they are forced against their will with no options to be a member of a union and pay union fees in order to hold a job. In addition, voluntary union members would be more enthusiastic about union membership simply because they had the freedom to join and were not forced into it.

When Federal laws authorizing compulsory unionism are overturned, only then will working men and women be free to exercise fully their right to work. When that time comes, they will have the freedom to choose whether they want to accept or reject union representation and union dues without facing coercion, violence, and workplace harassment by overbearing, and in many cases, disreputable union bosses.

A poll taken in 1995 indicates 8 out of 10 Americans oppose compulsory unionism—8 out of 10 Americans do not think you should be forced to belong to a union to hold a job.

Mr. Speaker, some members of this Chamber will say that this is a states rights issue and since law allows states to pass Right to Work Laws there is no need for this legislation.

Nothing could be further from the truth. First of all, Federal Law is the source of compulsory union. But more than that Mr. Speaker, Right to Work is about freedom.

No governmental authority should endorse the right of a private organization to force working men and women to pay dues or fees as a condition of employment.

Compulsory unionism is wrong on the federal level, compulsory unionism is wrong on the state level and compulsory unionism is wrong on the local level.

In the words of Supreme Court Justice Robert Jackson "The very purpose of the Bill of Rights is to place certain subjects beyond the reach of the majority . . . ones fundamental rights wait for no election, they depend on no vote."

It is my sincere hope that my colleagues will join me in defending the fundamental individual liberty of the right to work and will support this bill.

LEAVE OF ABSENCE

By unanimous consent, leaves of absence were granted to:

Mr. HILL (at the request of Mr. ARMEY) for today after 4 p.m. and the balance of the week on account of medical reasons.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today and the balance of the week on account of medical reasons.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) for today after 7:30 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FALEOMAVAEGA) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, today, for 5 minutes.

Mr. FILNER, today, for 5 minutes.

Mr. STUPAK, today, for 5 minutes.

Mr. FALEOMAVAEGA, today, for 5 minutes.

Mr. STRICKLAND, today, for 5 minutes.

Mr. PALLONE, today, for 5 minutes.

(The following Members (at the request of Ms. WILSON) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, July 16, for 5 minutes.

Mr. DIAZ-BALART, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FALEOMAVAEGA) and to include extraneous material:)

Mr. HAMILTON.
Mr. KIND.
Mr. GEJDENSON.
Mr. FROST.
Mrs. CAPPS.
Mr. LIPINSKI.
Mr. DOYLE.
Mr. CONYERS.
Mr. SERRANO.
Mr. FAZIO of California.
Mr. FILNER.
Mr. BLAGOJEVICH.

(The following Members (at the request of Ms. WILSON) and to include extraneous material:)

Mr. GALLEGLY.
Mr. GILMAN.
Mr. RADANOVICH.
Mr. PORTMAN.
Mr. OXLEY.
Mrs. ROUKEMA.
Mr. RIGGS.
Mr. PAUL.
Mr. HUNTER.
Mr. FRELINGHUYSEN.
Mr. WOLF.
Mr. COBLE.

(The following Members (at the request of Mr. GOODLATTE) and to include extraneous material:)

Ms. STABENOW.
Mr. BALDACCI.
Mr. SMITH of Texas.
Mr. PARKER.
Mr. RIGGS.
Mr. KENNEDY of Rhode Island.
Mr. EDWARDS.
Mr. HILLEARY.
Mr. BONILLA.
Mr. UPTON.

OMISSION FROM THE CONGRESSIONAL RECORD OF FRIDAY, JUNE 26, 1998

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2069. To permit the mineral leasing of Indian land located within the Fort Berthold Indian reservation in any case in which there is consent from a majority interest in the parcel of land under consideration for lease.

□ 2350

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Thursday, July 16, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

9974. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Peanuts Marketed in the United States; Relaxation of Handling Regulations [Docket Nos. FV97-997-1 FIR and FV97-998-1 FIR] received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9975. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Revision of User Fees for 1998 Crop Cotton Classification Services to Growers [CN-98-004] received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9976. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Animal Welfare; Primary Enclosures for Dogs and Cats [Docket No. 98-044-1] received July 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9977. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report involving U.S. exports to Venezuela, pursuant to 12 U.S.C. 635(b)(3)(1); to the Committee on Banking and Financial Services.

9978. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Turkey, pursuant to 12 U.S.C. 635(b)(3)(1); to the Committee on Banking and Financial Services.

9979. A letter from the Assistant Secretary for Children and Families, Department of Health and Human Services, transmitting the Department's final rule—Head Start Program (RIN: 0970-AB52) received July 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9980. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Acesulfame Potassium [Docket No. 90F-0220] received July 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9981. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Food Additives Permitted for Direct Addition to Foods for Human Consumption; Acesulfame Potassium [Docket No. 93F-0286] received July 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9982. 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—282); to the Committee on International Relations and ordered to be printed.

9983. A communication from the President of the United States, transmitting a report on developments concerning the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 105—284); to the Committee on International Relations and ordered to be printed.

9984. A letter from the Acting Director, Defense Security Assistance Agency, transmitting certification for the Memorandum of Understanding Between the U.S. France, the Netherlands and the United Kingdom for Research, Development, Test, Evaluation, Productions and Life Cycle Support Activities for Technologies and Systems for Environmentally Sound Ships and Naval Installations Program, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9985. 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 Israel and the United Kingdom (Transmittal No. DTC-76-98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9986. 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(b); to the Committee on International Relations.

9987. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report of political contributions by nominees as chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

9988. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List—received July 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

9989. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List; Additions—received July 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

9990. A letter from the Assistant Chief Financial Officer, Export-Import Bank, transmitting a report of activities under the Freedom of Information Act from January 1, 1997 to September 30, 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

9991. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule—Alabama Regulatory Program [SPATS No. AL-065-FOR] received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9992. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Outer Continental Shelf Beaufort Sea Notice of Leasing Systems, Sale 170—received July 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9993. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of Interior, transmitting the Department's final rule—Transportation and Utility Systems In and Across, and Access Into, Conservation System Units in Alaska (RIN: 1093-AA07) received July 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9994. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Trawl Rockfish Fisheries in the Bering Sea and Aleutian Islands [Docket No. 971208298-8055-02; I.D. 062498A] received July 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9995. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 [Docket No. 971208297-8054-02; I.D. 061898A] received June 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9996. A letter from the Deputy Assistant Administrator For Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Bottomfish Fishery; Fishing Moratorium [Docket No. 980319068-8155-02; I.D. 021998A] (RIN: 0648-AK59) received July 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9997. A communication from the President of the United States, transmitting an updated report concerning the emigration laws and policies of Mongolia, pursuant to 19 U.S.C. 2432(b); (H. Doc. No. 105—283); to the Committee on Ways and Means and ordered to be printed.

9998. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Kerosene Tax; Aviation Fuel Tax; Tax on Heavy Trucks and Trailers [T.D. 8774] (RIN: 1545-AW15) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9999. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Magnetic Media Filing Requirements for Information Returns [TD 8772] (RIN: 1545-AU08) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10000. A letter from the Secretary of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Establishment of the MedicareChoice Program [HCFA-1030-IFC] (RIN: 0938-AI29) received June 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

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. STUMP: Committee on Veterans' Affairs. H.R. 3980. A bill to amend title 38, United States Code, to extend the authority for the Secretary of Veterans Affairs to treat illnesses of Persian Gulf War veterans, to provide authority to treat illnesses of veterans which may be attributable to future combat service, and to revise the process for determining priorities for research relative to the health consequences of service in the Persian Gulf War, and for other purposes; with an amendment (Rept. 105-626). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 4110. A bill to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to make various improvements in education, housing, and cemetery programs of the Department of Veterans Affairs, and for other purposes (Rept. 105-627). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 501. Resolution providing for consideration of the bill (H.R. 4194) 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 (Rept. 105-628). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3249. Referral to the Committee on Ways and Means extended for a period ending not later than July 17, 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. PAUL (for himself and Mr. BARR of Georgia):

H.R. 4217. A bill to repeal section 656 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and to prohibit Federal agencies from accepting the same identification document for identification-related purposes; to the Committee on Government Reform and Oversight.

By Mr. ANDREWS:

H.R. 4218. A bill to provide rental assistance under section 8 of the United States Housing Act of 1937 in a manner that preserves residential property values, protects residents, and enhances tenant and neighborhood safety; to the Committee on Banking and Financial Services.

By Mr. BALDACCI (for himself, Mr. ALLEN, Mr. HINCHEY, and Mr. SANDERS):

H.R. 4219. A bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education 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 Mrs. LINDA SMITH of Washington (for herself, Mr. KILDEE, Mr. EDWARDS, and Ms. RIVERS):

H.R. 4220. A bill to amend title 38, United States Code, to repeal the recently enacted provisions of law that limit the authority of the Department of Veterans Affairs to provide compensation and treatment for smoking-related illnesses suffered by veterans of the Armed Forces; to the Committee on Veterans' Affairs, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBLE (for himself, Mr. FRANK of Massachusetts, Mr. SENSENBRENNER, Mr. CANADY of Florida, and Mr. CHABOT):

H.R. 4221. A bill to amend Rule 30 of the Federal Rules of Civil Procedure to restore the stenographic preference for recording depositions; to the Committee on the Judiciary.

By Mr. COBURN (for himself, Mr. STRICKLAND, Mr. NORWOOD, Mr. GANSKE, Mr. BROWN of Ohio, and Mr. ACKERMAN):

H.R. 4222. A bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and titles XVIII and XIX of the Social Security Act to require that group and individual health insurance coverage and group health plans and managed care plans under the Medicare and Medicaid Programs provide coverage for hospital lengths of stay as determined by the attending health care provider in consultation with the patient; referred to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FAZIO of California:

H.R. 4223. A bill to assist in the development and implementation of projects to provide for the control of drainage, storm, flood and other waters as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; to the Committee on Resources.

By Mr. FROST:

H.R. 4224. A bill to ensure safety in public schools by increasing police presence; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island:

H.R. 4225. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to establish liability for individuals practicing medicine without a license in connection with a group health plan; to the Committee on Education and the Workforce.

By Mr. MCINNIS:

H.R. 4226. A bill to establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments; to the Committee on the Judiciary.

By Mr. MENENDEZ:

H.R. 4227. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 concerning liability for the sale of certain facilities for residential use; referred to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUSSLE:

H.R. 4228. A bill to amend title XVIII of the Social Security Act to provide an election for Medicare+Choice organizations to exclude payment for the provision of abortion services under the Medicare Program; referred 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. PASCRELL (for himself, Mr. ANDREWS, and Mr. HOYER):

H.R. 4229. A bill to authorize a Federal grant program to local governments to better enable them to protect public safety against fire and fire-related hazards; to the Committee on Science.

By Mr. RADANOVICH:

H.R. 4230. A bill to provide for a land exchange involving the El Portal Administrative Site of the Department of the Interior in the State of California; to the Committee on Resources.

By Mr. ROTHMAN (for himself and Mr. MILLER of California):

H.R. 4231. A bill to require employers to notify local emergency officials, under the appropriate circumstances, of workplace emergencies, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SCARBOROUGH (for himself, Mr. ENSIGN, Mr. CHRISTENSEN, and Mr. SKEEN):

H.R. 4232. A bill to provide that Executive Order 13083, relating to the constitutional division of governmental responsibilities between the Federal Government and the States and the application of federalism principles to Federal agency actions, shall have no force or effect; to the Committee on the Judiciary.

By Mr. SCHUMER:

H.R. 4233. A bill to amend title 18, United States Code, to require the reporting of information to the chief law enforcement officer of the buyer's residence and a minimum 72-hour waiting period before the purchase of a handgun; to the Committee on the Judiciary.

By Mr. WHITFIELD (for himself, Mr. BUNNING of Kentucky, Mr. STRICKLAND, and Mr. BAESLER):

H.R. 4234. A bill to require the Secretary of Energy to submit to Congress a plan to ensure that all amounts accrued on the books of the United States Enrichment Corporation for the disposition of depleted uranium hexafluoride will be used to treat and recycle depleted uranium hexafluoride; referred to the Committee on Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY (for himself and Mr. ACKERMAN):

H. Res. 502. A resolution expressing the sense of the House of Representatives congratulating the people of Colombia for completing free and democratic elections on June 21, 1998, congratulating the President-elect on his victory, and calling on the new government and all other parties to the current conflict in Colombia to renew their efforts to end the guerrilla and paramilitary violence which continues to pose a serious threat to democracy as well as economic and

social stability in Colombia; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

374. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Concurrent Resolution No. 72 memorializing the Congress of the United States to Take Certain Actions Regarding The Implementation Of The Food Quality Protection Act Of 1996; jointly to the Committees on Agriculture and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. SUNUNU.

H.R. 40: Ms. CHRISTIAN-GREEN.

H.R. 339: Mr. SUNUNU.

H.R. 372: Ms. DELAURO.

H.R. 716: Mr. HOEKSTRA.

H.R. 754: Mr. MANTON.

H.R. 814: Ms. LEE and Ms. JACKSON-LEE.

H.R. 857: Mrs. BONO and Mr. ADERHOLT.

H.R. 872: Mr. PRICE of North Carolina and Ms. WILSON.

H.R. 1009: Mr. SESSIONS and Mr. PETERSON of Pennsylvania.

H.R. 1126: Mr. SMITH of Oregon, Mr. LEWIS of California, Mr. POSHARD, Mr. EDWARDS, Ms. MCKINNEY, and Mr. STENHOLM.

H.R. 1140: Mr. MENENDEZ.

H.R. 1147: Mr. TALENT.

H.R. 1231: Mr. KLINK, Mrs. MINK of Hawaii, Mr. GOODLATTE, Ms. JACKSON-LEE, and Mr. GALLEGLY.

H.R. 1376: Mr. SHAYS.

H.R. 1407: Mr. HOSTETTLER.

H.R. 1524: Mr. PASTOR.

H.R. 1891: Mr. PAXON.

H.R. 2313: Mr. CRAMER.

H.R. 2397: Mr. COYNE, Mr. RAHALL, Mr. MALONEY of Connecticut, Mr. PALLONE, Mr. SCARBOROUGH, Mr. DUNCAN, Mr. PASCRELL, Ms. DANNER, and Mr. HALL of Ohio.

H.R. 2483: Mr. MCINNIS, Mr. ROYCE, and Mr. CRAPO.

H.R. 2504: Mr. MCNULTY.

H.R. 2523: Mr. COSTELLO.

H.R. 2699: Mr. FORD, Ms. CHRISTIAN-GREEN, and Mr. KILDEE.

H.R. 2800: Mr. NEY and Mr. SOUDER.

H.R. 2848: Mr. MARTINEZ and Mr. VENTO.

H.R. 2891: Mr. PORTMAN.

H.R. 2914: Ms. LEE, Mr. MARTINEZ, Mr. BISHOP, Ms. MCCARTHY of Missouri, Ms. HOOLEY of Oregon, and Mr. JACKSON.

H.R. 2936: Mr. SHAYS and Mr. LEACH.

H.R. 2955: Mr. MCGOVERN.

H.R. 3008: Mr. SNOWBARGER, Mr. GREEN, Mr. HORN, Mr. NEY, and Mrs. CUBIN.

H.R. 3126: Mr. CLYBURN.

H.R. 3166: Mr. ISTOOK.

H.R. 3205: Ms. CARSON, Mr. MARTINEZ, Mr. TURNER, Mr. BOEHLERT, Ms. NORTON, and Mr. DUNCAN.

H.R. 3259: Mr. EVANS.

H.R. 3262: Mr. CARDIN.

H.R. 3279: Mr. TOWNS and Mr. PASCRELL.

H.R. 3342: Mrs. MINK of Hawaii and Mr. ACKERMAN.

H.R. 3410: Mr. MCINNIS and Mr. BUNNING of Kentucky.

H.R. 3506: Mr. PRICE of North Carolina, Mr. BERMAN, Mr. BROWN of Ohio, and Mr. DEUTSCH.

H.R. 3567: Mr. GOODE, Mr. RODRIGUEZ, Mr. NEUMANN, and Mr. WALSH.

H.R. 3583: Mr. EHLERS and Mr. MANZULLO.

H.R. 3605: Mr. FARR of California, Mr. KIND of Wisconsin, and Mr. KENNEDY of Rhode Island.

H.R. 3610: Mr. STRICKLAND, Mrs. CLAYTON, Mr. ROGERS, Mr. SHUSTER, Mr. MICA, and Ms. STABENOW.

H.R. 3622: Mr. TOWNS and Mr. OWENS.

H.R. 3702: Mr. KENNEDY of Massachusetts and Mr. FILNER.

H.R. 3704: Mrs. LOWEY, Mr. GOODLATTE, and Mr. PICKETT.

H.R. 3731: Mr. HALL of Texas, Mr. COOKSEY, Mr. BEREUTER, Mr. WELDON of Pennsylvania, Mr. WAMP, Mr. GUTKNECHT, and Mr. STUMP.

H.R. 3782: Mr. KILDEE, Mr. KENNEDY of Rhode Island, and Mr. OLVER.

H.R. 3783: Mr. FOX of Pennsylvania, Mr. BURTON of Indiana, Mr. BARTON of Texas, Mr. PITTS, Mr. LARGENT, and Mr. FRANKS of New Jersey.

H.R. 3792: Mr. BARTON of Texas and Mr. WELDON of Pennsylvania.

H.R. 3821: Mr. INGLIS of South Carolina and Mr. MANZULLO.

H.R. 3831: Ms. SLAUGHTER, Ms. JACKSON-LEE, Mr. GUTIERREZ, Mr. GORDON, Mr. BROWN of California, Mr. STARK, and Mr. ENGEL.

H.R. 3862: Ms. PRYCE of Ohio.

H.R. 3864: Mr. BUNNING of Kentucky, Mrs. NORTHUP, Mr. LEWIS of Kentucky, and Mr. BAESLER.

H.R. 3875: Ms. LEE.

H.R. 3888: Mr. NEY, and Mr. PETERSON of Minnesota.

H.R. 3939: Mr. BRADY of Pennsylvania, Mr. BORSKI, Mr. KLINK, Mr. HOLDEN, Mr. WELDON of Pennsylvania, Mr. GREENWOOD, Mr. SHUSTER, Mr. KANJORSKI, Mr. MURTHA, Mr. FOX of Pennsylvania, Mr. COYNE, Mr. MCHALE, Mr. DOYLE, Mr. GOODLING, Mr. MASCARA, Mr. ENGLISH of Pennsylvania, Mr. PETERSON of Pennsylvania, Mr. MCDADE, Mr. GEKAS, and Mr. PITTS.

H.R. 3949: Mr. BONILLA, Mr. PETRI, Mr. HILLEARY, Mr. GOODLATTE, Mr. BRYANT, Mr. CHAMBLISS, Mr. PAUL, and Mr. BARTON of Texas.

H.R. 3980: Ms. RIVERS and Mr. NEAL of Massachusetts.

H.R. 3999: Mr. BRADY of Pennsylvania, Mr. BORSKI, Mr. KLINK, Mr. HOLDEN, Mr. WELDON of Pennsylvania, Mr. GREENWOOD, Mr. SHUSTER, Mr. KANJORSKI, Mr. MURTHA, Mr. FOX of Pennsylvania, Mr. COYNE, Mr. MCHALE, Mr. DOYLE, Mr. GOODLING, Mr. MASCARA, Mr. ENGLISH of Pennsylvania, Mr. PETERSON of Pennsylvania, Mr. MCDADE, Mr. GEKAS, and Mr. PITTS.

H.R. 4000: Mr. BRADY of Pennsylvania, Mr. BORSKI, Mr. KLINK, Mr. HOLDEN, Mr. WELDON of Pennsylvania, Mr. GREENWOOD, Mr. SHUSTER, Mr. KANJORSKI, Mr. MURTHA, Mr. FOX of Pennsylvania, Mr. COYNE, Mr. MCHALE, Mr. DOYLE, Mr. GOODLING, Mr. MASCARA, Mr. ENGLISH of Pennsylvania, Mr. PETERSON of Pennsylvania, Mr. MCDADE, Mr. GEKAS, and Mr. PITTS.

H.R. 4001: Mr. BRADY of Pennsylvania, Mr. BORSKI, Mr. KLINK, Mr. HOLDEN, Mr. WELDON of Pennsylvania, Mr. GREENWOOD, Mr. SHUSTER, Mr. KANJORSKI, Mr. MURTHA, Mr. FOX of Pennsylvania, Mr. COYNE, Mr. MCHALE, Mr. DOYLE, Mr. GOODLING, Mr. MASCARA, Mr. ENGLISH of Pennsylvania, Mr. PETERSON of Pennsylvania, Mr. MCDADE, Mr. GEKAS, and Mr. PITTS.

H.R. 4002: Mr. BRADY of Pennsylvania, Mr. BORSKI, Mr. KLINK, Mr. HOLDEN, Mr. WELDON of Pennsylvania, Mr. GREENWOOD, Mr. SHUSTER, Mr. KANJORSKI, Mr. MURTHA, Mr. FOX of Pennsylvania, Mr. COYNE, Mr. MCHALE, Mr. DOYLE, Mr. GOODLING, Mr. MASCARA, Mr. ENGLISH of Pennsylvania, Mr. PETERSON of Pennsylvania, Mr. MCDADE, Mr. GEKAS, and Mr. PITTS.

H.R. 4003: Mr. BRADY of Pennsylvania, Mr. BORSKI, Mr. KLINK, Mr. HOLDEN, Mr. WELDON of Pennsylvania, Mr. GREENWOOD, Mr. SHUSTER, Mr. KANJORSKI, Mr. MURTHA, Mr. FOX of Pennsylvania, Mr. COYNE, Mr. MCHALE, Mr. DOYLE, Mr. GOODLING, Mr. MASCARA, Mr. ENGLISH of Pennsylvania, Mr. PETERSON of Pennsylvania, Mr. MCDADE, Mr. GEKAS, and Mr. PITTS.

H.R. 4018: Mr. POSHARD, Mr. PAYNE, Mr. LEVIN, Mr. MARTINEZ, Mr. RODRIGUEZ, and Ms. DELAURO.

H.R. 4019: Mrs. MYRICK and Mr. CRAPO.

H.R. 4025: Mr. KENNEDY of Rhode Island.

H.R. 4027: Mr. MURTHA, Mr. HALL of Ohio, Mr. FROST, Mr. CALVERT, Mr. ABERCROMBIE, and Mr. COOK.

H.R. 4028: Mr. YATES and Mr. ENGEL.

H.R. 4031: Mr. TOWNS.

H.R. 4037: Mr. TALENT, Mr. DOOLITTLE, Mr. RAMSTAD, Mr. CALVERT, and Mr. ENGLISH of Pennsylvania.

H.R. 4086: Mrs. CLAYTON, Mr. SANDERS, Mr. KLECZKA, Mr. ROMERO-BARCELO, Mrs. JOHNSON of Connecticut, Ms. DELAURO, Mr. ACKERMAN, Mr. KILDEE, Ms. DEGETTE, Mrs. CAPPS, Ms. JACKSON-LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mr. FROST, and Mr. LAMPSON.

H.R. 4109: Mr. GREENWOOD, Mr. FATTAH, Mr. BRADY of Pennsylvania, Mr. WELDON of Pennsylvania, and Mr. MCHALE.

H.R. 4110: Mr. COOKSEY, Mr. PASCRELL, Mr. OLVER, and Mr. SANDLIN.

H.R. 4121: Ms. ESHOO.

H.R. 4125: Mr. SAM JOHNSON, Mr. ENSIGN, Mrs. CUBIN, and Mr. CUNNINGHAM.

H.R. 4131: Mr. WEYGAND.

H.R. 4138: Ms. JACKSON-LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. NEAL of Massachusetts, Mr. YATES, Mr. SHERMAN, Mr. WEXLER, Mr. ENGEL, Mr. FROST, Mr. RUSH, Mrs. MORELLA, and Mr. MCGOVERN.

H.R. 4149: Mr. HOSTETTLER and Mr. BOB SCHAFFER.

H.R. 4152: Mr. ACKERMAN, Mr. ADAM SMITH of Washington, Mr. OBERSTAR, and Mr. KLECZKA.

H.R. 4167: Mr. HUTCHINSON.

H.R. 4184: Mr. LAMPSON and Ms. KILPATRICK.

H.R. 4185: Mr. LAMPSON and Ms. KILPATRICK.

H.R. 4196: Mr. SKEEN, Mr. DEAL of Georgia, Mr. CHAMBLISS, Mr. BALLENGER, Mr. STUMP, Mr. PETERSON of Pennsylvania, Mr. PAUL, Mr. BARTON of Texas, and Mr. BARTLETT of Maryland.

H.R. 4197: Mr. COLLINS, Mr. HOSTETTLER, Mr. LARGENT, and Mr. BARTLETT of Maryland.

H.R. 4214: Mr. LEVIN, Mr. KLECZKA, and Mr. SANDERS.

H.J. Res. 72: Mr. SHAYS.

H.J. Res. 124: Mr. FRANKS of New Jersey.

H. Con. Res. 55: Mrs. BONO and Mr. HEFLEY.

H. Con. Res. 65: Mr. FOSSELLA.

H. Con. Res. 236: Mr. SCARBOROUGH.

H. Con. Res. 239: Mr. RUSH and Mrs. MORELLA.

H. Con. Res. 296: Mr. WEYGAND and Mr. MORAN of Virginia.

H. Res. 37: Ms. JACKSON-LEE, Mr. KANJORSKI, Ms. HARMAN, Mr. KLINK, Mr. OBEY, Mr. ROEMER, Mr. TANNER, Mr. BISHOP, Mr. DEUTSCH, Mr. FRANKS of New Jersey, and Mr. HALL of Ohio.

H. Res. 460: Mr. KUCINICH, Mr. DEUTSCH, Mr. TORRES, Mr. SHERMAN, Mr. SANDLIN, Mr. PASCRELL, Mr. ROTHMAN, and Mrs. MCCARTHY of New York.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 219: Ms. KILPATRICK.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4104

OFFERED BY: MR. SAXTON

AMENDMENT NO. 18: Page 109, after line 24, add the following:

SEC. 648. (a) EXCEPTION TO IMMUNITY FROM ATTACHMENT OR EXECUTION.—Section 1610 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(f)(1)(A) Notwithstanding any other provision of law, including but not limited to section 208(f) of the State Department Basic Authorities Act (22 U.S.C. 4308(f)), and except as provided in subparagraph (B), any property with respect to which financial transactions are prohibited or regulated pursuant to section 5(b) of the Trading with the Enemy Act (50 U.S.C. App. 5(b)), section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), sections 202 and 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701–1702), or any other proclamation, order, regulation, or license issued pursuant thereto, shall be subject to execution or attachment in aid of execution of any judgment relating to a claim for which a foreign state (including any agency or instrumentality of such State) is not immune under section 1605(a)(7).

"(B) Subparagraph (A) shall not apply if, at the time the property is expropriated or seized by the foreign state, the property has been held in title by a natural person or, if held in trust, has been held for the benefit of a natural person or persons.

"(2)(A) At the request of any party in whose favor a judgment has been issued with respect to a claim for which the foreign state is not immune under section 1605(a)(7), the Secretary of the Treasury and the Secretary of State shall fully, promptly, and effectively assist any judgment creditor or any court that has issued any such judgment in identifying, locating, and executing against the property of that foreign state or any agency or instrumentality of such State.

"(B) In providing such assistance, the Secretaries—

"(i) may provide such information to the court under seal; and

"(ii) shall provide the information in a manner sufficient to allow the court to direct the United States Marshall's office to promptly and effectively execute against that property.".

(b) CONFORMING AMENDMENT.—Section 1606 of title 28, United States Code, is amended by inserting after "punitive damages" the following: ", except in any action under section 1605(a)(7) or 1610(f)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of enactment of this Act.

H.R. 4104

OFFERED BY: MR. SNOWBARGER

AMENDMENT NO. 19: Page 39, line 13, insert after "$33,700,000" the following: "(increased by $2,800,000)".

Page 41, line 22, insert after "$5,626,928,000" the following: "(reduced by $2,800,000)".

Page 46, line 21, insert after "$2,583,261,000" the following: "(reduced by $2,800,000)".

H.R. 4193

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 2: Page 107, beginning at line 19, strike section 328 (and redesignate the subsequent sections accordingly).

H.R. 4193

OFFERED BY: MR. RIGGS

AMENDMENT NO. 3: At the end of the bill before the short title insert:

SEC. . If the State of California has not made available $130,000,000 by October 1, 1998, for the acquisition of lands in the Headwaters National Forest and other lands in Humboldt County, California, as required by section 501(b)(1) of title V of Public Law 105–83, the $250,000,000 made available by such title V from the Land and Water Conservation Fund for purposes of such land acquisition shall cease to be available for the purposes of such title V and shall be available only for maintenance and improvement of national park system units and $50,000,000 of such $250,000,000 amount may only be used for maintenance and improvement of national park system units that contain civil war sites.

H.R. 4193

OFFERED BY: MR. RIGGS

AMENDMENT NO. 4: At the end of the bill before the short title insert:

SEC. XX. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out the acquisition of lands under section 501 of Public law 105–83 unless, prior to October 1, 1998, the State of California has provided the contribution required under such section 501.

H.R. 4193

OFFERED BY: MR. RIGGS

AMENDMENT NO. 5: At the end of the bill before the short title insert:

SEC. XX. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out the acquisition of lands under section 501 of Public law 105–83.

H.R. 4193

OFFERED BY: MR. SANDERS

AMENDMENT NO. 6: In the item relating to "DEPARTMENT OF THE INTERIOR—BUREAU OF LAND MANAGEMENT—PAYMENTS IN LIEU OF TAXES", after the first dollar amount, insert the following: "(increased by $20,000,000)".

In the item relating to "DEPARTMENT OF ENERGY—FOSSIL ENERGY RESEARCH AND DEVELOPMENT", after the dollar amount, insert the following: "(reduced by $50,000,000)".

H.R. 4194

OFFERED BY: MR. LEACH

AMENDMENT NO. 12: Page 2, after line 6, insert the following:

DIVISION A—APPROPRIATIONS

Page 91, line 4, strike "This Act" and insert "Titles I, II, III, and IV of this Act".

At the end of the bill (after the short title), insert the following:

DIVISION B—HOUSING OPPORTUNITY AND RESPONSIBILITY

SEC. 1001. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Housing Opportunity and Responsibility Act of 1997".

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

DIVISION B—HOUSING OPPORTUNITY AND RESPONSIBILITY

Sec. 1001. Short title and table of contents.
Sec. 1002. Permanent applicability.
Sec. 1003. Declaration of policy to renew American neighborhoods.

TITLE XI—GENERAL PROVISIONS

Sec. 1101. Statement of purpose.
Sec. 1102. Definitions.
Sec. 1103. Organization of public housing agencies.
Sec. 1104. Determination of adjusted income and median income.
Sec. 1105. Community work and family self-sufficiency requirements.
Sec. 1106. Local housing management plans.
Sec. 1107. Review of plans.
Sec. 1108. Reporting requirements.
Sec. 1109. Pet ownership.
Sec. 1110. Administrative grievance procedure.
Sec. 1111. Headquarters reserve fund.
Sec. 1112. Labor standards.
Sec. 1113. Nondiscrimination.
Sec. 1114. Prohibition on use of funds.
Sec. 1115. Inapplicability to Indian housing.
Sec. 1116. Regulations.

TITLE XII—PUBLIC HOUSING

Subtitle A—Block Grants

Sec. 1201. Block grant contracts.
Sec. 1202. Grant authority, amount, and eligibility.
Sec. 1203. Eligible and required activities.
Sec. 1204. Determination of grant allocation.
Sec. 1205. Sanctions for improper use of amounts.

Subtitle B—Admissions and Occupancy Requirements

Sec. 1221. Low-income housing requirement.
Sec. 1222. Family eligibility.
Sec. 1223. Preferences for occupancy.
Sec. 1224. Admission procedures.
Sec. 1225. Family choice of rental payment.
Sec. 1226. Lease requirements.
Sec. 1227. Designated housing for elderly and disabled families.

Subtitle C—Management

Sec. 1231. Management procedures.
Sec. 1232. Housing quality requirements.
Sec. 1233. Employment of residents.
Sec. 1234. Resident councils and resident management corporations.
Sec. 1235. Management by resident management corporation.
Sec. 1236. Transfer of management of certain housing to independent manager at request of residents.
Sec. 1237. Resident opportunity program.

Subtitle D—Homeownership

Sec. 1251. Resident homeownership programs.

Subtitle E—Disposition, Demolition, and Revitalization of Developments

Sec. 1261. Requirements for demolition and disposition of developments.
Sec. 1262. Demolition, site revitalization, replacement housing, and choice-based assistance grants for developments.
Sec. 1263. Voluntary voucher system for public housing.

Subtitle F—Mixed-Finance Public Housing
Sec. 1271. Authority.
Sec. 1272. Mixed-finance housing developments.
Sec. 1273. Mixed-finance housing plan.
Sec. 1274. Rent levels for housing financed with low-income housing tax credit.
Sec. 1275. Carry-over of assistance for replaced housing.
Subtitle G—General Provisions
Sec. 1281. Payment of non-Federal share.
Sec. 1282. Authorization of appropriations for block grants.
Sec. 1283. Funding for operation safe home.
Sec. 1284. Funding for relocation of victims of domestic violence.
TITLE XIII—CHOICE-BASED RENTAL HOUSING AND HOMEOWNERSHIP ASSISTANCE FOR LOW-INCOME FAMILIES
Subtitle A—Allocation
Sec. 1301. Authority to provide housing assistance amounts.
Sec. 1302. Contracts with PHA's.
Sec. 1303. Eligibility of PHA's for assistance amounts.
Sec. 1304. Allocation of amounts.
Sec. 1305. Administrative fees.
Sec. 1306. Authorizations of appropriations.
Sec. 1307. Conversion of section 8 assistance.
Sec. 1308. Recapture and reuse of annual contract project reserves under choice-based housing assistance and section 8 tenant-based assistance programs.
Subtitle B—Choice-Based Housing Assistance for Eligible Families
Sec. 1321. Eligible families and preferences for assistance.
Sec. 1322. Resident contribution.
Sec. 1323. Rental indicators.
Sec. 1324. Lease terms.
Sec. 1325. Termination of tenancy.
Sec. 1326. Eligible owners.
Sec. 1327. Selection of dwelling units.
Sec. 1328. Eligible dwelling units.
Sec. 1329. Homeownership option.
Sec. 1330. Assistance for rental of manufactured homes.
Subtitle C—Payment of Housing Assistance on Behalf of Assisted Families
Sec. 1351. Housing assistance payments contracts.
Sec. 1352. Amount of monthly assistance payment.
Sec. 1353. Payment standards.
Sec. 1354. Reasonable rents.
Sec. 1355. Prohibition of assistance for vacant rental units.
Subtitle D—General and Miscellaneous Provisions
Sec. 1371. Definitions.
Sec. 1372. Rental assistance fraud recoveries.
Sec. 1373. Study regarding geographic concentration of assisted families.
Sec. 1374. Study regarding rental assistance.
TITLE XIV—HOME RULE FLEXIBLE GRANT OPTION
Sec. 1401. Purpose.
Sec. 1402. Flexible grant program.
Sec. 1403. Covered housing assistance.
Sec. 1404. Program requirements.
Sec. 1405. Applicability of certain provisions.
Sec. 1406. Application.
Sec. 1407. Training.
Sec. 1408. Accountability.
Sec. 1409. Definitions.
TITLE XV—ACCOUNTABILITY AND OVERSIGHT OF PUBLIC HOUSING AGENCIES
Subtitle A—Study of Alternative Methods for Evaluating Public Housing Agencies
Sec. 1501. In general.
Sec. 1502. Purposes.
Sec. 1503. Evaluation of various performance evaluation systems.
Sec. 1504. Consultation.
Sec. 1505. Contract to conduct study.
Sec. 1506. Report.
Sec. 1507. Funding.
Sec. 1508. Effective date.
Subtitle B—Housing Evaluation and Accreditation Board
Sec. 1521. Establishment.
Sec. 1522. Membership.
Sec. 1523. Functions.
Sec. 1524. Powers.
Sec. 1525. Fees.
Sec. 1526. GAO audit.
Subtitle C—Interim Applicability of Public Housing Management Assessment Program
Sec. 1531. Interim applicability.
Sec. 1532. Management assessment indicators.
Sec. 1533. Designation of PHA's.
Sec. 1534. On-site inspection of troubled PHA's.
Sec. 1535. Administration.
Subtitle D—Accountability and Oversight Standards and Procedures
Sec. 1541. Audits.
Sec. 1542. Performance agreements for authorities at risk of becoming troubled.
Sec. 1543. Performance agreements and CDBG sanctions for troubled PHA's.
Sec. 1544. Option to demand conveyance of title to or possession of public housing.
Sec. 1545. Removal of ineffective PHA's.
Sec. 1546. Mandatory takeover of chronically troubled PHA's.
Sec. 1547. Treatment of troubled PHA's.
Sec. 1548. Maintenance of records.
Sec. 1549. Annual reports regarding troubled PHA's.
Sec. 1550. Applicability to resident management corporations.
Sec. 1551. Advisory council for Housing Authority of New Orleans.
TITLE XVI—REPEALS AND RELATED AMENDMENTS
Subtitle A—Repeals, Effective Date, and Savings Provisions
Sec. 1601. Effective date and repeal of United States Housing Act of 1937.
Sec. 1602. Other repeals.
Subtitle B—Other Provisions Relating to Public Housing and Rental Assistance Programs
Sec. 1621. Allocation of elderly housing amounts.
Sec. 1622. Pet ownership.
Sec. 1623. Review of drug elimination program contracts.
Sec. 1624. Amendments to Public and Assisted Housing Drug Elimination Act of 1990.
Subtitle C—Limitations Relating to Occupancy in Federally Assisted Housing
Sec. 1641. Screening of applicants.
Sec. 1642. Termination of tenancy and assistance for illegal drug users and alcohol abusers.
Sec. 1643. Lease requirements.
Sec. 1644. Availability of criminal records for tenant screening and eviction.
Sec. 1645. Definitions.
TITLE XVII—AFFORDABLE HOUSING AND MISCELLANEOUS PROVISIONS
Sec. 1701. Rural housing assistance.
Sec. 1702. Treatment of occupancy standards.
Sec. 1703. Implementation of plan.
Sec. 1704. Income eligibility for HOME and CDBG programs.
Sec. 1705. Prohibition of use of CDBG grants for employment relocation activities.
Sec. 1706. Regional cooperation under CDBG economic development initiative.
Sec. 1707. Use of American products.
Sec. 1708. Consultation with affected areas in settlement of litigation.
Sec. 1709. Treatment of PHA repayment agreement.
Sec. 1710. Use of assisted housing by aliens.
Sec. 1711. Protection of senior homeowners under reverse mortgage program.
Sec. 1712. Conversion of section 8 tenant-based assistance to project-based assistance in the Borough of Tamaqua.
Sec. 1713. Housing counseling.
Sec. 1714. Transfer of surplus real property for providing housing for low- and moderate-income families.
Sec. 1715. Effective date.

SEC. 1002. PERMANENT APPLICABILITY.

Upon effectiveness pursuant to section 1601(a), the provisions of this division and the amendments made by this division shall apply thereafter, except to the extent otherwise specifically provided in this division or the amendments made by this division.

SEC. 1003. DECLARATION OF POLICY TO RENEW AMERICAN NEIGHBORHOODS.

The Congress hereby declares that—

(1) the Federal Government has a responsibility to promote the general welfare of the Nation—

(A) by using Federal resources to aid families and individuals seeking affordable homes that are safe, clean, and healthy and, in particular, assisting responsible, deserving citizens who cannot provide fully for themselves because of temporary circumstances or factors beyond their control;

(B) by working to ensure a thriving national economy and a strong private housing market; and

(C) by developing effective partnerships among the Federal Government, State and local governments, and private entities that allow government to accept responsibility for fostering the development of a healthy marketplace and allow families to prosper without government involvement in their day-to-day activities;

(2) the Federal Government cannot through its direct action alone provide for the housing of every American citizen, or even a majority of its citizens, but it is the responsibility of the Government to promote and protect the independent and collective actions of private citizens to develop housing and strengthen their own neighborhoods;

(3) the Federal Government should act where there is a serious need that private citizens or groups cannot or are not addressing responsibly;

(4) housing is a fundamental and necessary component of bringing true opportunity to people and communities in need, but providing physical structures to house low-income families will not by itself pull generations up from poverty;

(5) it is a goal of our Nation that all citizens have decent and affordable housing; and

(6) our Nation should promote the goal of providing decent and affordable housing for all citizens through the efforts and encouragement of Federal, State, and local governments, and by the independent and collective actions of private citizens, organizations, and the private sector.

TITLE XI—GENERAL PROVISIONS

SEC. 1101. STATEMENT OF PURPOSE.

The purpose of this division is to promote safe, clean, and healthy housing that is affordable to low-income families, and thereby contribute to the supply of affordable housing, by—

(1) deregulating and decontrolling public housing agencies, thereby enabling them to perform as property and asset managers;

(2) providing for more flexible use of Federal assistance to public housing agencies, allowing the authorities to leverage and combine assistance amounts with amounts obtained from other sources;

(3) facilitating mixed income communities;

(4) increasing accountability and rewarding effective management of public housing agencies;

(5) creating incentives and economic opportunities for residents of dwelling units assisted by public housing agencies to work, become self-sufficient, and transition out of public housing and federally assisted dwelling units;

(6) recreating the existing rental assistance voucher program so that the use of vouchers and relationships between landlords and tenants under the program operate in a manner that more closely resembles the private housing market; and

(7) remedying troubled public housing agencies and replacing or revitalizing severely distressed public housing developments.

SEC. 1102. DEFINITIONS.

For purposes of this division, the following definitions shall apply:

(1) ACQUISITION COST.—When used in reference to public housing, the term "acquisition cost" means the amount prudently expended by a public housing agency in acquiring property for a public housing development.

(2) DEVELOPMENT.—The terms "public housing development" and "development" (when used in reference to public housing) mean—

(A) public housing; and

(B) the improvement of any such housing.

(3) DISABLED FAMILY.—The term "disabled family" means a family whose head (or his or her spouse), or whose sole member, is a person with disabilities. Such term includes 2 or more persons with disabilities living together, and 1 or more such persons living with 1 or more persons determined under the regulations of the Secretary to be essential to their care or well-being.

(4) DRUG-RELATED CRIMINAL ACTIVITY.—The term "drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as such term is defined in section 102 of the Controlled Substances Act).

(5) EFFECTIVE DATE.—The term "effective date", when used in reference to this division, means the effective date determined under section 1601(a).

(6) ELDERLY FAMILIES AND NEAR ELDERLY FAMILIES.—The terms "elderly family" and "near-elderly family" mean a family whose head (or his or her spouse), or whose sole member, is an elderly person or a near-elderly person, respectively. Such terms include 2 or more elderly persons or near-elderly persons living together, and 1 or more such persons living with 1 or more persons determined under the regulations of the Secretary to be essential to their care or well-being.

(7) ELDERLY PERSON.—The term "elderly person" means a person who is at least 62 years of age.

(8) ELIGIBLE PUBLIC HOUSING AGENCY.—The term "eligible public housing agency" means, with respect to a fiscal year, a public housing agency that is eligible under section 1202(d) for a grant under this title.

(9) FAMILY.—The term "family" includes a family with or without children, an elderly family, a near-elderly family, a disabled family, and a single person.

(10) GROUP HOME AND INDEPENDENT LIVING FACILITY.—The terms "group home" and "independent living facility" have the meanings given such terms in section 811(k) of the Cranston-Gonzalez National Affordable Housing Act.

(11) INCOME.—The term "income" means, with respect to a family, income from all sources of each member of the household, as determined in accordance with criteria prescribed by the applicable public housing agency and the Secretary, except that the following amounts shall be excluded:

(A) Any amounts not actually received by the family.

(B) Any amounts that would be eligible for exclusion under section 1613(a)(7) of the Social Security Act.

(12) LOCAL HOUSING MANAGEMENT PLAN.—The term "local housing management plan" means, with respect to any fiscal year, the plan under section 1106 of a public housing agency for such fiscal year.

(13) LOW-INCOME FAMILY.—The term "low-income family" means a family whose income does not exceed 80 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may, for purposes of this paragraph, establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the public housing agency's findings that such variations are necessary because of unusually high or low family incomes.

(14) LOW-INCOME HOUSING.—The term "low-income housing" means dwellings that comply with the requirements—

(A) under title XII for assistance under such title for the dwellings; or

(B) under title XIII for rental assistance payments under such title for the dwellings.

(15) NEAR-ELDERLY PERSON.—The term "near-elderly person" means a person who is at least 55 years of age.

(16) OPERATION.—When used in reference to public housing, the term "operation" means any or all undertakings appropriate for management, operation, services, maintenance, security (including the cost of security personnel), or financing in connection with a public housing development, including the financing of resident programs and services.

(17) PERSON WITH DISABILITIES.—The term "person with disabilities" means a person who—

(A) has a disability as defined in section 223 of the Social Security Act,

(B) is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which (i) is expected to be of long-continued and indefinite duration, (ii) substantially impedes his or her ability to live independently, and (iii) is of such a nature that such ability could be improved by more suitable housing conditions, or

(C) has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for public housing under title XII of this Act, solely on the basis of any drug or alcohol dependence. The Secretary shall consult with other appropriate Federal agencies to implement the preceding sentence.

(18) PRODUCTION.—When used in reference to public housing, the term "production" means any or all undertakings necessary for planning, land acquisition, financing, demolition, construction, or equipment, in connection with the construction, acquisition, or rehabilitation of a property for use as a public housing development, including activity in connection with a public housing development that is confined to the reconstruction, remodeling, or repair of existing buildings.

(19) PRODUCTION COST.—When used in reference to public housing, the term "production cost" means the costs incurred by a public housing agency for production of public housing and the necessary financing for production (including the payment of carrying charges and acquisition costs).

(20) PUBLIC HOUSING.—The term "public housing" means housing, and all necessary appurtenances thereto, that—

(A) is low-income housing, low-income dwelling units in mixed-finance housing (as provided in subtitle F of title XII), or low-income dwelling units in mixed income housing (as provided in section 1221(c)(2)); and

(B)(i) is subject to an annual block grant contract under title XII; or

(ii) was subject to an annual block grant contract under title XII (or an annual contributions contract under the United States Housing Act of 1937) which is not in effect, but for which occupancy is limited in accordance with the requirements under section 1222(a).

(21) PUBLIC HOUSING AGENCY.—The term "public housing agency" is defined in section 1103.

(22) RESIDENT COUNCIL.—The term "resident council" means an organization or association that meets the requirements of section 1234(a).

(23) RESIDENT MANAGEMENT CORPORATION.—The term "resident management corporation" means a corporation that meets the requirements of section 1234(b)(2).

(24) RESIDENT PROGRAM.—The term "resident programs and services" means programs and services for families residing in public housing developments. Such term may include (A) the development and maintenance of resident organizations which participate in the management of public housing developments, (B) the training of residents to manage and operate the public housing development and the utilization of their services in management and operation of the development, (C) counseling on household management, housekeeping, budgeting, money management, homeownership issues, child care, and similar matters, (D) advice regarding resources for job training and placement, education, welfare, health, and other community services, (E) services that are directly related to meeting resident needs and providing a wholesome living environment; and (F) referral to appropriate agencies in the community when necessary for the provision of such services. To the maximum extent available and appropriate, existing public and private agencies in the community shall be used for the provision of such services.

(25) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(26) STATE.—The term "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States and Indian tribes.

(27) VERY LOW-INCOME FAMILY.—The term "very low-income family" means a low-income family whose income does not exceed 50 percent of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may, for purposes of this paragraph, establish income ceilings higher or lower than 50 percent of the median for the area on the basis of the public housing agency's findings that such variations are necessary because of unusually high or low family incomes.

SEC. 1103. ORGANIZATION OF PUBLIC HOUSING AGENCIES.

(a) REQUIREMENTS.—For purposes of this division, the terms "public housing agency" and "agency" mean any entity that—

(1) is—

(A) a public housing agency that was authorized under the United States Housing Act of 1937 to engage in or assist in the development or operation of low-income housing;

(B) authorized under this division to engage in or assist in the development or operation of low-income housing by any State, county, municipality, or other governmental body or public entity;

(C) an entity authorized by State law to administer choice-based housing assistance under title XIII; or

(D) an entity selected by the Secretary, pursuant to subtitle D of title XV, to manage housing; and

(2) complies with the requirements under subsection (b).

The term does not include any entity that is an Indian housing authority for purposes of the United States Housing Act of 1937 (as in effect before the effectiveness of the Native American Housing Assistance and Self-Determination Act of 1996) or a tribally designated housing entity, as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996.

(b) GOVERNANCE.—

(1) BOARD OF DIRECTORS.—Each public housing agency shall have a board of directors or other form of governance as prescribed in State or local law. No person may be barred from serving on such board or body because of such person's residency in a public housing development or status as an assisted family under title XIII.

(2) RESIDENT MEMBERSHIP.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in localities in which a public housing agency is governed by a board of directors or other similar body, the board or body shall include not less than 1 member who is an elected public housing resident member (as such term is defined in paragraph (5)).

(B) EXCEPTIONS.—The requirement in subparagraph (A) with respect to elected public housing resident members shall not apply to—

(i) any State or local governing body that serves as a public housing agency for purposes of this division and whose responsibilities include substantial activities other than acting as the public housing agency, except that such requirement shall apply to any advisory committee or organization that is established by such governing body and whose responsibilities relate only to the governing body's functions as a public housing agency for purposes of this division;

(ii) any public housing agency that owns or operates less than 250 public housing dwelling units (including any agency that does not own or operate public housing); or

(iii) any public housing agency in a State that requires the members of the board of directors or other similar body of a public housing agency to be salaried and to serve on a full-time basis.

(3) FULL PARTICIPATION.—No public housing agency may limit or restrict the capacity or offices in which a member of such board or body may serve on such board or body solely because of the member's status as a resident member.

(4) CONFLICTS OF INTEREST.—The Secretary shall establish guidelines to prevent conflicts of interest on the part of members of the board or directors or governing body of a public housing agency.

(5) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) ELECTED PUBLIC HOUSING RESIDENT MEMBER.—The term "elected public housing resident member" means, with respect to the public housing agency involved, an individual who is a resident member of the board of directors (or other similar governing body of the agency) by reason of election to such position pursuant to an election—

(i) in which eligibility for candidacy in such election is limited to individuals who—

(I) maintain their principal residence in a dwelling unit of public housing administered or assisted by the agency; and

(II) have not been convicted of a felony;

(ii) in which only residents of dwelling units of public housing administered by the agency may vote; and

(iii) that is conducted in accordance with standards and procedures for such election, which shall be established by the Secretary.

(B) RESIDENT MEMBER.—The term "resident member" means a member of the board of directors or other similar governing body of a public housing agency who is a resident of a public housing dwelling unit owned, administered, or assisted by the agency or is a member of an assisted family (as such term is defined in section 1371) assisted by the agency.

(c) ESTABLISHMENT OF POLICIES.—Any rules, regulations, policies, standards, and procedures necessary to implement policies required under section 1106 to be included in the local housing management plan for a public housing agency shall be approved by the board of directors or similar governing body of the agency and shall be publicly available for review upon request.

SEC. 1104. DETERMINATION OF ADJUSTED INCOME AND MEDIAN INCOME.

(a) ADJUSTED INCOME.—For purposes of this division, the term "adjusted income" means, with respect to a family, the difference between the income of the members of the family residing in a dwelling unit or the persons on a lease and the amount of any income exclusions for the family under subsections (b) and (c), as determined by the public housing agency.

(b) MANDATORY EXCLUSIONS FROM INCOME.—In determining adjusted income, a public housing agency shall exclude from the annual income of a family the following amounts:

(1) ELDERLY AND DISABLED FAMILIES.—$400 for any elderly or disabled family.

(2) MEDICAL EXPENSES.—The amount by which 3 percent of the annual family income is exceeded by the sum of—

(A) unreimbursed medical expenses of any elderly family;

(B) unreimbursed medical expenses of any nonelderly family, except that this subparagraph shall apply only to the extent approved in appropriation Acts; and

(C) unreimbursed reasonable attendant care and auxiliary apparatus expenses for each handicapped member of the family, to the extent necessary to enable any member of such family (including such handicapped member) to be employed.

(3) CHILD CARE EXPENSES.—Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

(4) MINORS, STUDENTS, AND PERSONS WITH DISABILITIES.—$480 for each member of the family residing in the household (other than the head of the household or his or her spouse) who is less than 18 years of age or is attending school or vocational training on a full-time basis, or who is 18 years of age or older and is a person with disabilities.

(5) CHILD SUPPORT PAYMENTS.—Any payment made by a member of the family for the support and maintenance of any child who does not reside in the household, except that the amount excluded under this paragraph may not exceed $480 for each child for whom such payment is made.

(6) EARNED INCOME OF MINORS.—The amount of any earned income of a member of the family who is not—

(A) 18 years of age or older; and

(B) the head of the household (or the spouse of the head of the household).

(c) PERMISSIVE EXCLUSIONS FROM INCOME.—In determining adjusted income, a public housing agency may, in the discretion of the agency, establish exclusions from the annual income of a family. Such exclusions may include the following amounts:

(1) EXCESSIVE TRAVEL EXPENSES.—Excessive travel expenses in an amount not to exceed $25 per family per week, for employment- or education-related travel.

(2) EARNED INCOME.—An amount of any earned income of the family, established at the discretion of the public housing agency, which may be based on—

(A) all earned income of the family,

(B) the amount earned by particular members of the family;

(C) the amount earned by families having certain characteristics; or

(D) the amount earned by families or members during certain periods or from certain sources.

(3) OTHERS.—Such other amounts for other purposes, as the public housing agency may establish.

(d) MEDIAN INCOME.—In determining median incomes (of persons, families, or households) for an area or establishing any ceilings or limits based on income under this division, the Secretary shall determine or establish area median incomes and income ceilings and limits for Westchester and Rockland Counties, in the State of New York, as if each such county were an area not contained within the metropolitan statistical area in which it is located. In determining such area median incomes or establishing such income ceilings or limits for the portion of such metropolitan statistical area that does not include Westchester or Rockland Counties, the Secretary shall determine or establish area median incomes and income ceilings and limits as if such portion included Westchester and Rockland Counties.

(e) AVAILABILITY OF INCOME MATCHING INFORMATION.—

(1) DISCLOSURE TO PHA.—A public housing agency shall require any family described in paragraph (2) who receives information regarding income, earnings, wages, or unemployment compensation from the Department of Housing and Urban Development pursuant to income verification procedures of the Department to disclose such information, upon receipt of the information, to the public housing agency that owns or operates the public housing dwelling unit in which such family resides or that provides the housing assistance on behalf of such family, as applicable.

(2) APPLICABILITY TO FAMILIES RECEIVING PUBLIC HOUSING OR CHOICE-BASED HOUSING ASSISTANCE.—A family described in this paragraph is a family that resides in a dwelling unit—

(A) that is a public housing dwelling unit; or

(B) for which housing assistance is provided under title XIII (or under the program for tenant-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act)).

(3) PROTECTION OF APPLICANTS AND PARTICIPANTS.—Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544) is amended—

(A) in subsection (b)—

(i) in paragraph (2), by striking "and" at the end;

(iii) in paragraph (3), by striking the period at the end and inserting "; and"; and

(ii) by adding at the end the following new paragraph:

"(4) only in the case of an applicant or participant that is a member of a family described in section 1104(e)(2) of the Housing Opportunity and Responsibility Act of 1997, sign an agreement under which the applicant or participant agrees to provide to the appropriate public housing agency the information required under such section 1104(e)(1) of the Housing Opportunity and Responsibility Act of 1997 for the sole purpose of the public housing agency verifying income information pertinent to the applicant's or participant's eligibility or level of benefits, and comply with such agreement."; and

(B) in subsection (c)—

(i) in paragraph (2)(A), in the matter preceding clause (I)—

(I) by inserting before "or" the first place it appears the following: ", pursuant to section 1104(e)(1) of the Housing Opportunity and Responsibility Act of 1997 from the applicant or participant,"; and

(II) by inserting "or 104(e)(1)" after "such section 303(i)"; and

(ii) in paragraph (3)—

(I) in subparagraph (A), by inserting ", section 1104(e)(1) of the Housing Opportunity and Responsibility Act of 1997," after "Social Security Act"; and

(II) in subparagraph (A), by inserting "or agreement, as applicable," after "consent";

(III) in subparagraph (B), by inserting "section 1104(e)(1) of the Housing Opportunity and Responsibility Act of 1997," after "Social Security Act,"; and

(IV) in subparagraph (B), by inserting such section 1104(e)(1)," after "such section 303(i)," each place it appears.

SEC. 1105. COMMUNITY WORK AND FAMILY SELF-SUFFICIENCY REQUIREMENTS.

(a) COMMUNITY WORK REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (3), each public housing agency shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing housing assistance under title XIII on behalf of a family, that each adult member of the family shall contribute not less than 8 hours of work per month (not including political activities) within the community in which the family resides, which may include work performed on locations not owned by the public housing agency.

(2) EMPLOYMENT STATUS AND LIABILITY.—The requirement under paragraph (1) may not be construed to establish any employment relationship between the public housing agency and the member of the family subject to the work requirement under such paragraph or to create any responsibility, duty, or liability on the part of the public housing agency for actions arising out of the work done by the member of the family to comply with the requirement, except to the extent that the member of the family is fulfilling the requirement by working directly for such public housing agency.

(3) EXEMPTIONS.—A public housing agency shall provide for the exemption, from the applicability of the requirement under paragraph (1), of each individual who is—

(A) an elderly person;

(B) a person with disabilities;

(C) working, attending school or vocational training, or otherwise complying with work requirements applicable under other public assistance programs (as determined by the agencies or organizations responsible for administering such programs); or

(D) otherwise physically impaired to the extent that they are unable to comply with the requirement, as certified by a doctor.

(b) REQUIREMENT REGARDING TARGET DATE FOR TRANSITION OUT OF ASSISTED HOUSING.—

(1) IN GENERAL.—Each public housing agency shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing housing assistance under title XIII on behalf of a family, that the family and the agency enter into an agreement (included, pursuant to subsection (d)(2)(C), as a term of an agreement under subsection (d)) establishing a target date by which the family intends to graduate from, terminate tenancy in, or no longer receive public housing or housing assistance under title XIII.

(2) RIGHTS OF OCCUPANCY.—This subsection may not be construed (nor may any provision of subsection (d) or (e)) to create a right on the part of any public housing agency to evict or terminate assistance for a family solely on the basis of any failure of the family to comply with the target date established pursuant to paragraph (1).

(3) FACTORS.—In establishing a target date pursuant to paragraph (1) for a family that receives benefits for welfare or public assistance from a State or other public agency under a program that limits the duration during which such benefits may be received, the public housing agency and the family may take into consideration such time limit. This section may not be construed to require any public housing agency to adopt any such time limit on the duration of welfare or public assistance benefits as the target date pursuant to paragraph (1) for a resident.

(4) EXEMPTIONS.—A public housing agency shall provide for the exemption, from the applicability of the requirements under paragraph (1), of each individual who is—

(A) an elderly person;

(B) a person with disabilities;

(C) working, attending school or vocational training, or otherwise complying with work requirements applicable under other public assistance programs (as determined by the agencies or organizations responsible for administering such programs); or

(D) otherwise physically impaired to the extent that they are unable to comply with the requirement, as certified by a doctor.

(c) TREATMENT OF INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS.—

(1) COVERED FAMILY.—For purposes of this subsection, the term "covered family" means a family that (A) receives benefits for welfare or public assistance from a State or other public agency under a program for which the Federal, State, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in an economic self-sufficiency program, and (B) resides in a public housing dwelling unit or is provided housing assistance under title XIII.

(2) DECREASES IN INCOME FOR FAILURE TO COMPLY.—Notwithstanding the provisions of sections 1225 and 1322 (relating to family rental contributions), if the welfare or public assistance benefits of a covered family are reduced under a Federal, State, or local law regarding such an assistance program because of any failure of any member of the family to comply with the conditions under the assistance program requiring participation in an economic self-sufficiency program, the amount required to be paid by the family as a monthly contribution toward rent may not be decreased, during the period of the reduction, as a result of any decrease in the income of the family (to the extent that the decrease in income is a result of the benefits reduction).

(3) EFFECT OF FRAUD.—Notwithstanding the provisions of sections 1225 and 1322 (relating to family rental contributions), if the welfare or public assistance benefits of a covered family are reduced because of an act of fraud by a member of the family under the law or program, the amount required to be paid by the covered family as a monthly contribution toward rent may not be decreased, during the period of the reduction, as a result of any decrease in the income of the family (to the extent that the decrease in income is a result of the benefits reduction).

(4) NOTICE.—Paragraphs (2) and (3) shall not apply to any covered family before the public housing agency providing assistance under this division on behalf of the family obtains written notification from the relevant welfare or public assistance agency specifying that the family's benefits have been reduced because of noncompliance with economic self-sufficiency program requirements or fraud and the level of such reduction.

(5) OCCUPANCY RIGHTS.—This subsection may not be construed to authorize any public housing agency to establish any time limit on tenancy in a public housing dwelling unit or on receipt of housing assistance under title XIII.

(6) REVIEW.—Any covered family residing in public housing that is affected by the operation of this subsection shall have the right to review the determination under this subsection through the administrative grievance procedure established pursuant to section 1110 for the public housing agency.

(7) COOPERATION AGREEMENTS FOR ECONOMIC SELF-SUFFICIENCY ACTIVITIES.—

(A) REQUIREMENT.—A public housing agency providing public housing dwelling units or housing assistance under title XIII for covered families shall make its best efforts to enter into such cooperation agreements, with State, local, and other agencies providing assistance to covered families under

welfare or public assistance programs, as may be necessary, to provide for such agencies to transfer information to facilitate administration of subsection (a) and paragraphs (2), (3), and (4) of this subsection, and other information regarding rents, income, and assistance that may assist a public housing agency or welfare or public assistance agency in carrying out its functions.

(B) CONTENTS.—A public housing agency shall seek to include in a cooperation agreement under this paragraph requirements and provisions designed to target assistance under welfare and public assistance programs to families residing in public housing developments and receiving choice-based assistance under title XIII, which may include providing for self-sufficiency services within such housing, providing for services designed to meet the unique employment-related needs of residents of such housing and recipients of such assistance, providing for placement of workfare positions on-site in such housing, and such other elements as may be appropriate.

(C) CONFIDENTIALITY.—This paragraph may not be construed to authorize any release of information that is prohibited by, or in contravention of, any other provision of Federal, State, or local law.

(d) COMMUNITY WORK AND FAMILY SELF-SUFFICIENCY AGREEMENTS.—

(1) IN GENERAL.—A public housing agency shall enter into a community work and family self-sufficiency agreement under this subsection with each adult member and head of household of each family who is to reside in a dwelling unit in public housing of the agency and each family on behalf of whom the agency will provide housing assistance under title XIII. Under the agreement the family shall agree that, as a condition of occupancy of the public housing dwelling unit or of receiving such housing assistance, the family will comply with the terms of the agreement.

(2) TERMS.—An agreement under this subsection shall include the following:

(A) Terms designed to encourage and facilitate the economic self-sufficiency of the assisted family entering into the agreement and the graduation of the family from assisted housing to unassisted housing.

(B) Notice of the requirements under subsection (a) (relating to community work) and the conditions imposed by, and exemptions from, such requirement.

(C) The target date agreed upon by the family pursuant to subsection (b) for graduation from, termination of tenancy in, or termination of receipt of public housing or housing assistance under title XIII.

(D) Terms providing for any resources, services, and assistance relating to self-sufficiency that will be made available to the family, including any assistance to be made available pursuant to subsection (c)(7)(B) under a cooperation agreement entered into under subsection (c)(7).

(E) Notice of the provisions of paragraphs (2) through (7) of subsection (c) (relating to effect of changes in income on rent and assisted families rights under such circumstances).

(e) LEASE PROVISIONS.—A public housing agency shall incorporate into leases under section 1226, and into any agreements for the provision of choice-based assistance under title XIII on behalf of a family—

(1) a provision requiring compliance with the requirement under subsection (a); and

(2) provisions incorporating the conditions under subsection (c).

(f) TREATMENT OF INCOME.—Notwithstanding any other provision of this section, in determining the income or tenancy of a family who resides in public housing or receives housing assistance under title XIII, a public housing agency shall consider any decrease in the income of a family that results from the reduction of any welfare or public assistance benefits received by the family under any Federal, State, or local law regarding a program for such assistance if the family (or a member thereof, as applicable) has complied with the conditions for receiving such assistance and is unable to obtain employment notwithstanding such compliance.

(g) DEFINITION.—For purposes of this section, the term "economic self-sufficiency program" means any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, education, workfare, financial or household management, apprenticeship, or other activities as the Secretary may provide.

SEC. 1106. LOCAL HOUSING MANAGEMENT PLANS.

(a) 5-YEAR PLAN.—The Secretary shall provide for each public housing agency to submit to the Secretary, once every 5 years, a plan under this subsection for the agency covering a period consisting of 5 fiscal years. Each such plan shall contain, with respect to the 5-year period covered by the plan, the following information:

(1) STATEMENT OF MISSION.—A statement of the mission of the agency for serving the needs of low-income families in the jurisdiction of the agency during such period.

(2) GOALS AND OBJECTIVES.—A statement of the goals and objectives of the agency that will enable the agency to serve the needs identified pursuant to paragraph (1) during such period.

(3) CAPITAL IMPROVEMENT OVERVIEW.—If the agency will provide capital improvements for public housing developments during such period, an overview of such improvements, the rationale for such improvements, and an analysis of how such improvements will enable the agency to meet its goals, objectives, and mission.

The first 5-year plan under this subsection for a public housing agency shall be submitted for the 5-year period beginning with the first fiscal year for which the agency receives assistance under this division.

(b) ANNUAL PLAN.—The Secretary shall provide for each public housing agency to submit to the Secretary a local housing management plan under this section for each fiscal year that contains the information required under subsection (d). For each fiscal year after the initial submission of a plan under this section by a public housing agency, the agency may comply with requirements for submission of a plan under this subsection by submitting an update of the plan for the fiscal year.

(c) PROCEDURES.—The Secretary shall establish requirements and procedures for submission and review of plans, including requirements for timing and form of submission, and for the contents of such plans. Such procedures shall provide that a public housing agency—

(1) shall, in conjunction with the relevant State or unit of general local government, establish procedures to ensure that the plan under this section is consistent with the applicable comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the jurisdiction in which the public housing agency is located, in accordance with title I of the Cranston-Gonzalez National Affordable Housing Act; and

(2) may, at the option of the agency, submit a plan under this section together with, or as part of, the comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the relevant jurisdiction, and for concomitant review of such plans submitted together.

(d) CONTENTS.—An annual local housing management plan under this section for a public housing agency shall contain the following information relating to the upcoming fiscal year for which the assistance under this division is to be made available:

(1) NEEDS.—A statement of the housing needs of low-income and very low-income families residing in the community served by the agency, and of other low-income families on the waiting list of the agency (including the housing needs of elderly families and disabled families), and the means by which the agency intends, to the maximum extent practicable, to address such needs.

(2) FINANCIAL RESOURCES.—A statement of financial resources available for the agency the planned uses of such resources that includes—

(A) a description of the financial resources available to the agency;

(B) the uses to which such resources will be committed, including all proposed eligible and required activities under section 1203 and housing assistance to be provided under title XIII;

(C) an estimate of the costs of operation and the market rental value of each public housing development; and

(D) a specific description, based on population and demographic data, of the unmet affordable housing needs of families in the community served by the agency having incomes not exceeding 30 percent of the area median income and a statement of how the agency will expend grant amounts received under this division to meet the housing needs of such families.

(3) POPULATION SERVED.—A statement of the policies of the agency governing eligibility, admissions, and occupancy of families with respect to public housing dwelling units and housing assistance under title XIII, including—

(A) the requirements for eligibility for such units and assistance and the method and procedures by which eligibility and income will be determined and verified;

(B) the requirements for selection and admissions of eligible families for such units and assistance, including any preferences and procedures established by the agency and any outreach efforts;

(C) the procedures for assignment of families admitted to dwelling units owned, leased, managed, operated, or assisted by the agency;

(D) any standards and requirements for occupancy of public housing dwelling units and units assisted under title XIII, including resident screening policies, standard lease provisions, conditions for continued occupancy, termination of tenancy, eviction, and conditions for termination of housing assistance;

(E) the procedures for maintaining waiting lists for admissions to public housing developments of the agency, which may include a system of site-based waiting lists under section 1224(c);

(F) the criteria for providing and denying housing assistance under title XIII to families moving into the jurisdiction of the agency;

(G) the procedures for coordination with entities providing assistance to homeless families in the jurisdiction of the agency; and

(H) the fair housing policy of the agency.

(4) RENT DETERMINATION.—A statement of the policies of the agency governing rents charged for public housing dwelling units and rental contributions of assisted families under title XIII and the system used by the agency to ensure that such rents comply with the requirements of this division.

(5) OPERATION AND MANAGEMENT.—A statement of the rules, standards, and policies of the public housing agency governing maintenance and management of housing owned and operated by the agency, and management of the public housing agency and programs of the agency, including—

(A) a description of the manner in which the agency is organized (including any consortia or joint ventures) and staffed to perform the duties and functions of the public housing agency and to administer the operating fund distributions of the agency;

(B) policies relating to the rental of dwelling units, including policies designed to reduce vacancies;

(C) housing quality standards in effect pursuant to sections 1232 and 1328 and any certifications required under such sections;

(D) emergency and disaster plans for public housing;

(E) priorities and improvements for management of public housing, including initiatives to control costs; and

(F) policies of the agency requiring the loss or termination of housing assistance and tenancy under sections 1641 and 1642 (relating to occupancy standards for federally assisted housing).

(6) GRIEVANCE PROCEDURE.—A statement of the grievance procedures of the agency under section 1110.

(7) CAPITAL IMPROVEMENTS.—With respect to public housing developments owned or operated by the agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the developments.

(8) DEMOLITION AND DISPOSITION.—With respect to public housing developments owned or operated by the agency—

(A) a description of any such housing to be demolished or disposed of under subtitle E of title XII; and

(B) a timetable for such demolition or disposition.

(9) DESIGNATION OF HOUSING FOR ELDERLY AND DISABLED FAMILIES.—With respect to public housing developments owned or operated by the agency, a description of any developments (or portions thereof) that the agency has designated or will designate for occupancy by elderly and disabled families in accordance with section 1227 and any information required under section 1227(d) for such designated developments.

(10) CONVERSION OF PUBLIC HOUSING.—With respect to public housing owned or operated by the agency, a description of any building or buildings that the agency is required, under section 1203(b), to convert to housing assistance under title XIII or that the agency voluntarily converts, an analysis of such buildings required under such section for conversion, and a statement of the amount of grant amounts under title XII to be used for rental assistance or other housing assistance.

(11) HOMEOWNERSHIP ACTIVITIES.—A description of—

(A) any homeownership programs of the agency under subtitle D of title XII or section 1329 for the agency;

(B) the requirements and assistance available under the programs described pursuant to subparagraph (A); and

(C) the annual goals of the agency for additional availability of homeownership units.

(12) ECONOMIC SELF-SUFFICIENCY AND COORDINATION WITH WELFARE AND OTHER APPROPRIATE AGENCIES.—A description of—

(A) policies relating to services and amenities provided or offered to assisted families, including the provision of service coordinators and services designed for certain populations (such as the elderly and disabled);

(B) how the agency will coordinate with State, local, and other agencies providing assistance to families participating in welfare or public assistance programs;

(C) how the agency will implement and administer section 1105; and

(D) any policies, programs, plans, and activities of the agency for the enhancement of the economic and social self-sufficiency of residents assisted by the programs of the agency, including rent structures to encourage self-sufficiency.

(13) SAFETY AND CRIME PREVENTION.—A plan established by the public housing agency, which shall be subject to the following requirements:

(A) SAFETY MEASURES.—The plan shall provide, on a development-by-development basis, for measures to ensure the safety of public housing residents.

(B) ESTABLISHMENT.—The plan shall be established, with respect to each development, in consultation with the police officer or officers in command for the precinct in which the development is located.

(C) CONTENT.—The plan shall describe the need for measures to ensure the safety of public housing residents and for crime prevention measures, describe any such activities conducted, or to be conducted, by the agency, and provide for coordination between the public housing agency and the appropriate police precincts for carrying out such measures and activities.

(D) SECRETARIAL ACTION.—If the Secretary determines, at any time, that the security needs of a development are not being adequately addressed by the plan, or that the local police precinct is not complying with the plan, the Secretary may mediate between the public housing agency and the local precinct to resolve any issues of conflict. If after such mediation has occurred and the Secretary determines that the security needs of the development are not adequately addressed, the Secretary may require the public housing agency to submit an amended plan.

(14) ANNUAL AUDIT.—The results of the most recent fiscal year audit of the agency required under section 1541(b).

(15) TROUBLED AGENCIES.—Such other additional information as the Secretary may determine to be appropriate for each public housing agency that is designated—

(A) under section 1533(c) as at risk of becoming troubled; or

(B) under section 1533(a) as troubled.

(16) ASSET MANAGEMENT.—A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.

(e) CITIZEN PARTICIPATION.—

(1) PUBLICATION OF NOTICE.—Not later than 45 days before the date of a hearing conducted under paragraph (2) by the governing body of a public housing agency, the agency shall—

(A) publish a notice informing the public that the proposed local housing management plan or amendment is available for inspection at the principal office of the public housing agency during normal business hours and make the plan or amendment so available for inspection during such period; and

(B) publish a notice informing the public that a public hearing will be conducted to discuss the local housing management plan and to invite public comment regarding that plan.

(2) PUBLIC HEARING.—Before submitting a plan under this section or a significant amendment under section 1107(f) to a plan, a public housing agency shall, at a location that is convenient to residents, conduct a public hearing, as provided in the notice published under paragraph (1), regarding the public housing plan or the amendment of the agency.

(3) CONSIDERATION OF COMMENTS.—A public housing agency shall consider any comments or views made available pursuant to paragraphs (1) and (2) in preparing a final plan or amendment for submission to the Secretary. A summary of such comments or views shall be attached to the plan, amendment, or report submitted.

(4) ADOPTION OF PLAN.—After conducting the public hearing under paragraph (2) and considering public comments in accordance with paragraph (3), the public housing agency shall make any appropriate changes to the local housing management plan or amendment and shall—

(A) adopt the local housing management plan;

(B) submit the plan to any local elected official or officials responsible for appointing the members of the board of directors (or other similar governing body) of the public housing agency for review and approval under subsection (f);

(C) submit the plan to the Secretary in accordance with this section; and

(D) make the submitted plan or amendment publicly available.

(f) LOCAL REVIEW.—The public housing agency shall submit a plan under this subsection to any local elected official or officials responsible for appointing the members of the board of directors (or other similar governing body) of the public housing agency for review and approval for a 45-day period beginning on the date that the plan is submitted to such local official or officials (which period may run concurrently with any period under subsection (e) for public comment). If the local official or officials responsible under this subsection do not act within 45 days of submission of the plan, the plan shall be considered approved. If the local official or officials responsible under this subsection reject the public housing agency's plan, they shall return the plan with their recommended changes to the agency within 5 days of their disapproval. The agency shall resubmit an updated plan to the local official or officials within 30 days of receiving the objections. If the local official or officials again reject the plan, the resubmitted plan, together with the local official's objections, shall be submitted to the Secretary for approval.

(g) PLANS FOR SMALL PHA'S AND PHA'S ADMINISTERING ONLY RENTAL ASSISTANCE.—The Secretary shall establish requirements for submission of plans under this section and the information to be included in such plans applicable to public housing agencies that own or operate less than 250 public

housing dwelling units and shall establish requirements for such submission and information applicable to agencies that only administer housing assistance under title XIII (and do not own or operate public housing). Such requirements shall waive any requirements under this section that the Secretary determines are burdensome or unnecessary for such agencies.

SEC. 1107. REVIEW OF PLANS.

(a) REVIEW AND NOTICE.—

(1) REVIEW.—The Secretary shall conduct a limited review of each local housing management plan submitted to the Secretary to ensure that the plan is complete and complies with the requirements of section 1106. The Secretary shall have the discretion to review a plan to the extent that the Secretary considers review is necessary.

(2) NOTICE.—The Secretary shall notify each public housing agency submitting a plan whether the plan complies with such requirements not later than 75 days after receiving the plan. If the Secretary does not notify the public housing agency, as required under this subsection and subsection (b), the Secretary shall be considered, for purposes of this division, to have made a determination that the plan complies with the requirements under section 1106 and the agency shall be considered to have been notified of compliance upon the expiration of such 75-day period. The preceding sentence shall not preclude judicial review regarding such compliance pursuant to chapter 7 of title 5, United States Code, or an action regarding such compliance under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983).

(b) NOTICE OF REASONS FOR DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines that a plan, as submitted, does not comply with the requirements under section 1106, the Secretary shall specify in the notice under subsection (a) the reasons for the noncompliance and any modifications necessary for the plan to meet the requirements under section 1106.

(c) STANDARDS FOR DETERMINATION OF NONCOMPLIANCE.—The Secretary may determine that a plan does not comply with the requirements under section 1106 only if—

(1) the plan is incomplete in significant matters required under such section;

(2) there is evidence available to the Secretary that challenges, in a substantial manner, any information provided in the plan;

(3) the Secretary determines that the plan does not comply with Federal law or violates the purposes of this division because it fails to provide housing that will be viable on a long-term basis at a reasonable cost;

(4) the plan plainly fails to adequately identify the needs of low-income families for housing assistance in the jurisdiction of the agency;

(5) the plan plainly fails to adequately identify the capital improvement needs for public housing developments in the jurisdiction of the agency;

(6) the activities identified in the plan are plainly inappropriate to address the needs identified in the plan; or

(7) the plan is inconsistent with the requirements of this division.

The Secretary shall determine that a plan does not comply with the requirements under section 1106 if the plan does not include the information required under section 1106(d)(2)(D).

(d) TREATMENT OF EXISTING PLANS.—Notwithstanding any other provision of this title, a public housing agency shall be considered to have submitted a plan under this section if the agency has submitted to the Secretary a comprehensive plan under section 14(e) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 1601(b) of this Act) or under the comprehensive improvement assistance program under such section 14, and the Secretary has approved such plan, before January 1, 1997. The Secretary shall provide specific procedures and requirements for such authorities to amend such plans by submitting only such additional information as is necessary to comply with the requirements of section 1106.

(e) ACTIONS TO CHANGE PLAN.—A public housing agency that has submitted a plan under section 1106 may change actions or policies described in the plan before submission and review of the plan of the agency for the next fiscal year only if—

(1) in the case of costly or nonroutine changes, the agency submits to the Secretary an amendment to the plan under subsection (f) which is reviewed in accordance with such subsection; or

(2) in the case of inexpensive or routine changes, the agency describes such changes in such local housing management plan for the next fiscal year.

(f) AMENDMENTS TO PLAN.—

(1) IN GENERAL.—During the annual or 5-year period covered by the plan for a public housing agency, the agency may submit to the Secretary any amendments to the plan.

(2) REVIEW.—The Secretary shall conduct a limited review of each proposed amendment submitted under this subsection to determine whether the plan, as amended by the amendment, complies with the requirements of section 1106 and notify each public housing agency submitting the amendment whether the plan, as amended, complies with such requirements not later than 30 days after receiving the amendment. If the Secretary determines that a plan, as amended, does not comply with the requirements under section 1106, such notice shall indicate the reasons for the noncompliance and any modifications necessary for the plan to meet the requirements under section 1106. If the Secretary does not notify the public housing agency as required under this paragraph, the plan, as amended, shall be considered, for purposes of this section, to comply with the requirements under section 1106.

(3) STANDARDS FOR DETERMINATION OF NONCOMPLIANCE.—The Secretary may determine that a plan, as amended by a proposed amendment, does not comply with the requirements under section 1106 only if—

(A) the plan, as amended, would be subject to a determination of noncompliance in accordance with the provisions of subsection (c);

(B) the Secretary determines that—

(i) the proposed amendment is plainly inconsistent with the activities specified in the plan; or

(ii) there is evidence that challenges, in a substantial manner, any information contained in the amendment; or

(C) the Secretary determines that the plan, as amended, violates the purposes of this division because it fails to provide housing that will be viable on a long-term basis at a reasonable cost.

(4) AMENDMENTS TO EXTEND TIME OF PERFORMANCE.—Notwithstanding any other provision of this subsection, the Secretary may not determine that any amendment to the plan of a public housing agency that extends the time for performance of activities assisted with amounts provided under this title fails to comply with the requirements under section 1106 if the Secretary has not provided the amount of assistance set forth in the plan or has not provided the assistance in a timely manner.

SEC. 1108. REPORTING REQUIREMENTS.

(a) PERFORMANCE AND EVALUATION REPORT.—Each public housing agency shall annually submit to the Secretary, on a date determined by the Secretary, a performance and evaluation report concerning the use of funds made available under this division. The report of the public housing agency shall include an assessment by the agency of the relationship of such use of funds made available under this division, as well as the use of other funds, to the needs identified in the local housing management plan and to the purposes of this division. The public housing agency shall certify that the report was available for review and comment by affected tenants prior to its submission to the Secretary.

(b) REVIEW OF PHA'S.—The Secretary shall, at least on an annual basis, make such reviews as may be necessary or appropriate to determine whether each public housing agency receiving assistance under this section—

(1) has carried out its activities under this division in a timely manner and in accordance with its local housing management plan; and

(2) has a continuing capacity to carry out its local housing management plan in a timely manner.

(c) RECORDS.—Each public housing agency shall collect, maintain, and submit to the Secretary such data and other program records as the Secretary may require, in such form and in accordance with such schedule as the Secretary may establish.

SEC. 1109. PET OWNERSHIP.

Pet ownership in housing assisted under this division that is federally assisted rental housing (as such term is defined in section 227 of the Housing and Urban-Rural Recovery Act of 1983) shall be governed by the provisions of section 227 of such Act.

SEC. 1110. ADMINISTRATIVE GRIEVANCE PROCEDURE.

(a) REQUIREMENTS.—Each public housing agency receiving assistance under this division shall establish and implement an administrative grievance procedure under which residents of public housing will—

(1) be advised of the specific grounds of any proposed adverse public housing agency action;

(2) have an opportunity for a hearing before an impartial party (including appropriate employees of the public housing agency) upon timely request within a reasonable period of time;

(3) have an opportunity to examine any documents or records or regulations related to the proposed action;

(4) be entitled to be represented by another person of their choice at any hearing;

(5) be entitled to ask questions of witnesses and have others make statements on their behalf; and

(6) be entitled to receive a written decision by the public housing agency on the proposed action.

(b) EXCLUSION FROM ADMINISTRATIVE PROCEDURE OF GRIEVANCES CONCERNING EVICTIONS FROM PUBLIC HOUSING INVOLVING HEALTH, SAFETY, OR PEACEFUL ENJOYMENT.—A public housing agency may exclude from its procedure established under subsection (a) any grievance, in any jurisdiction which requires that prior to eviction, a tenant be

given a hearing in court, which the Secretary determines provides the basic elements of due process (which the Secretary shall establish by rule under section 553 of title 5, United States Code), concerning an eviction from or termination of tenancy in public housing that involves any activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other tenants or employees of the public housing agency or any drug-related criminal activity on or off such premises. In the case of any eviction from or termination of tenancy in public housing not described in the preceding sentence, each of the following provisions shall apply:

(1) Such eviction or termination shall be subject to an administrative grievance procedure if the tenant so evicted or terminated requests a hearing under such procedure not later than five days after service of notice of such eviction or termination.

(2) The public housing agency shall take final action regarding a grievance under paragraph (1) not later than thirty days after such notice is served.

(3) If the public housing agency fails to provide a hearing under the grievance procedure pursuant to a request under paragraph (1) and take final action regarding the grievance before the expiration of the 30-day period under paragraph (2), the notice of eviction or termination shall be considered void and shall not be given any force or effect.

(4) If a public housing authority takes final action on a grievance for any eviction or termination, the tenant and any member of the tenant's household shall not have any right in connection with any subsequent eviction or termination notice to request or be afforded any administrative grievance hearing during the 1-year period beginning upon the date of the final action.

(c) INAPPLICABILITY TO CHOICE-BASED RENTAL HOUSING ASSISTANCE.—This section may not be construed to require any public housing agency to establish or implement an administrative grievance procedure with respect to assisted families under title XIII.

SEC. 1111. HEADQUARTERS RESERVE FUND.

(a) ANNUAL RESERVATION OF AMOUNTS.—Notwithstanding any other provision of law, the Secretary may retain not more than 2 percent of the amounts appropriated to carry out title XII for any fiscal year for use in accordance with this section.

(b) USE OF AMOUNTS.—Any amounts that are retained under subsection (a) or appropriated for use under this section shall be available for subsequent allocation to specific areas and communities, and may only be used for the Department of Housing and Urban Development and—

(1) for unforeseen housing needs resulting from natural and other disasters;

(2) for housing needs resulting from emergencies, as determined by the Secretary, other than such disasters;

(3) for housing needs related to a settlement of litigation, including settlement of fair housing litigation; and

(4) for needs related to the Secretary's actions under this division regarding troubled and at-risk public housing agencies.

Housing needs under this subsection may be met through the provision of assistance in accordance with title XII or title XIII, or both.

SEC. 1112. LABOR STANDARDS.

(a) IN GENERAL.—Any contract for grants, sale, or lease pursuant to this division relating to public housing shall contain the following provisions:

(1) OPERATION.—A provision requiring that not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all contractors and persons employed in the operation of the low-income housing development involved.

(2) PRODUCTION.—A provision that not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a—276a-5), shall be paid to all laborers and mechanics employed in the production of the development involved.

The Secretary shall require certification as to compliance with the provisions of this section before making any payment under such contract.

(b) EXCEPTIONS.—Subsection (a) and the provisions relating to wages (pursuant to subsection (a)) in any contract for grants, sale, or lease pursuant to this division relating to public housing, shall not apply to any individual who—

(1) performs services for which the individual volunteered;

(2)(A) does not receive compensation for such services; or

(B) is paid expenses, reasonable benefits, or a nominal fee for such services; and

(3) is not otherwise employed at any time in the construction work.

SEC. 1113. NONDISCRIMINATION.

(a) IN GENERAL.—No person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with amounts made available under this division. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 shall also apply to any such program or activity.

(b) CIVIL RIGHTS COMPLIANCE.—Each public housing agency that receives grant amounts under this division shall use such amounts and carry out its local housing management plan approved under section 1107 in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Americans With Disabilities Act of 1990, and shall affirmatively further fair housing.

SEC. 1114. PROHIBITION ON USE OF FUNDS.

None of the funds made available to the Department of Housing and Urban Development to carry out this division, which are obligated to State or local governments, public housing agencies, housing finance agencies, or other public or quasi-public housing agencies, shall be used to indemnify contractors or subcontractors of the government or agency against costs associated with judgments of infringement of intellectual property rights.

SEC. 1115. INAPPLICABILITY TO INDIAN HOUSING.

Except as specifically provided by law, the provisions of this title, and titles XII, XIII, XIV, and XV shall not apply to public housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority under the United States Housing Act of 1937 or to housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996.

SEC. 1116. REGULATIONS.

(a) IN GENERAL.—The Secretary may issue any regulations necessary to carry out this division. This subsection shall take effect on the date of the enactment of this Act.

(b) RULE OF CONSTRUCTION.—Any failure by the Secretary to issue any regulations authorized under subsection (a) shall not affect the effectiveness of any provision of this division or any amendment made by this division.

TITLE XII—PUBLIC HOUSING

Subtitle A—Block Grants

SEC. 1201. BLOCK GRANT CONTRACTS.

(a) IN GENERAL.—The Secretary shall enter into contracts with public housing agencies under which—

(1) the Secretary agrees to make a block grant under this title, in the amount provided under section 1202(c), for assistance for low-income housing to the public housing agency for each fiscal year covered by the contract; and

(2) the agency agrees—

(A) to provide safe, clean, and healthy housing that is affordable to low-income families and services for families in such housing;

(B) to operate, or provide for the operation, of such housing in a financially sound manner;

(C) to use the block grant amounts in accordance with this title and the local housing management plan for the agency that complies with the requirements of section 1106;

(D) to involve residents of housing assisted with block grant amounts in functions and decisions relating to management and the quality of life in such housing;

(E) that the management of the public housing of the agency shall be subject to actions authorized under subtitle D of title XV;

(F) that the Secretary may take actions under section 1205 with respect to improper use of grant amounts provided under the contract; and

(G) to otherwise comply with the requirements under this title.

(b) SMALL PUBLIC HOUSING AGENCY CAPITAL GRANT OPTION.—For any fiscal year, upon the request of the Governor of the State, the Secretary shall make available directly to the State, from the amounts otherwise included in the block grants for all public housing agencies in such State which own or operate less than 100 dwelling units, ½ of that portion of such amounts that is derived from the capital improvement allocations for such agencies pursuant to section 1203(c)(1) or 1203(d)(2), as applicable. The Governor of the State will have the responsibility to distribute all of such funds, in amounts determined by the Governor, only to meet the exceptional capital improvement requirements for the various public housing agencies in the State which operate less than 100 dwelling units: *Provided*, however, that for States where Federal funds provided to the State are subject to appropriation action by the State legislature, the capital funds made available to the Governor under this subsection shall be subject to such appropriation by the State legislature.

(c) MODIFICATION.—Contracts and agreements between the Secretary and a public housing agency may not be amended in a manner which would—

(1) impair the rights of—

(A) leaseholders for units assisted pursuant to a contract or agreement; or

(B) the holders of any outstanding obligations of the public housing agency involved for which annual contributions have been pledged; or

(2) provide for payment of block grant amounts under this title in an amount exceeding the allocation for the agency determined under section 1204.

Any rule of law contrary to this subsection shall be deemed inapplicable.

SEC. 1202. GRANT AUTHORITY, AMOUNT, AND ELIGIBILITY.

(a) AUTHORITY.—The Secretary shall make block grants under this title to eligible public housing agencies in accordance with block grant contracts under section 1201.

(b) PERFORMANCE FUNDS.—

(1) IN GENERAL.—The Secretary shall establish 2 funds for the provision of grants to eligible public housing agencies under this title, as follows:

(A) CAPITAL FUND.—A capital fund to provide capital and management improvements to public housing developments.

(B) OPERATING FUND.—An operating fund for public housing operations.

(2) FLEXIBILITY OF FUNDING.—

(A) IN GENERAL.—A public housing agency may use up to 20 percent of the amounts from a grant under this title that are allocated and provided from the capital fund for activities that are eligible under section 1203(a)(2) to be funded with amounts from the operating fund.

(B) FULL FLEXIBILITY FOR SMALL PHA'S.—In the case of a public housing agency that owns or operates less than 250 public housing dwelling units and is (in the determination of the Secretary) operating and maintaining its public housing in a safe, clean, and healthy condition, the agency may use amounts from a grant under this title for any eligible activities under section 1203(a), regardless of the fund from which the amounts were allocated and provided.

(c) AMOUNT OF GRANTS.—The amount of the grant under this title for a public housing agency for a fiscal year shall be the amount of the allocation for the agency determined under section 1204, except as otherwise provided in this title and title XV.

(d) ELIGIBILITY.—A public housing agency shall be an eligible public housing agency with respect to a fiscal year for purposes of this title only if—

(1) the Secretary has entered into a block grant contract with the agency;

(2) the agency has submitted a local housing management plan to the Secretary for such fiscal year;

(3) the plan has been determined to comply with the requirements under section 1106 and the Secretary has not notified the agency that the plan fails to comply with such requirements;

(4) the agency is exempt from local taxes, as provided under subsection (e), or receives a contribution, as provided under such subsection;

(5) no member of the board of directors or other governing body of the agency, or the executive director, has been convicted of a felony;

(6) the agency has entered into an agreement providing for local cooperation in accordance with subsection (f); and

(7) the agency has not been disqualified for a grant pursuant to section 1205(a) or title XV.

(e) PAYMENTS IN LIEU OF STATE AND LOCAL TAXATION OF PUBLIC HOUSING DEVELOPMENTS.—

(1) EXEMPTION FROM TAXATION.—A public housing agency may receive a block grant under this title only if—

(A)(i) the developments of the agency (exclusive of any portions not assisted with amounts provided under this title) are exempt from all real and personal property taxes levied or imposed by the State, city, county, or other political subdivision; and

(ii) the public housing agency makes payments in lieu of taxes to such taxing authority equal to 10 percent of the sum, for units charged in the developments of the agency, of the difference between the gross rent and the utility cost, or such lesser amount as is—

(I) prescribed by State law;

(II) agreed to by the local governing body in its agreement under subsection (f) for local cooperation with the public housing agency or under a waiver by the local governing body; or

(III) due to failure of a local public body or bodies other than the public housing agency to perform any obligation under such agreement; or

(B) the agency complies with the requirements under subparagraph (A) with respect to public housing developments (including public housing units in mixed-income developments), but the agency agrees that the units other than public housing units in any mixed-income developments (as such term is defined in section 1221(c)(2)) shall be subject to any otherwise applicable real property taxes imposed by the State, city, county or other political subdivision.

(2) EFFECT OF FAILURE TO EXEMPT FROM TAXATION.—Notwithstanding paragraph (1), a public housing agency that does not comply with the requirements under such paragraph may receive a block grant under this title, but only if the State, city, county, or other political subdivision in which the development is situated contributes, in the form of cash or tax remission, the amount by which the taxes paid with respect to the development exceed 10 percent of the gross rent and utility cost charged in the development.

(f) LOCAL COOPERATION.—In recognition that there should be local determination of the need for low-income housing to meet needs not being adequately met by private enterprise, the Secretary may not make any grant under this title to a public housing agency unless the governing body of the locality involved has entered into an agreement with the agency providing for the local cooperation required by the Secretary pursuant to this title. The Secretary shall require that each such agreement for local cooperation shall provide that, notwithstanding any order, judgment, or decree of any court (including any settlement order), before making any amounts provided under a grant under this title available for use for the production of any housing or other property not previously used as public housing, the public housing agency shall—

(1) notify the chief executive officer (or other appropriate official) of the unit of general local government in which the public housing for which such amounts are to be so used is located (or to be located) of such use; and

(2) pursuant to the request of such unit of general local government, provide such information as may reasonably be requested by such unit of general local government regarding the public housing to be so assisted (except to the extent otherwise prohibited by law) and consult with representatives of such local government regarding the public housing.

(g) EXCEPTION.—Notwithstanding subsection (a), the Secretary may make a grant under this title for a public housing agency that is not an eligible public housing agency but only for the period necessary to secure, in accordance with this title, an alternative public housing agency for the public housing of the ineligible agency.

(h) RECAPTURE OF CAPITAL ASSISTANCE AMOUNTS.—The Secretary may recapture, from any grant amounts made available to a public housing agency from the capital fund, any portion of such amounts that are not used or obligated by the public housing agency for use for eligible activities under section 1203(a)(1) (or dedicated for use pursuant to section 1202(b)(2)(A)) before the expiration of the 24-month period beginning upon the award of such grant to the agency.

SEC. 1203. ELIGIBLE AND REQUIRED ACTIVITIES.

(a) ELIGIBLE ACTIVITIES.—Except as provided in subsection (b) and in section 1202(b)(2), grant amounts allocated and provided from the capital fund and grant amounts allocated and provided from the operating fund may be used for the following activities:

(1) CAPITAL FUND ACTIVITIES.—Grant amounts from the capital fund may be used for—

(A) the production and modernization of public housing developments, including the redesign, reconstruction, and reconfiguration of public housing sites and buildings and the production of mixed-income developments;

(B) vacancy reduction;

(C) addressing deferred maintenance needs and the replacement of dwelling equipment;

(D) planned code compliance;

(E) management improvements;

(F) demolition and replacement under section 1261;

(G) tenant relocation;

(H) capital expenditures to facilitate programs to improve the economic empowerment and self-sufficiency of public housing tenants; and

(I) capital expenditures to improve the security and safety of residents.

(2) OPERATING FUND ACTIVITIES.—Grant amounts from the operating fund may be used for—

(A) procedures and systems to maintain and ensure the efficient management and operation of public housing units;

(B) activities to ensure a program of routine preventative maintenance;

(C) anti-crime and anti-drug activities, including the costs of providing adequate security for public housing tenants;

(D) activities related to the provision of services, including service coordinators for elderly persons or persons with disabilities and including child care services for public housing residents;

(E) activities to provide for management and participation in the management of public housing by public housing tenants;

(F) the costs associated with the operation and management of mixed-income developments;

(G) the costs of insurance;

(H) the energy costs associated with public housing units, with an emphasis on energy conservation;

(I) the costs of administering a public housing community work program under section 1105, including the costs of any related insurance needs; and

(J) activities in connection with a homeownership program for public housing residents under subtitle D, including providing financing or assistance for purchasing housing, or the provision of financial assistance to resident management corporations or resident councils to obtain training, technical assistance, and educational assistance to promote homeownership opportunities.

(b) REQUIRED CONVERSION OF ASSISTANCE FOR PUBLIC HOUSING TO RENTAL HOUSING ASSISTANCE.—

(1) REQUIREMENT.—A public housing agency that receives grant amounts under this title shall provide assistance in the form of rental

housing assistance under title XIII, or appropriate site revitalization or other appropriate capital improvements approved by the Secretary, in lieu of assisting the operation and modernization of any building or buildings of public housing, if the agency provides sufficient evidence to the Secretary that the building or buildings—

(A) are on the same or contiguous sites;

(B) consist of more than 300 dwelling units;

(C) have a vacancy rate of at least 10 percent for dwelling units not in funded, on-schedule modernization programs;

(D) are identified as distressed housing for which the public housing agency cannot assure the long-term viability as public housing through reasonable revitalization, density reduction, or achievement of a broader range of household income; and

(E) have an estimated cost of continued operation and modernization as public housing that exceeds the cost of providing choice-based rental assistance under title XIII for all families in occupancy, based on appropriate indicators of cost (such as the percentage of the total development cost required for modernization).

Public housing agencies shall identify properties that meet the definition of subparagraphs (A) through (E) and shall consult with the appropriate public housing residents and the appropriate unit of general local government in identifying such properties.

(2) USE OF OTHER AMOUNTS.—In addition to grant amounts under this title attributable (pursuant to the formulas under section 1204) to the building or buildings identified under paragraph (1), the Secretary may use amounts provided in appropriation Acts for choice-based housing assistance under title XIII for families residing in such building or buildings or for appropriate site revitalization or other appropriate capital improvements approved by the Secretary.

(3) ENFORCEMENT.—The Secretary shall take appropriate action to ensure conversion of any building or buildings identified under paragraph (1) and any other appropriate action under this subsection, if the public housing agency fails to take appropriate action under this subsection.

(4) FAILURE OF PHA'S TO COMPLY WITH CONVERSION REQUIREMENT.—If the Secretary determines that—

(A) a public housing agency has failed under paragraph (1) to identify a building or buildings in a timely manner,

(B) a public housing agency has failed to identify one or more buildings which the Secretary determines should have been identified under paragraph (1), or

(C) one or more of the buildings identified by the public housing agency pursuant to paragraph (1) should not, in the determination of the Secretary, have been identified under that paragraph,

the Secretary may identify a building or buildings for conversion and take other appropriate action pursuant to this subsection.

(5) CESSATION OF UNNECESSARY SPENDING.—Notwithstanding any other provision of law, if, in the determination of the Secretary, a building or buildings meets or is likely to meet the criteria set forth in paragraph (1), the Secretary may direct the public housing agency to cease additional spending in connection with such building or buildings, except to the extent that additional spending is necessary to ensure safe, clean, and healthy housing until the Secretary determines or approves an appropriate course of action with respect to such building or buildings under this subsection.

(6) USE OF BUDGET AUTHORITY.—Notwithstanding any other provision of law, if a building or buildings are identified pursuant to paragraph (1), the Secretary may authorize or direct the transfer, to the choice-based or tenant-based assistance program of such agency or to appropriate site revitalization or other capital improvements approved by the Secretary, of—

(A) in the case of an agency receiving assistance under the comprehensive improvement assistance program, any amounts obligated by the Secretary for the modernization of such building or buildings pursuant to section 14 of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 1601(b));

(B) in the case of an agency receiving public housing modernization assistance by formula pursuant to such section 14, any amounts provided to the agency which are attributable pursuant to the formula for allocating such assistance to such building or buildings;

(C) in the case of an agency receiving assistance for the major reconstruction of obsolete projects, any amounts obligated by the Secretary for the major reconstruction of such building or buildings pursuant to section 5(j)(2) of the United States Housing Act of 1937, as in effect immediately before the effective date of the repeal under section 1601(b); and

(D) in the case of an agency receiving assistance pursuant to the formulas under section 1204, any amounts provided to the agency which are attributable pursuant to the formulas for allocating such assistance to such building or buildings.

(7) RELOCATION REQUIREMENTS.—Any public housing agency carrying out conversion of public housing under this subsection shall—

(A) notify the families residing in the public housing development subject to the conversion, in accordance with any guidelines issued by the Secretary governing such notifications, that—

(i) the development will be removed from the inventory of the public housing agency; and

(ii) the families displaced by such action will receive choice-based housing assistance or occupancy in a unit operated or assisted by the public housing agency;

(B) ensure that each family that is a resident of the development is relocated to other safe, clean, and healthy affordable housing, which is, to the maximum extent practicable, housing of the family's choice, including choice-based assistance under title XIII (provided that with respect to choice-based assistance, the preceding requirement shall be fulfilled only upon the relocation of such family into such housing);

(C) provide any necessary counseling for families displaced by such action to facilitate relocation; and

(D) provide any reasonable relocation expenses for families displaced by such action.

(8) TRANSITION.—Any amounts made available to a public housing agency to carry out section 202 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (enacted as section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134; 110 Stat. 1321-279)) may be used, to the extent or in such amounts as are or have been provided in advance in appropriation Acts, to carry out this section. The Secretary shall provide for public housing agencies to conform and continue actions taken under such section 202 in accordance with the requirements under this section.

(c) EXTENSION OF DEADLINES.—The Secretary may, for a public housing agency, extend any deadline established pursuant to this section or a local housing management plan for up to an additional 5 years if the Secretary makes a determination that the deadline is impracticable.

(d) COMPLIANCE WITH PLAN.—The local housing management plan submitted by a public housing agency (including any amendments to the plan), unless determined under section 1107 not to comply with the requirements under section 1106, shall be binding upon the Secretary and the public housing agency and the agency shall use any grant amounts provided under this title for eligible activities under subsection (a) in accordance with the plan. This subsection may not be construed to preclude changes or amendments to the plan, as authorized under section 1107 or any actions authorized by this division to be taken without regard to a local housing management plan.

(e) ELIGIBLE ACTIVITIES FOR INCREASED INCOME.—Any public housing agency that derives increased nonrental or rental income, as referred to in subsection (c)(2)(B) or (d)(1)(D) of section 1204 or pursuant to provision of mixed-income developments under section 1221(c)(2), may use such amounts for any eligible activity under paragraph (1) or (2) of subsection (a) of this section or for providing choice-based housing assistance under title XIII.

SEC. 1204. DETERMINATION OF GRANT ALLOCATION.

(a) IN GENERAL.—For each fiscal year, after reserving amounts under section 1111 from the aggregate amount made available for the fiscal year for carrying out this title, the Secretary shall allocate any remaining amounts among eligible public housing agencies in accordance with this section, so that the sum of all of the allocations for all eligible authorities is equal to such remaining amount.

(b) ALLOCATION AMOUNT.—The Secretary shall determine the amount of the allocation for each eligible public housing agency, which shall be—

(1) for any fiscal year beginning after the enactment of a law containing the formulas described in paragraphs (1) and (2) of subsection (c), the sum of the amounts determined for the agency under each such formula; or

(2) for any fiscal year beginning before the expiration of such period, the sum of—

(A) the operating allocation determined under subsection (d)(1) for the agency; and

(B) the capital improvement allocation determined under subsection (d)(2) for the agency.

(c) PERMANENT ALLOCATION FORMULAS FOR CAPITAL AND OPERATING FUNDS.—

(1) ESTABLISHMENT OF CAPITAL FUND FORMULA.—The formula under this paragraph shall provide for allocating assistance under the capital fund for a fiscal year. The formula may take into account such factors as—

(A) the number of public housing dwelling units owned or operated by the public housing agency, the characteristics and locations of the developments, and the characteristics of the families served and to be served (including the incomes of the families);

(B) the need of the public housing agency to carry out rehabilitation and modernization activities, and reconstruction, production, and demolition activities related to public housing dwelling units owned or operated by the public housing agency, including

backlog and projected future needs of the agency;

(C) the cost of constructing and rehabilitating property in the area; and

(D) the need of the public housing agency to carry out activities that provide a safe and secure environment in public housing units owned or operated by the public housing agency.

(2) ESTABLISHMENT OF OPERATING FUND FORMULA.—

(A) IN GENERAL.—The formula under this paragraph shall provide for allocating assistance under the operating fund for a fiscal year. The formula may take into account such factors as—

(i) standards for the costs of operating and reasonable projections of income, taking into account the characteristics and locations of the public housing developments and characteristics of the families served and to be served (including the incomes of the families), or the costs of providing comparable services as determined in accordance with criteria or a formula representing the operations of a prototype well-managed public housing development;

(ii) the number of public housing dwelling units owned or operated by the public housing agency;

(iii) the need of the public housing agency to carry out anti-crime and anti-drug activities, including providing adequate security for public housing residents; and

(iv) any record by the public housing agency of exemplary performance in the operation of public housing.

(B) INCENTIVE TO INCREASE INCOME.—The formula shall provide an incentive to encourage public housing agencies to increase nonrental income and to increase rental income attributable to their units by encouraging occupancy by families whose incomes have increase while in occupancy and newly admitted families. Any such incentive shall provide that the agency shall derive the full benefit of any increase in nonrental or rental income, and such increase shall not result in a decrease in amounts provided to the agency under this title. In addition, an agency shall be permitted to retain, from each fiscal year, the full benefit of such an increase in nonrental or rental income, except to the extent that such benefit exceeds (i) 100 percent of the total amount of the operating allocation for which the agency is eligible under this section, and (ii) the maximum balance permitted for the agency's operating reserve under this section and any regulations issued under this section.

(C) TREATMENT OF UTILITY RATES.—The formula shall not take into account the amount of any cost reductions for a public housing agency due to the difference between projected and actual utility rates attributable to actions that are taken by the agency which lead to such reductions, as determined by the Secretary. In the case of any public housing agency that receives financing from any person or entity other than the Secretary or enters into a performance contract to undertake energy conservation improvements in a public housing development, under which the payment does not exceed the cost of the energy saved as a result of the improvements during a reasonable negotiated contract period, the formula shall not take into account the amount of any cost reductions for the agency due to the differences between projected and actual utility consumption attributable to actions that are taken by the agency which lead to such reductions, as determined by the Secretary. Notwithstanding the preceding 2 sentences, after the expiration of the 10-year period beginning upon the savings initially taking effect, the Secretary may reduce the amount allocated to the agency under the formula by up to 50 percent of such differences.

(3) CONSIDERATION OF PERFORMANCE, COSTS, AND OTHER FACTORS.—The formulas under paragraphs (1) and (2) should each reward performance and may each consider appropriate factors that reflect the different characteristics and sizes of public housing agencies, the relative needs, revenues, costs, and capital improvements of agencies, and the relative costs to agencies of operating a well-managed agency that meets the performance targets for the agency established in the local housing management plan for the agency.

(4) DEVELOPMENT UNDER NEGOTIATED RULEMAKING PROCEDURE.—The formulas under this subsection shall be developed according to procedures for issuance of regulations under the negotiated rulemaking procedure under subchapter III of chapter 5 of title 5, United States Code, except that the formulas shall not be contained in a regulation.

(5) REPORT.—Not later than the expiration of the 12-month period beginning upon the enactment of this Act, the Secretary shall submit a report to the Congress containing the proposed formulas established pursuant to paragraph (4) that meets the requirements of this subsection.

(d) INTERIM ALLOCATION REQUIREMENTS.—

(1) OPERATING ALLOCATION.—

(A) APPLICABILITY TO APPROPRIATED AMOUNTS.—Of any amounts available for allocation under this subsection for a fiscal year, an amount shall be used only to provide amounts for operating allocations under this paragraph for eligible public housing agencies that bears the same ratio to such total amount available for allocation that the amount appropriated for fiscal year 1997 for operating subsidies under section 9 of the United States Housing Act of 1937 bears to the sum of such operating subsidy amounts plus the amounts appropriated for such fiscal year for modernization under section 14 of such Act.

(B) DETERMINATION.—The operating allocation under this paragraph for a public housing agency for a fiscal year shall be an amount determined by applying, to the amount to be allocated under this paragraph, the formula used for determining the distribution of operating subsidies for fiscal year 1997 to public housing agencies (as modified under subparagraphs (C) and (D)) under section 9 of the United States Housing Act of 1937, as in effect immediately before the effective date of the repeal under section 1601(b).

(C) TREATMENT OF CHRONICALLY VACANT UNITS.—The Secretary shall revise the formula referred to in subparagraph (B) so that the formula does not provide any amounts, other than utility costs and other necessary costs (such as costs necessary for the protection of persons and property), attributable to any dwelling unit of a public housing agency that has been vacant continuously for 6 or more months. A unit shall not be considered vacant for purposes of this paragraph if the unit is unoccupied because of rehabilitation or renovation that is on schedule.

(D) TREATMENT OF INCREASES IN INCOME.—The Secretary shall revise the formula referred to in subparagraph (B) to provide an incentive to encourage public housing agencies to increase nonrental income and to increase rental income attributable to their units by encouraging occupancy by families whose incomes have increased while in occupancy and newly admitted families. Any such incentive shall provide that the agency shall derive the full benefit of any increase in nonrental or rental income, and such increase shall not result in a decrease in amounts provided to the agency under this title. In addition, an agency shall be permitted to retain, from each fiscal year, the full benefit of such an increase in nonrental or rental income, except that such benefit may not be retained if—

(i) the agency's operating allocation equals 100 percent of the amount for which it is eligible under section 9 of the United States Housing Act of 1937, as in effect immediately before the effective date of the repeal under section 1601(b) of this Act; and

(ii) the agency's operating reserve balance is equal to the maximum amount permitted under section 9 of the United States Housing Act of 1937, as in effect immediately before the effective date of the repeal under section 1601(b) of this Act.

(2) CAPITAL IMPROVEMENT ALLOCATION.—

(A) APPLICABILITY TO APPROPRIATED AMOUNTS.—Of any amounts available for allocation under this subsection for a fiscal year, an amount shall be used only to provide amounts for capital improvement allocations under this paragraph for eligible public housing agencies that bears the same ratio to such total amount available for allocation that the amount appropriated for fiscal year 1997 for modernization under section 14 of the United States Housing Act of 1937 bears to the sum of such modernization amounts plus the amounts appropriated for such fiscal year for operating subsidies under section 9 of such Act.

(B) DETERMINATION.—The capital improvement allocation under this paragraph for an eligible public housing agency for a fiscal year shall be determined by applying, to the amount to be allocated under this paragraph, the formula used for determining the distribution of modernization assistance for fiscal year 1997 to public housing agencies under section 14 of the United States Housing Act of 1937, as in effect immediately before the effective date of the repeal under section 1601(b), except that the Secretary shall establish a method for taking into consideration allocation of amounts under the comprehensive improvement assistance program.

(e) ELIGIBILITY OF UNITS ACQUIRED FROM PROCEEDS OF SALES UNDER DEMOLITION OR DISPOSITION PLAN.—If a public housing agency uses proceeds from the sale of units under a homeownership program in accordance with section 1251 to acquire additional units to be sold to low-income families, the additional units shall be counted as public housing for purposes of determining the amount of the allocation to the agency under this section until sale by the agency, but in any case no longer than 5 years.

SEC. 1205. SANCTIONS FOR IMPROPER USE OF AMOUNTS.

(a) IN GENERAL.—In addition to any other actions authorized under this title, if the Secretary finds pursuant to an audit under section 1541 that a public housing agency receiving grant amounts under this title has failed to comply substantially with any provision of this title, the Secretary may—

(1) terminate payments under this title to the agency;

(2) withhold from the agency amounts from the total allocation for the agency pursuant to section 1204;

(3) reduce the amount of future grant payments under this title to the agency by an

amount equal to the amount of such payments that were not expended in accordance with this title;

(4) limit the availability of grant amounts provided to the agency under this title to programs, projects, or activities not affected by such failure to comply;

(5) withhold from the agency amounts allocated for the agency under title XIII; or

(6) order other corrective action with respect to the agency.

(b) TERMINATION OF COMPLIANCE ACTION.—If the Secretary takes action under subsection (a) with respect to a public housing agency, the Secretary shall—

(1) in the case of action under subsection (a)(1), resume payments of grant amounts under this title to the agency in the full amount of the total allocation under section 1204 for the agency at the time that the Secretary first determines that the agency will comply with the provisions of this title;

(2) in the case of action under paragraph (2), (5), or (6) of subsection (a), make withheld amounts available as the Secretary considers appropriate to ensure that the agency complies with the provisions of this title; or

(3) in the case of action under subsection (a)(4), release such restrictions at the time that the Secretary first determines that the agency will comply with the provisions of this title.

Subtitle B—Admissions and Occupancy Requirements

SEC. 1221. LOW-INCOME HOUSING REQUIREMENT.

(a) PRODUCTION ASSISTANCE.—Any public housing produced using amounts provided under a grant under this title or under the United States Housing Act of 1937 shall be operated as public housing for the 40-year period beginning upon such production.

(b) OPERATING ASSISTANCE.—No portion of any public housing development operated with amounts from a grant under this title or operating assistance provided under the United States Housing Act of 1937 may be disposed of before the expiration of the 10-year period beginning upon the conclusion of the fiscal year for which the grant or such assistance was provided, except as provided in this Act.

(c) CAPITAL IMPROVEMENTS ASSISTANCE.—Amounts may be used for eligible activities under section 1203(a)(1) only for the following housing developments:

(1) LOW-INCOME DEVELOPMENTS.—Amounts may be used for a low-income housing development that—

(A) is owned by public housing agencies;

(B) is operated as low-income rental housing and produced or operated with assistance provided under a grant under this title; and

(C) is consistent with the purposes of this title.

Any development, or portion thereof, referred to in this paragraph for which activities under section 1203(a)(1) are conducted using amounts from a grant under this title shall be maintained and used as public housing for the 20-year period beginning upon the receipt of such grant. Any public housing development, or portion thereof, that received the benefit of a grant pursuant to section 14 of the United States Housing Act of 1937 shall be maintained and used as public housing for the 20-year period beginning upon receipt of such amounts.

(2) MIXED INCOME DEVELOPMENTS.—Amounts may be used for eligible activities under section 1203(a)(1) for mixed-income developments, which shall be a housing development that—

(A) contains dwelling units that are available for occupancy by families other than low-income families;

(B) contains a number of dwelling units—

(i) which units are made available (by master contract or individual lease) for occupancy only by low- and very low-income families identified by the public housing agency;

(ii) which number is not less than a reasonable number of units, including related amenities, taking into account the amount of the assistance provided by the agency compared to the total investment (including costs of operation) in the development;

(iii) which units are subject to the statutory and regulatory requirements of the public housing program, except that the Secretary may grant appropriate waivers to such statutory and regulatory requirements if reductions in funding or other changes to the program make continued application of such requirements impracticable;

(iv) which units are specially designated as dwelling units under this subparagraph, except the equivalent units in the development may be substituted for designated units during the period the units are subject to the requirements of the public housing program; and

(v) which units shall be eligible for assistance under this title; and

(C) is owned by the public housing agency, an affiliate controlled by it, or another appropriate entity.

Notwithstanding any other provision of this title, to facilitate the establishment of socioeconomically mixed communities, a public housing agency that uses grant amounts under this title for a mixed income development under this paragraph may, to the extent that income from such a development reduces the amount of grant amounts used for operating or other costs relating to public housing, use such resulting savings to rent privately developed dwelling units in the neighborhood of the mixed income development. Such units shall be made available for occupancy only by low-income families eligible for residency in public housing.

SEC. 1222. FAMILY ELIGIBILITY.

(a) IN GENERAL.—Dwelling units in public housing may be rented only to families who are low-income families at the time of their initial occupancy of such units.

(b) INCOME MIX WITHIN DEVELOPMENTS.—A public housing agency may establish and utilize income-mix criteria for the selection of residents for dwelling units in public housing developments that limit admission to a development by selecting applicants having incomes appropriate so that the mix of incomes of families occupying the development at any time is proportional to the income mix in the eligible population of the jurisdiction of the agency at such time, as adjusted to take into consideration the severity of housing need. Any criteria established under this subsection shall be subject to the provisions of subsection (c).

(c) INCOME MIX.—

(1) PHA INCOME MIX.—Of the public housing dwelling units of a public housing agency made available for occupancy by eligible families, not less than 35 percent shall be occupied by families whose incomes at the time of occupancy do not exceed 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary, may for purposes of this subsection, establish income ceilings higher or lower than 30 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes. This paragraph may not be construed to create any authority on the part of any public housing agency to evict any family residing in public housing solely because of the income of the family or because of any noncompliance or overcompliance with the requirement of this paragraph.

(2) PROHIBITION OF CONCENTRATION OF LOW-INCOME FAMILIES.—A public housing agency may not, in complying with the requirements under paragraph (1), concentrate very low-income families (or other families with relatively low incomes) in public housing dwelling units in certain public housing developments or certain buildings within developments. The Secretary may review the income and occupancy characteristics of the public housing developments, and the buildings of such developments, of public housing agencies to ensure compliance with the provisions of this paragraph.

(3) FUNGIBILITY WITH CHOICE-BASED ASSISTANCE.—If, during a fiscal year, a public housing agency provides choice-based housing assistance under title XIII for a number of low-income families, who are initially assisted by the agency in such year and have incomes described in section 1321(b) (relating to income targeting), which exceeds the number of families that is required for the agency to comply with the percentage requirement under such section 1321(b) for such fiscal year, notwithstanding paragraph (1) of this subsection, the number of public housing dwelling units that the agency must otherwise make available in accordance with such paragraph to comply with the percentage requirement under such paragraph shall be reduced by such excess number of families for such fiscal year.

(d) WAIVER OF ELIGIBILITY REQUIREMENTS FOR OCCUPANCY BY POLICE OFFICERS.—

(1) AUTHORITY AND WAIVER.—To the extent necessary to provide occupancy in public housing dwelling units to police officers and other law enforcement or security personnel (who are not otherwise eligible for residence in public housing) and to increase security for other public housing residents in developments where crime has been a problem, a public housing agency may, with respect to such units and subject to paragraph (2)—

(A) waive—

(i) the provisions of subsection (a) of this section and section 1225(a); and

(ii) the applicability of—

(I) any preferences for occupancy established under section 1223;

(II) the minimum rental amount established pursuant to section 1225(c) and any maximum monthly rental amount established pursuant to section 1225(b);

(III) any criteria relating to income mix within developments established under subsection (b);

(IV) the income mix requirements under subsection (c); and

(V) any other occupancy limitations or requirements; and

(B) establish special rent requirements and other terms and conditions of occupancy.

(2) CONDITIONS OF WAIVER.—A public housing agency may take the actions authorized in paragraph (1) only if agency determines that such actions will increase security in the public housing developments involved and will not result in a significant reduction of units available for residence by low-income families.

SEC. 1223. PREFERENCES FOR OCCUPANCY.

(a) AUTHORITY TO ESTABLISH.—Each public housing agency may establish a system for making dwelling units in public housing

available for occupancy that provides preference for such occupancy to families having certain characteristics.

(b) CONTENT.—Each system of preferences established pursuant to this section shall be based upon local housing needs and priorities, as determined by the public housing agency using generally accepted data sources, including any information obtained pursuant to an opportunity for public comment as provided under section 1106(e) and under the requirements applicable to the comprehensive housing affordability strategy for the relevant jurisdiction.

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, public housing agencies involved in the selection of tenants under the provisions of this title should adopt preferences for individuals who are victims of domestic violence.

SEC. 1224. ADMISSION PROCEDURES.

(a) ADMISSION REQUIREMENTS.—A public housing agency shall ensure that each family residing in a public housing development owned or administered by the agency is admitted in accordance with the procedures established under this title by the agency and the income limits under section 1222.

(b) NOTIFICATION OF APPLICATION DECISIONS.—A public housing agency shall establish procedures designed to provide for notification to an applicant for admission to public housing of the determination with respect to such application, the basis for the determination, and, if the applicant is determined to be eligible for admission, the projected date of occupancy (to the extent such date can reasonably be determined). If an agency denies an applicant admission to public housing, the agency shall notify the applicant that the applicant may request an informal hearing on the denial within a reasonable time of such notification.

(c) SITE-BASED WAITING LISTS.—A public housing agency may establish procedures for maintaining waiting lists for admissions to public housing developments of the agency, which may include (notwithstanding any other law, regulation, handbook, or notice to the contrary) a system of site-based waiting lists whereby applicants may apply directly at or otherwise designate the development or developments in which they seek to reside. All such procedures shall comply with all provisions of title VI of the Civil Rights Act of 1964, the Fair Housing Act, and other applicable civil rights laws.

(d) CONFIDENTIALITY FOR VICTIMS OF DOMESTIC VIOLENCE.—A public housing agency shall be subject to the restrictions regarding release of information relating to the identity and new residence of any family in public housing that was a victim of domestic violence that are applicable to shelters pursuant to the Family Violence Prevention and Services Act. The agency shall work with the United States Postal Service to establish procedures consistent with the confidentiality provisions in the Violence Against Women Act of 1994.

(e) TRANSFERS.—A public housing agency may apply, to each public housing resident seeking to transfer from one development to another development owned or operated by the agency, the screening procedures applicable at such time to new applicants for public housing.

SEC. 1225. FAMILY CHOICE OF RENTAL PAYMENT.

(a) RENTAL CONTRIBUTION BY RESIDENT.—A family residing in a public housing dwelling shall pay as monthly rent for the unit the amount determined under paragraph (1) or (2) of subsection (b), subject to the requirement under subsection (c). Each public housing agency shall provide for each family residing in a public housing dwelling unit owned or administered by the agency to elect annually whether the rent paid by such family shall be determined under paragraph (1) or (2) of subsection (b).

(b) ALLOWABLE RENT STRUCTURES.—

(1) FLAT RENTS.—Each public housing agency shall establish, for each dwelling unit in public housing owned or administered by the agency, a flat rental amount for the dwelling unit, which shall—

(A) be based on the rental value of the unit, as determined by the public housing agency; and

(B) be designed in accordance with subsection (e) so that the rent structures do not create a disincentive for continued residency in public housing by families who are attempting to become economically self-sufficient through employment or who have attained a level of self-sufficiency through their own efforts.

The rental amount for a dwelling unit shall be considered to comply with the requirements of this paragraph if such amount does not exceed the actual monthly costs to the public housing agency attributable to providing and operating the dwelling unit. The preceding sentence may not be construed to require establishment of rental amounts equal to or based on operating costs or to prevent public housing agencies from developing flat rents required under this paragraph in any other manner that may comply with this paragraph.

(2) INCOME-BASED RENTS.—The monthly rental amount determined under this paragraph for a family shall be an amount, determined by the public housing agency, that does not exceed the greatest of the following amounts (rounded to the nearest dollar):

(A) 30 percent of the monthly adjusted income of the family.

(B) 10 percent of the monthly income of the family.

(C) If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by such agency to meet the housing costs of the family, the portion of such payments that is so designated.

Nothing in this paragraph may be construed to require a public housing agency to charge a monthly rent in the maximum amount permitted under this paragraph.

(c) MINIMUM RENTAL AMOUNT.—Notwithstanding the method for rent determination elected by a family pursuant to subsection (a), each public housing agency shall require that the monthly rent for each dwelling unit in public housing owned or administered by the agency shall not be less than a minimum amount (which amount shall include any amount allowed for utilities), which shall be an amount determined by the agency that is not less than $25 nor more than $50.

(d) HARDSHIP PROVISIONS.—

(1) MINIMUM RENTAL.—

(A) IN GENERAL.—Notwithstanding subsection (c), a public housing agency shall grant an exemption from application of the minimum monthly rental under such subsection to any family unable to pay such amount because of financial hardship, which shall include situations in which (i) the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; (ii) the family would be evicted as a result of the imposition of the minimum rent requirement under subsection (c); (iii) the income of the family has decreased because of changed circumstance, including loss of employment; and (iv) a death in the family has occurred; and other situations as may be determined by the agency.

(B) WAITING PERIOD.—If a resident requests a hardship exemption under this paragraph and the public housing agency reasonably determines the hardship to be of a temporary nature, an exemption shall not be granted during the 90-day period beginning upon the making of a request for the exemption. A resident may not be evicted during such 90-day period for nonpayment of rent. In such a case, if the resident thereafter demonstrates that the financial hardship is of a long-term basis, the agency shall retroactively exempt the resident from the applicability of the minimum rent requirement for such 90-day period.

(2) SWITCHING RENT DETERMINATION METHODS.—Notwithstanding subsection (a), in the case of a family that has elected to pay rent in the amount determined under subsection (b)(1), a public housing agency shall provide for the family to pay rent in the amount determined under subsection (b)(2) during the period for which such election was made if the family is unable to pay the amount determined under subsection (b)(1) because of financial hardship, including—

(A) situations in which the income of the family has decreased because of changed circumstances, loss of reduction of employment, death in the family, and reduction in or loss of income or other assistance;

(B) an increase, because of changed circumstances, in the family's expenses for—

(i) medical costs;

(ii) child care;

(iii) transportation;

(iv) education; or

(v) similar items; and

(C) such other situations as may be determined by the agency.

(e) ENCOURAGEMENT OF SELF-SUFFICIENCY.—The rental policy developed by each public housing agency shall encourage and reward employment and economic self-sufficiency.

(f) INCOME REVIEWS.—Each public housing agency shall review the income of each family occupying a dwelling unit in public housing owned or administered by the agency not less than annually, except that, in the case of families that are paying rent in the amount determined under subsection (b)(1), the agency shall review the income of such family not less than once every 3 years.

(g) DISALLOWANCE OF EARNED INCOME FROM RENT DETERMINATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the rent payable under this section by a family whose income increases as a result of employment of a member of the family who was previously unemployed for 1 or more years (including a family whose income increases as a result of the participation of a family member in any family self-sufficiency or other job training program) may not be increased as a result of the increased income due to such employment during the 18-month period beginning on the date on which the employment is commenced.

(2) PHASE-IN OF RENT INCREASES.—After the expiration of the 18-month period referred to

in paragraph (1), rent increases due to the continued employment of the family member described in paragraph (1) shall be phased in over a subsequent 3-year period.

(3) TRANSITION.—Notwithstanding the provisions of paragraphs (1) and (2), any resident of public housing participating in the program under the authority contained in the undesignated paragraph at the end of section 3(c)(3) of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act) shall be governed by such authority after such date.

(h) PHASE-IN OF RENT CONTRIBUTION INCREASES AFTER EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), for any family residing in a dwelling unit in public housing upon the effective date of this division, if the monthly contribution for rental of an assisted dwelling unit to be paid by the family upon initial applicability of this title is greater than the amount paid by the family under the provisions of the United States Housing Act of 1937 immediately before such applicability, any such resulting increase in rent contribution shall be—

(A) phased in equally over a period of not less than 3 years, if such increase is 30 percent or more of such contribution before initial applicability; and

(B) limited to not more than 10 percent per year if such increase is more than 10 percent but less than 30 percent of such contribution before initial applicability.

(2) EXCEPTION.—The minimum rental amount under subsection (c) shall apply to each family described in paragraph (1) of this subsection, notwithstanding such paragraph.

SEC. 1226. LEASE REQUIREMENTS.

In renting dwelling units in a public housing development, each public housing agency shall utilize leases that—

(1) do not contain unreasonable terms and conditions;

(2) obligate the public housing agency to maintain the development in compliance with the housing quality requirements under section 1232;

(3) require the public housing agency to give adequate written notice of termination of the lease, which shall not be less than—

(A) the period provided under the applicable law of the jurisdiction or 14 days, whichever is less, in the case of nonpayment of rent;

(B) a reasonable period of time, but not to exceed 14 days, when the health or safety of other residents or public housing agency employees is threatened; and

(C) the period of time provided under the applicable law of the jurisdiction, in any other case;

(4) contain the provisions required under sections 1642 and 1643 (relating to limitations on occupancy in federally assisted housing); and

(5) specify that, with respect to any notice of eviction or termination, notwithstanding any State law, a public housing resident shall be informed of the opportunity, prior to any hearing or trial, to examine any relevant documents, records or regulations directly related to the eviction or termination.

SEC. 1227. DESIGNATED HOUSING FOR ELDERLY AND DISABLED FAMILIES.

(a) AUTHORITY TO PROVIDE DESIGNATED HOUSING.—

(1) IN GENERAL.—Subject only to provisions of this section and notwithstanding any other provision of law, a public housing agency for which the information required under subsection (d) is in effect may provide public housing developments (or portions of developments) designated for occupancy by (A) only elderly families, (B) only disabled families, or (C) elderly and disabled families.

(2) PRIORITY FOR OCCUPANCY.—In determining priority for admission to public housing developments (or portions of developments) that are designated for occupancy as provided in paragraph (1), the public housing agency may make units in such developments (or portions) available only to the types of families for whom the development is designated.

(3) ELIGIBILITY OF NEAR-ELDERLY FAMILIES.—If a public housing agency determines that there are insufficient numbers of elderly families to fill all the units in a development (or portion of a development) designated under paragraph (1) for occupancy by only elderly families, the agency may provide that near-elderly families may occupy dwelling units in the development (or portion).

(b) STANDARDS REGARDING EVICTIONS.—Except as provided in subtitle C of title XVI, any tenant who is lawfully residing in a dwelling unit in a public housing development may not be evicted or otherwise required to vacate such unit because of the designation of the development (or portion of a development) pursuant to this section or because of any action taken by the Secretary or any public housing agency pursuant to this section.

(c) RELOCATION ASSISTANCE.—A public housing agency that designates any existing development or building, or portion thereof, for occupancy as provided under subsection (a)(1) shall provide, to each person and family who agrees to be relocated in connection with such designation—

(1) notice of the designation and an explanation of available relocation benefits, as soon as is practicable for the agency and the person or family;

(2) access to comparable housing (including appropriate services and design features), which may include choice-based rental housing assistance under title XIII, at a rental rate paid by the tenant that is comparable to that applicable to the unit from which the person or family has vacated; and

(3) payment of actual, reasonable moving expenses.

(d) REQUIRED INCLUSIONS IN LOCAL HOUSING MANAGEMENT PLAN.—A public housing agency may designate a development (or portion of a development) for occupancy under subsection (a)(1) only if the agency, as part of the agency's local housing management plan—

(1) establishes that the designation of the development is necessary—

(A) to achieve the housing goals for the jurisdiction under the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act; or

(B) to meet the housing needs of the low-income population of the jurisdiction; and

(2) includes a description of—

(A) the development (or portion of a development) to be designated;

(B) the types of tenants for which the development is to be designated;

(C) any supportive services to be provided to tenants of the designated development (or portion);

(D) how the design and related facilities (as such term is defined in section 202(d)(8) of the Housing Act of 1959) of the development accommodate the special environmental needs of the intended occupants; and

(E) any plans to secure additional resources or housing assistance to provide assistance to families that may have been housed if occupancy in the development were not restricted pursuant to this section.

For purposes of this subsection, the term "supportive services" means services designed to meet the special needs of residents. Notwithstanding section 1107, the Secretary may approve a local housing management plan without approving the portion of the plan covering designation of a development pursuant to this section.

(e) EFFECTIVENESS.—

(1) INITIAL 5-YEAR EFFECTIVENESS.—The information required under subsection (d) shall be in effect for purposes of this section during the 5-year period that begins upon notification under section 1107(a) of the public housing agency that the information complies with the requirements under section 1106 and this section.

(2) RENEWAL.—Upon the expiration of the 5-year period under paragraph (1) or any 2-year period under this paragraph, an agency may extend the effectiveness of the designation and information for an additional 2-year period (that begins upon such expiration) by submitting to the Secretary any information needed to update the information. The Secretary may not limit the number of times a public housing agency extends the effectiveness of a designation and information under this paragraph.

(3) TREATMENT OF EXISTING PLANS.—Notwithstanding any other provision of this section, a public housing agency shall be considered to have submitted the information required under this section if the agency has submitted to the Secretary an application and allocation plan under section 7 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act) that has not been approved or disapproved before such effective date.

(4) TRANSITION PROVISION.—Any application and allocation plan approved under section 7 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act) before such effective date shall be considered to be the information required to be submitted under this section and that is in effect for purposes of this section for the 5-year period beginning upon such approval.

(f) INAPPLICABILITY OF UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITIONS POLICY ACT OF 1970.—No resident of a public housing development shall be considered to be displaced for purposes of the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 because of the designation of any existing development or building, or portion thereof, for occupancy as provided under subsection (a) of this section.

(g) USE OF AMOUNTS.—Any amounts appropriated pursuant to section 10(b) of the Housing Opportunity Program Extension Act of 1996 (Public Law 104–120) may also be used, to the extent or in such amounts as are or have been provided in advance in appropriation Acts, for choice-based rental housing assistance under title XIII for public housing agencies to implement this section.

Subtitle C—Management

SEC. 1231. MANAGEMENT PROCEDURES.

(a) SOUND MANAGEMENT.—A public housing agency that receives grant amounts under this title shall establish and comply with procedures and practices sufficient to ensure that the public housing developments owned or administered by the agency are operated in a sound manner.

(b) ACCOUNTING SYSTEM FOR RENTAL COLLECTIONS AND COSTS.—

(1) ESTABLISHMENT.—Each public housing agency that receives grant amounts under this title shall establish and maintain a system of accounting for rental collections and costs (including administrative, utility, maintenance, repair, and other operating costs) for each project and operating cost center (as determined by the Secretary).

(2) ACCESS TO RECORDS.—Each public housing agency shall make available to the general public the information required pursuant to paragraph (1) regarding collections and costs.

(3) EXEMPTION.—The Secretary may permit authorities owning or operating fewer than 500 dwelling units to comply with the requirements of this subsection by accounting on an agency-wide basis.

(c) MANAGEMENT BY OTHER ENTITIES.—Except as otherwise provided under this division, a public housing agency may contract with any other entity to perform any of the management functions for public housing owned or operated by the public housing agency.

SEC. 1232. HOUSING QUALITY REQUIREMENTS.

(a) IN GENERAL.—Each public housing agency that receives grant amounts under this division shall maintain its public housing in a condition that complies—

(1) in the case of public housing located in a jurisdiction which has in effect laws, regulations, standards, or codes regarding habitability of residential dwellings, with such applicable laws, regulations, standards, or codes; or

(2) in the case of public housing located in a jurisdiction which does not have in effect laws, regulations, standards, or codes described in paragraph (1), with the housing quality standards established under subsection (b).

(b) FEDERAL HOUSING QUALITY STANDARDS.—The Secretary shall establish housing quality standards under this subsection that ensure that public housing dwelling units are safe, clean, and healthy. Such standards shall include requirements relating to habitability, including maintenance, health and sanitation factors, condition, and construction of dwellings, and shall, to the greatest extent practicable, be consistent with the standards established under section 1328(c). The Secretary shall differentiate between major and minor violations of such standards.

(c) DETERMINATIONS.—Each public housing agency providing housing assistance shall identify, in the local housing management plan of the agency, whether the agency is utilizing the standard under paragraph (1) or (2) of subsection (a).

(d) ANNUAL INSPECTIONS.—Each public housing agency that owns or operates public housing shall make an annual inspection of each public housing development to determine whether units in the development are maintained in accordance with the requirements under subsection (a). The agency shall retain the results of such inspections and, upon the request of the Secretary, the Inspector General for the Department of Housing and Urban Development, or any auditor conducting an audit under section 1541, shall make such results available.

SEC. 1233. EMPLOYMENT OF RESIDENTS.

Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (A)—

(i) by striking "public and Indian housing agencies" and inserting "public housing agencies and recipients of grants under the Native American Housing Assistance and Self-Determination Act of 1996"; and

(ii) by striking "development assistance" and all that follows through the end and inserting "assistance provided under title XII of the Housing Opportunity and Responsibility Act of 1997 and used for the housing production, operation, or capital needs."; and

(B) in subparagraph (B)(ii), by striking "managed by the public or Indian housing agency" and inserting "assisted by the public housing agency or the recipient of a grant under the Native American Housing Assistance and Self-Determination Act of 1996";

(2) in subsection (d)(1)—

(A) in subparagraph (A)—

(i) by striking "public and Indian housing agencies" and inserting "public housing agencies and recipients of grants under the Native American Housing Assistance and Self-Determination Act of 1996"; and

(ii) by striking "development assistance" and all that follows through "section 14 of that Act" and inserting "assistance provided under title XII of the Housing Opportunity and Responsibility Act of 1997 and used for the housing production, operation, or capital needs"; and

(B) in subparagraph (B)(ii), by striking "operated by the public or Indian housing agency" and inserting "assisted by the public housing agency or the recipient of a grant under the Native American Housing Assistance and Self-Determination Act of 1996";

(3) in subsections (c)(1)(A) and (d)(1)(A), by striking "make their best efforts," each place it appears and inserting "to the maximum extent that is possible and";

(4) in subsection (c)(1)(A), by striking "to give" and inserting "give"; and

(5) in subsection (d)(1)(A), by striking "to award" and inserting "award".

SEC. 1234. RESIDENT COUNCILS AND RESIDENT MANAGEMENT CORPORATIONS.

(a) RESIDENT COUNCILS.—The residents of a public housing development may establish a resident council for the development for purposes of consideration of issues relating to residents, representation of resident interests, and coordination and consultation with a public housing agency. A resident council shall be an organization or association that—

(1) is nonprofit in character;

(2) is representative of the residents of the eligible housing;

(3) adopts written procedures providing for the election of officers on a regular basis; and

(4) has a democratically elected governing board, which is elected by the residents of the eligible housing on a regular basis.

(b) RESIDENT MANAGEMENT CORPORATIONS.—

(1) ESTABLISHMENT.—The residents of a public housing development may establish a resident management corporation for the purpose of assuming the responsibility for the management of the development under section 1235 or purchasing a development.

(2) REQUIREMENTS.—A resident management corporation shall be a corporation that—

(A) is nonprofit in character;

(B) is organized under the laws of the State in which the development is located;

(C) has as its sole voting members the residents of the development; and

(D) is established by the resident council for the development or, if there is not a resident council, by a majority of the households of the development.

SEC. 1235. MANAGEMENT BY RESIDENT MANAGEMENT CORPORATION.

(a) AUTHORITY.—A public housing agency may enter into a contract under this section with a resident management corporation to provide for the management of public housing developments by the corporation.

(b) CONTRACT.—A contract under this section for management of public housing developments by a resident management corporation shall establish the respective management rights and responsibilities of the corporation and the public housing agency. The contract shall be consistent with the requirements of this division applicable to public housing development and may include specific terms governing management personnel and compensation, access to public housing records, submission of and adherence to budgets, rent collection procedures, resident income verification, resident eligibility determinations, resident eviction, the acquisition of supplies and materials and such other matters as may be appropriate. The contract shall be treated as a contracting out of services.

(c) BONDING AND INSURANCE.—Before assuming any management responsibility for a public housing development, the resident management corporation shall provide fidelity bonding and insurance, or equivalent protection. Such bonding and insurance, or its equivalent, shall be adequate to protect the Secretary and the public housing agency against loss, theft, embezzlement, or fraudulent acts on the part of the resident management corporation or its employees.

(d) BLOCK GRANT ASSISTANCE AND INCOME.—A contract under this section shall provide for—

(1) the public housing agency to provide a portion of the block grant assistance under this title to the resident management corporation for purposes of operating the public housing development covered by the contract and performing such other eligible activities with respect to the development as may be provided under the contract;

(2) the amount of income expected to be derived from the development itself (from sources such as rents and charges);

(3) the amount of income to be provided to the development from the other sources of income of the public housing agency (such as interest income, administrative fees, and rents); and

(4) any income generated by a resident management corporation of a public housing development that exceeds the income estimated under the contract shall be used for eligible activities under section 1203(a).

(e) CALCULATION OF TOTAL INCOME.—

(1) MAINTENANCE OF SUPPORT.—Subject to paragraph (2), the amount of assistance provided by a public housing agency to a public housing development managed by a resident management corporation may not be reduced during the 3-year period beginning on the date on which the resident management corporation is first established for the development.

(2) REDUCTIONS AND INCREASES IN SUPPORT.—If the total income of a public housing agency is reduced or increased, the income provided by the public housing agency to a public housing development managed by a resident management corporation shall be reduced or increased in proportion to the reduction or increase in the total income of the agency, except that any reduction in block grant amounts under this title to the agency that occurs as a result of fraud, waste, or mismanagement by the agency shall not affect the amount provided to the resident management corporation.

SEC. 1236. TRANSFER OF MANAGEMENT OF CERTAIN HOUSING TO INDEPENDENT MANAGER AT REQUEST OF RESIDENTS.

(a) AUTHORITY.—The Secretary may transfer the responsibility and authority for management of specified housing (as such term is defined in subsection (h)) from a public housing agency to an eligible management entity, in accordance with the requirements of this section, if—

(1) such housing is owned or operated by a public housing agency that is designated as a troubled agency under section 1533(a); and

(2) the Secretary determines that—

(A) such housing has deferred maintenance, physical deterioration, or obsolescence of major systems and other deficiencies in the physical plant of the project;

(B) such housing is occupied predominantly by families with children who are in a severe state of distress, characterized by such factors as high rates of unemployment, teenage pregnancy, single-parent households, long-term dependency on public assistance and minimal educational achievement;

(C) such housing is located in an area such that the housing is subject to recurrent vandalism and criminal activity (including drug-related criminal activity); and

(D) the residents can demonstrate that the elements of distress for such housing specified in subparagraphs (A) through (C) can be remedied by an entity that has a demonstrated capacity to manage, with reasonable expenses for modernization.

Such a transfer may be made only as provided in this section, pursuant to the approval by the Secretary of a request for the transfer made by a majority vote of the residents for the specified housing, after consultation with the public housing agency for the specified housing.

(b) BLOCK GRANT ASSISTANCE.—Pursuant to a contract under subsection (c), the Secretary shall require the public housing agency for specified housing to provide to the manager for the housing, from any block grant amounts under this title for the agency, fair and reasonable amounts for operating costs for the housing. The amount made available under this subsection to a manager shall be determined by the Secretary based on the share for the specified housing of the total block grant amounts for the public housing agency transferring the housing, taking into consideration the operating and capital improvement needs of the specified housing, the operating and capital improvement needs of the remaining public housing units managed by the public housing agency, and the local housing management plan of such agency.

(c) CONTRACT BETWEEN SECRETARY AND MANAGER.—

(1) REQUIREMENTS.—Pursuant to the approval of a request under this section for transfer of the management of specified housing, the Secretary shall enter into a contract with the eligible management entity.

(2) TERMS.—A contract under this subsection shall contain provisions establishing the rights and responsibilities of the manager with respect to the specified housing and the Secretary and shall be consistent with the requirements of this division applicable to public housing developments.

(d) COMPLIANCE WITH LOCAL HOUSING MANAGEMENT PLAN.—A manager of specified housing under this section shall comply with the approved local housing management plan applicable to the housing and shall submit such information to the public housing agency from which management was transferred as may be necessary for such agency to prepare and update its local housing management plan.

(e) DEMOLITION AND DISPOSITION BY MANAGER.—A manager under this section may demolish or dispose of specified housing only if, and in the manner, provided for in the local housing management plan for the agency transferring management of the housing.

(f) LIMITATION ON PHA LIABILITY.—A public housing agency that is not a manager for specified housing shall not be liable for any act or failure to act by a manager or resident council for the specified housing.

(g) TREATMENT OF MANAGER.—To the extent not inconsistent with this section and to the extent the Secretary determines not inconsistent with the purposes of this division, a manager of specified housing under this section shall be considered to be a public housing agency for purposes of this title.

(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ELIGIBLE MANAGEMENT ENTITY.—The term "eligible management entity" means, with respect to any public housing development, any of the following entities:

(A) NONPROFIT ORGANIZATION.—A public or private nonprofit organization, which shall—

(i) include a resident management corporation or resident management organization and, as determined by the Secretary, a public or private nonprofit organization sponsored by the public housing agency that owns the development; and

(ii) not include the public housing agency that owns the development.

(B) FOR-PROFIT ENTITY.—A for-profit entity that has demonstrated experience in providing low-income housing.

(C) STATE OR LOCAL GOVERNMENT.—A State or local government, including an agency or instrumentality thereof.

(D) PUBLIC HOUSING AGENCY.—A public housing agency (other than the public housing agency that owns the development).

The term does not include a resident council.

(2) MANAGER.—The term "manager" means any eligible management entity that has entered into a contract under this section with the Secretary for the management of specified housing.

(3) NONPROFIT.—The term "nonprofit" means, with respect to an organization, association, corporation, or other entity, that no part of the net earnings of the entity inures to the benefit of any member, founder, contributor, or individual.

(4) PRIVATE NONPROFIT ORGANIZATION.—The term "private nonprofit organization" means any private organization (including a State or locally chartered organization) that—

(A) is incorporated under State or local law;

(B) is nonprofit in character;

(C) complies with standards of financial accountability acceptable to the Secretary; and

(D) has among its purposes significant activities related to the provision of decent housing that is affordable to low-income families.

(5) PUBLIC HOUSING AGENCY.—The term "public housing agency" has the meaning given such term in section 1103(a).

(6) PUBLIC NONPROFIT ORGANIZATION.—The term "public nonprofit organization" means any public entity that is nonprofit in character.

(7) SPECIFIED HOUSING.—The term "specified housing" means a public housing development or developments, or a portion of a development or developments, for which the transfer of management is requested under this section. The term includes one or more contiguous buildings and an area of contiguous row houses, but in the case of a single building, the building shall be sufficiently separable from the remainder of the development of which it is part to make transfer of the management of the building feasible for purposes of this section.

SEC. 1237. RESIDENT OPPORTUNITY PROGRAM.

(a) PURPOSE.—The purpose of this section is to encourage increased resident management of public housing developments, as a means of improving existing living conditions in public housing developments, by providing increased flexibility for public housing developments that are managed by residents by—

(1) permitting the retention, and use for certain purposes, of any revenues exceeding operating and project costs; and

(2) providing funding, from amounts otherwise available, for technical assistance to promote formation and development of resident management entities.

For purposes of this section, the term "public housing development" includes one or more contiguous buildings or an area of contiguous row houses the elected resident councils of which approve the establishment of a resident management corporation and otherwise meet the requirements of this section.

(b) PROGRAM REQUIREMENTS.—

(1) RESIDENT COUNCIL.—As a condition of entering into a resident opportunity program, the elected resident council of a public housing development shall approve the establishment of a resident management corporation that complies with the requirements of section 1234(b)(2). When such approval is made by the elected resident council of a building or row house area, the resident opportunity program shall not interfere with the rights of other families residing in the development or harm the efficient operation of the development. The resident management corporation and the resident council may be the same organization, if the organization complies with the requirements applicable to both the corporation and council.

(2) PUBLIC HOUSING MANAGEMENT SPECIALIST.—The resident council of a public housing development, in cooperation with the public housing agency, shall select a qualified public housing management specialist to assist in determining the feasibility of, and to help establish, a resident management corporation and to provide training and other duties agreed to in the daily operations of the development.

(3) MANAGEMENT RESPONSIBILITIES.—A resident management corporation that qualifies under this section, and that supplies insurance and bonding or equivalent protection sufficient to the Secretary and the public housing agency, shall enter into a contract with the agency establishing the respective management rights and responsibilities of the corporation and the agency. The contract shall be treated as a contracting out of services and shall be subject to the requirements under section 1235 for such contracts.

(4) ANNUAL AUDIT.—The books and records of a resident management corporation operating a public housing development shall be audited annually by a certified public accountant. A written report of each such audit shall be forwarded to the public housing agency and the Secretary.

(c) COMPREHENSIVE IMPROVEMENT ASSISTANCE.—Public housing developments managed by resident management corporations

may be provided with modernization assistance from grant amounts under this title for purposes of renovating such developments. If such renovation activities (including the planning and architectural design of the rehabilitation) are administered by a resident management corporation, the public housing agency involved may not retain, for any administrative or other reason, any portion of the assistance provided pursuant to this subsection unless otherwise provided by contract.

(d) WAIVER OF FEDERAL REQUIREMENTS.—

(1) WAIVER OF REGULATORY REQUIREMENTS.—Upon the request of any resident management corporation and public housing agency, and after notice and an opportunity to comment is afforded to the affected residents, the Secretary may waive (for both the resident management corporation and the public housing agency) any requirement established by the Secretary (and not specified in any statute) that the Secretary determines to unnecessarily increase the costs or restrict the income of a public housing development.

(2) WAIVER TO PERMIT EMPLOYMENT.—Upon the request of any resident management corporation, the Secretary may, subject to applicable collective bargaining agreements, permit residents of such development to volunteer a portion of their labor.

(3) EXCEPTIONS.—The Secretary may not waive under this subsection any requirement with respect to income eligibility for purposes of section 1222, family rental payments under section 1225, tenant or applicant protections, employee organizing rights, or rights of employees under collective bargaining agreements.

(e) OPERATING ASSISTANCE AND DEVELOPMENT INCOME.—

(1) CALCULATION OF OPERATING SUBSIDY.—The grant amounts received under this title by a public housing agency used for operating fund activities under section 1203(a)(2) that are allocated to a public housing development managed by a resident management corporation shall not be less than per unit monthly amount of such assistance used by the public housing agency in the previous year, as determined on an individual development basis.

(2) CONTRACT REQUIREMENTS.—Any contract for management of a public housing development entered into by a public housing agency and a resident management corporation shall specify the amount of income expected to be derived from the development itself (from sources such as rents and charges) and the amount of income funds to be provided to the development from the other sources of income of the agency (such as assistance for operating activities under section 1203(a)(2), interest income, administrative fees, and rents).

(f) RESIDENT MANAGEMENT TECHNICAL ASSISTANCE AND TRAINING.—

(1) FINANCIAL ASSISTANCE.—To the extent budget authority is available under this title, the Secretary shall provide financial assistance to resident management corporations or resident councils that obtain, by contract or otherwise, technical assistance for the development of resident management entities, including the formation of such entities, the development of the management capability of newly formed or existing entities, the identification of the social support needs of residents of public housing developments, and the securing of such support. In addition, the Secretary may provide financial assistance to resident management corporations or resident councils for activities sponsored by resident organizations for economic uplift, such as job training, economic development, security, and other self-sufficiency activities beyond those related to the management of public housing. The Secretary may require resident councils or resident management corporations to utilize public housing agencies or other qualified organizations as contract administrators with respect to financial assistance provided under this paragraph.

(2) LIMITATION ON ASSISTANCE.—The financial assistance provided under this subsection with respect to any public housing development may not exceed $100,000.

(3) PROHIBITION.—A resident management corporation or resident council may not, before the award to the corporation or council of a grant amount under this subsection, enter into any contract or other agreement with any entity to provide such entity with amounts from the grant for providing technical assistance or carrying out other activities eligible for assistance with amounts under this subsection. Any such agreement entered into in violation of this paragraph shall be void and unenforceable.

(4) FUNDING.—Of any amounts made available under section 1282(1) for use under the capital fund, the Secretary may use to carry out this subsection $15,000,000 for fiscal year 1998.

(5) LIMITATION REGARDING ASSISTANCE UNDER HOPE GRANT PROGRAM.—The Secretary may not provide financial assistance under this subsection to any resident management corporation or resident council with respect to which assistance for the development or formation of such entity is provided under title III of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act).

(6) TECHNICAL ASSISTANCE AND CLEARINGHOUSE.—The Secretary may use up to 10 percent of the amount made available pursuant to paragraph (4)—

(A) to provide technical assistance, directly or by grant or contract, and

(B) to receive, collect, process, assemble, and disseminate information,

in connection with activities under this subsection.

(g) ASSESSMENT AND REPORT BY SECRETARY.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall—

(1) conduct an evaluation and assessment of resident management, and particularly of the effect of resident management on living conditions in public housing; and

(2) submit to the Congress a report setting forth the findings of the Secretary as a result of the evaluation and assessment and including any recommendations the Secretary determines to be appropriate.

(h) APPLICABILITY.—Any management contract between a public housing agency and a resident management corporation that is entered into after the date of the enactment of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 shall be subject to this section and any regulations issued to carry out this section.

Subtitle D—Homeownership

SEC. 1251. RESIDENT HOMEOWNERSHIP PROGRAMS.

(a) IN GENERAL.—A public housing agency may carry out a homeownership program in accordance with this section and the local housing management plan of the agency to make public housing dwelling units, public housing developments, and other housing projects available for purchase by low-income families. An agency may transfer a unit only pursuant to a homeownership program approved by the Secretary. Notwithstanding section 1107, the Secretary may approve a local housing management plan without approving the portion of the plan regarding a homeownership program pursuant to this section. In the case of the portion of a plan regarding the homeownership program that is submitted separately pursuant to the preceding sentence, the Secretary shall approve or disapprove such portion not later than 60 days after the submission of such portion.

(b) PARTICIPATING UNITS.—A program under this section may cover any existing public housing dwelling units or projects, and may include other dwelling units and housing owned, operated, or assisted, or otherwise acquired for use under such program, by the public housing agency.

(c) ELIGIBLE PURCHASERS.—

(1) LOW-INCOME REQUIREMENT.—Only low-income families assisted by a public housing agency, other low-income families, and entities formed to facilitate such sales by purchasing units for resale to low-income families shall be eligible to purchase housing under a homeownership program under this section.

(2) OTHER REQUIREMENTS.—A public housing agency may establish other requirements or limitations for families to purchase housing under a homeownership program under this section, including requirements or limitations regarding employment or participation in employment counseling or training activities, criminal activity, participation in homeownership counseling programs, evidence of regular income, and other requirements. In the case of purchase by an entity for resale to low-income families, the entity shall sell the units to low-income families within 5 years from the date of its acquisition of the units. The entity shall use any net proceeds from the resale and from managing the units, as determined in accordance with guidelines of the Secretary, for housing purposes, such as funding resident organizations and reserves for capital replacements.

(d) FINANCING AND ASSISTANCE.—A homeownership program under this section may provide financing for acquisition of housing by families purchasing under the program or by the public housing agency for sale under this program in any manner considered appropriate by the agency (including sale to a resident management corporation).

(e) DOWNPAYMENT REQUIREMENT.—

(1) IN GENERAL.—Each family purchasing housing under a homeownership program under this section shall be required to provide from its own resources a downpayment in connection with any loan for acquisition of the housing, in an amount determined by the public housing agency. Except as provided in paragraph (2), the agency shall permit the family to use grant amounts, gifts from relatives, contributions from private sources, and similar amounts as downpayment amounts in such purchase,

(2) DIRECT FAMILY CONTRIBUTION.—In purchasing housing pursuant to this section, each family shall contribute an amount of the downpayment, from resources of the family other than grants, gifts, contributions, or other similar amounts referred to in paragraph (1), that is not less than 1 percent of the purchase price.

(f) OWNERSHIP INTERESTS.—A homeownership program under this section may provide for sale to the purchasing family of any ownership interest that the public housing agency considers appropriate under the program, including ownership in fee simple, a condominium interest, an interest in a limited

dividend cooperative, a shared appreciation interest with a public housing agency providing financing.

(g) RESALE.—

(1) AUTHORITY AND LIMITATION.—A homeownership program under this section shall permit the resale of a dwelling unit purchased under the program by an eligible family, but shall provide such limitations on resale as the agency considers appropriate (whether the family purchases directly from the agency or from another entity) for the agency to recapture—

(A) from any economic gain derived from any such resale occurring during the 5-year period beginning upon purchase of the dwelling unit by the eligible family, a portion of the amount of any financial assistance provided under the program by the agency to the eligible family; and

(B) after the expiration of such 5-year period, only such amounts as are equivalent to the assistance provided under this section by the agency to the purchaser.

(2) CONSIDERATIONS.—The limitations referred to in paragraph (1) may provide for consideration of the aggregate amount of assistance provided under the program to the family, the contribution to equity provided by the purchasing eligible family, the period of time elapsed between purchase under the homeownership program and resale, the reason for resale, any improvements to the property made by the eligible family, any appreciation in the value of the property, and any other factors that the agency considers appropriate.

(h) SALE OF CERTAIN SCATTERED-SITE HOUSING.—A public housing agency that the Secretary has determined to be a high-performing agency may use the proceeds from the disposition of scattered-site public housing under a homeownership program under this section to purchase replacement scattered-site dwelling units, to the extent such use is provided for in the local housing management plan for the agency approved under section 1107. Any such replacement dwelling units shall be considered public housing for purposes of this division.

(i) INAPPLICABILITY OF DISPOSITION REQUIREMENTS.—The provisions of section 1261 shall not apply to disposition of public housing dwelling units under a homeownership program under this section, except that any dwelling units sold under such a program shall be treated as public housing dwelling units for purposes of subsections (e) and (f) of section 1261.

Subtitle E—Disposition, Demolition, and Revitalization of Developments

SEC. 1261. REQUIREMENTS FOR DEMOLITION AND DISPOSITION OF DEVELOPMENTS.

(a) AUTHORITY AND FLEXIBILITY.—A public housing agency may demolish, dispose of, or demolish and dispose of nonviable or nonmarketable public housing developments of the agency in accordance with this section.

(b) LOCAL HOUSING MANAGEMENT PLAN REQUIREMENT.—A public housing agency may take any action to demolish or dispose of a public housing development (or a portion of a development) only if such demolition or disposition complies with the provisions of this section and is in accordance with the local housing management plan for the agency. Notwithstanding section 1107, the Secretary may approve a local housing management plan without approving the portion of the plan covering demolition or disposition pursuant to this section.

(c) PURPOSE OF DEMOLITION OR DISPOSITION.—A public housing agency may demolish or dispose of a public housing development (or portion of a development) only if the agency provides sufficient evidence to the Secretary that—

(1) the development (or portion thereof) is severely distressed or obsolete;

(2) the development (or portion thereof) is in a location making it unsuitable for housing purposes;

(3) the development (or portion thereof) has design or construction deficiencies that make cost-effective rehabilitation infeasible;

(4) assuming that reasonable rehabilitation and management intervention for the development has been completed and paid for, the anticipated revenue that would be derived from charging market-based rents for units in the development (or portion thereof) would not cover the anticipated operating costs and replacement reserves of the development (or portion) at full occupancy and the development (or portion) would constitute a substantial burden on the resources of the public housing agency;

(5) retention of the development (or portion thereof) is not in the best interests of the residents of the public housing agency because—

(A) developmental changes in the area surrounding the development adversely affect the health or safety of the residents or the feasible operation of the development by the public housing agency;

(B) demolition or disposition will allow the acquisition, development, or rehabilitation of other properties which will be more efficiently or effectively operated as low-income housing; or

(C) other factors exist that the agency determines are consistent with the best interests of the residents and the agency and not inconsistent with other provisions of this division;

(6) in the case only of demolition or disposition of a portion of a development, the demolition or disposition will help to ensure the remaining useful life of the remainder of the development; or

(7) in the case only of property other than dwelling units—

(A) the property is excess to the needs of a development; or

(B) the demolition or disposition is incidental to, or does not interfere with, continued operation of a development.

The evidence required under this subsection shall include, as a condition of demolishing or disposing of a public housing development (or portion of a development) estimated to have a value of $100,000 or more, a statement of the market value of the development (or portion), which has been determined by a party not having any interest in the housing or the public housing agency and pursuant to not less than 2 professional, independent appraisals of the development (or portion).

(d) CONSULTATION.—A public housing agency may demolish or dispose of a public housing development (or portion of a development) only if the agency notifies and confers regarding the demolition or disposition with—

(1) the residents of the development (or portion); and

(2) appropriate local government officials.

(e) COUNSELING.—A public housing agency may demolish or dispose of a public housing development (or a portion of a development) only if the agency provides any necessary counseling for families displaced by such action to facilitate relocation.

(f) USE OF PROCEEDS.—Any net proceeds from the disposition of a public housing development (or portion of a development) shall be used for—

(1) housing assistance for low-income families that is consistent with the low-income housing needs of the community, through acquisition, development, or rehabilitation of, or homeownership programs for, other low-income housing or the provision of choice-based assistance under title XIII for such families;

(2) supportive services relating to job training or child care for residents of a development or developments; or

(3) leveraging amounts for securing commercial enterprises, on-site in public housing developments of the public housing agency, appropriate to serve the needs of the residents.

(g) RELOCATION.—A public housing agency that demolishes or disposes of a public housing development (or portion of a development thereof) shall ensure that—

(1) each family that is a resident of the development (or portion) that is demolished or disposed of is relocated to other safe, clean, healthy, and affordable housing, which is, to the maximum extent practicable, housing of the family's choice, including choice-based assistance under title XIII (provided that with respect to choice-based assistance, the preceding requirement shall be fulfilled only upon the relocation of the such family into such housing);

(2) the public housing agency does not take any action to dispose of any unit until any resident to be displaced is relocated in accordance with paragraph (1); and

(3) each resident family to be displaced is paid relocation expenses, and the rent to be paid initially by the resident following relocation does not exceed the amount permitted under section 1225(a).

(h) RIGHT OF FIRST REFUSAL FOR RESIDENT ORGANIZATIONS AND RESIDENT MANAGEMENT CORPORATIONS.—

(1) IN GENERAL.—A public housing agency may not dispose of a public housing development (or portion of a development) unless the agency has, before such disposition, offered to sell the property, as provided in this subsection, to each resident organization and resident management corporation operating at the development for continued use as low-income housing, and no such organization or corporation purchases the property pursuant to such offer. A resident organization may act, for purposes of this subsection, through an entity formed to facilitate homeownership under subtitle D.

(2) TIMING.—Disposition of a development (or portion thereof) under this section may not take place—

(A) before the expiration of the period during which any such organization or corporation may notify the agency of interest in purchasing the property, which shall be the 30-day period beginning on the date that the agency first provides notice of the proposed disposition of the property to such resident organizations and resident management corporations;

(B) if an organization or corporation submits notice of interest in accordance with subparagraph (A), before the expiration of the period during which such organization or corporation may obtain a commitment for financing to purchase the property, which shall be the 60-day period beginning upon the submission to the agency of the notice of interest; or

(C) if, during the period under subparagraph (B), an organization or corporation obtains such financing commitment and makes a bona fide offer to the agency to purchase the property for a price equal to or exceeding the applicable offer price under paragraph (3).

The agency shall sell the property pursuant to any purchase offer described in subparagraph (C).

(3) TERMS OF OFFER.—An offer by a public housing agency to sell a property in accordance with this subsection shall involve a purchase price that reflects the market value of the property, the reason for the sale, the impact of the sale on the surrounding community, and any other factors that the agency considers appropriate.

(i) INFORMATION FOR LOCAL HOUSING MANAGEMENT PLAN.—A public housing agency may demolish or dispose of a public housing development (or portion thereof) only if it includes in the applicable local housing management plan information sufficient to describe—

(1) the housing to be demolished or disposed of;

(2) the purpose of the demolition or disposition under subsection (c) and why the demolition or disposition complies with the requirements under subsection (c), and includes evidence of the market value of the development (or portion) required under subsection (c);

(3) how the consultations required under subsection (d) will be made;

(4) how the net proceeds of the disposition will be used in accordance with subsection (f);

(5) how the agency will relocate residents, if necessary, as required under subsection (g); and

(6) that the agency has offered the property for acquisition by resident organizations and resident management corporations in accordance with subsection (h).

(j) SITE AND NEIGHBORHOOD STANDARDS EXEMPTION.—Notwithstanding any other provision of law, a public housing agency may provide for development of public housing dwelling units on the same site or in the same neighborhood as any dwelling units demolished, pursuant to a plan under this section, but only if such development provides for significantly fewer dwelling units.

(k) TREATMENT OF REPLACEMENT UNITS.—

(1) PROVISION OF OTHER HOUSING ASSISTANCE.—In connection with any demolition or disposition of public housing under this section, a public housing agency may provide for other housing assistance for low-income families that is consistent with the low-income housing needs of the community, including—

(A) the provision of choice-based assistance under title XIII; and

(B) the development, acquisition, or lease by the agency of dwelling units, which dwelling units shall—

(i) be eligible to receive assistance with grant amounts provided under this title; and

(ii) be made available for occupancy, operated, and managed in the manner required for public housing, and subject to the other requirements applicable to public housing dwelling units.

(2) TREATMENT OF INDIVIDUALS.—For purposes of this subsection, an individual between the ages of 18 and 21, inclusive, shall, at the discretion of the individual, be considered a family.

(l) USE OF NEW DWELLING UNITS.—A public housing agency demolishing or disposing of a public housing development (or portion thereof) under this section shall seek, where practical, to ensure that, if housing units are provided on any property that was previously used for the public housing demolished or disposed of, not less than 25 percent of such dwelling units shall be dwelling units reserved for occupancy during the remaining useful life of the housing by low-income families.

(m) PERMISSIBLE RELOCATION WITHOUT PLAN.—If a public housing agency determines that because of an emergency situation public housing dwelling units are severely uninhabitable, the public housing agency may relocate residents of such dwelling units before the submission of a local housing management plan providing for demolition or disposition of such units.

(n) CONSOLIDATION OF OCCUPANCY WITHIN OR AMONG BUILDINGS.—Nothing in this section may be construed to prevent a public housing agency from consolidating occupancy within or among buildings of a public housing development, or among developments, or with other housing for the purpose of improving living conditions of, or providing more efficient services to, residents.

(o) DE MINIMIS EXCEPTION TO DEMOLITION REQUIREMENTS.—Notwithstanding any other provision of this section, in any 5-year period a public housing agency may demolish not more than the lesser of 5 dwelling units or 5 percent of the total dwelling units owned and operated by the public housing agency, without providing for such demolition in a local housing management plan, but only if the space occupied by the demolished unit is used for meeting the service or other needs of public housing residents or the demolished unit was beyond repair.

SEC. 1262. DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND CHOICE-BASED ASSISTANCE GRANTS FOR DEVELOPMENTS.

(a) PURPOSES.—The purpose of this section is to provide assistance to public housing agencies for the purposes of—

(1) reducing the density and improving the living environment for public housing residents of severely distressed public housing developments through the demolition of obsolete public housing developments (or portions thereof);

(2) revitalizing sites (including remaining public housing dwelling units) on which such public housing developments are located and contributing to the improvement of the surrounding neighborhood;

(3) providing housing that will avoid or decrease the concentration of very low-income families; and

(4) providing choice-based assistance in accordance with title XIII for the purpose of providing replacement housing and assisting residents to be displaced by the demolition.

(b) GRANT AUTHORITY.—The Secretary may make grants available to public housing agencies as provided in this section.

(c) CONTRIBUTION REQUIREMENT.—The Secretary may not make any grant under this section to any applicant unless the applicant certifies to the Secretary that the applicant will supplement the amount of assistance provided under this section with an amount of funds from sources other than this section equal to not less than 5 percent of the amount provided under this section, including amounts from other Federal sources, any State or local government sources, any private contributions, and the value of any in-kind services or administrative costs provided.

(d) ELIGIBLE ACTIVITIES.—Grants under this section may be used for activities to carry out revitalization programs for severely distressed public housing, including—

(1) architectural and engineering work, including the redesign, reconstruction, or redevelopment of a severely distressed public housing development, including the site on which the development is located;

(2) the demolition, sale, or lease of the site, in whole or in part;

(3) covering the administrative costs of the applicant, which may not exceed such portion of the assistance provided under this section as the Secretary may prescribe;

(4) payment of reasonable legal fees;

(5) providing reasonable moving expenses for residents displaced as a result of the revitalization of the development;

(6) economic development activities that promote the economic self-sufficiency of residents under the revitalization program;

(7) necessary management improvements;

(8) leveraging other resources, including additional housing resources, retail supportive services, jobs, and other economic development uses on or near the development that will benefit future residents of the site;

(9) replacement housing and housing assistance under title XIII;

(10) transitional security activities; and

(11) necessary supportive services, except that not more than 10 percent of the amount of any grant may be used for activities under this paragraph.

(e) APPLICATION AND SELECTION.—

(1) APPLICATION.—An application for a grant under this section shall contain such information and shall be submitted at such time and in accordance with such procedures, as the Secretary shall prescribe.

(2) SELECTION CRITERIA.—The Secretary shall establish selection criteria for the award of grants under this section, which shall include—

(A) the relationship of the grant to the local housing management plan for the public housing agency and how the grant will result in a revitalized site that will enhance the neighborhood in which the development is located;

(B) the capability and record of the applicant public housing agency, or any alternative management agency for the agency, for managing large-scale redevelopment or modernization projects, meeting construction timetables, and obligating amounts in a timely manner;

(C) the extent to which the public housing agency could undertake such activities without a grant under this section;

(D) the extent of involvement of residents, State and local governments, private service providers, financing entities, and developers, in the development of a revitalization program for the development; and

(E) the amount of funds and other resources to be leveraged by the grant.

The Secretary shall give preference in selection to any public housing agency that has been awarded a planning grant under section 24(c) of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act).

(f) COST LIMITS.—Subject to the provisions of this section, the Secretary—

(1) shall establish cost limits on eligible activities under this section sufficient to provide for effective revitalization programs; and

(2) may establish other cost limits on eligible activities under this section.

(g) DEMOLITION AND REPLACEMENT.—Any severely distressed public housing demolished or disposed of pursuant to a revitalization plan and any public housing produced in lieu of such severely distressed housing, shall be subject to the provisions of section 1261.

(h) ADMINISTRATION BY OTHER ENTITIES.—The Secretary may require a grantee under this section to make arrangements satisfactory to the Secretary for use of an entity other than the public housing agency to

carry out activities assisted under the revitalization plan, if the Secretary determines that such action will help to effectuate the purposes of this section.

(i) WITHDRAWAL OF FUNDING.—If a grantee under this section does not proceed expeditiously, in the determination of the Secretary, the Secretary shall withdraw any grant amounts under this section that have not been obligated by the public housing agency. The Secretary shall redistribute any withdrawn amounts to one or more public housing agencies eligible for assistance under this section or to one or more other entities capable of proceeding expeditiously in the same locality in carrying out the revitalization plan of the original grantee.

(j) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) APPLICANT.—The term "applicant" means—

(A) any public housing agency that is not designated as troubled pursuant to section 1533(a);

(B) any public housing agency or private housing management agent selected, or receiver appointed pursuant to, section 1545; and

(C) any public housing agency that is designated as troubled pursuant to section 1533(a) that—

(i) is so designated principally for reasons that will not affect the capacity of the agency to carry out a revitalization program;

(ii) is making substantial progress toward eliminating the deficiencies of the agency; or

(iii) is otherwise determined by the Secretary to be capable of carrying out a revitalization program.

(2) PRIVATE NONPROFIT CORPORATION.—The term "private nonprofit organization" means any private nonprofit organization (including a State or locally chartered nonprofit organization) that—

(A) is incorporated under State or local law;

(B) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;

(C) complies with standards of financial accountability acceptable to the Secretary; and

(D) has among its purposes significant activities related to the provision of decent housing that is affordable to very low-income families.

(3) SEVERELY DISTRESSED PUBLIC HOUSING.—The term "severely distressed public housing" means a public housing development (or building in a development) that—

(A) requires major redesign, reconstruction or redevelopment, or partial or total demolition, to correct serious deficiencies in the original design (including inappropriately high population density), deferred maintenance, physical deterioration or obsolescence of major systems and other deficiencies in the physical plant of the development;

(B) is a significant contributing factor to the physical decline of and disinvestment by public and private entities in the surrounding neighborhood;

(C)(i) is occupied predominantly by families who are very low-income families with children, are unemployed, and dependent on various forms of public assistance; and

(ii) has high rates of vandalism and criminal activity (including drug-related criminal activity) in comparison to other housing in the area;

(D) cannot be revitalized through assistance under other programs, such as the public housing block grant program under this title, or the programs under sections 9 and 14 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act), because of cost constraints and inadequacy of available amounts; and

(E) in the case of individual buildings, is, in the Secretary's determination, sufficiently separable from the remainder of the development of which the building is part to make use of the building feasible for purposes of this section.

(4) SUPPORTIVE SERVICES.—The term "supportive services" includes all activities that will promote upward mobility, self-sufficiency, and improved quality of life for the residents of the public housing development involved, including literacy training, job training, day care, and economic development activities.

(k) ANNUAL REPORT.—The Secretary shall submit to the Congress an annual report setting forth—

(1) the number, type, and cost of public housing units revitalized pursuant to this section;

(2) the status of developments identified as severely distressed public housing;

(3) the amount and type of financial assistance provided under and in conjunction with this section; and

(4) the recommendations of the Secretary for statutory and regulatory improvements to the program established by this section.

(l) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section $500,000,000 for each of fiscal years 1998, 1999, and 2000.

(2) TECHNICAL ASSISTANCE.—Of the amount appropriated pursuant to paragraph (1) for any fiscal year, the Secretary may use not more than 0.50 percent for technical assistance. Such assistance may be provided directly or indirectly by grants, contracts, or cooperative agreements, and shall include training, and the cost of necessary travel for participants in such training, by or to officials of the Department of Housing and Urban Development, of public housing agencies, and of residents.

(m) SUNSET.—No assistance may be provided under this section after September 30, 2000.

(n) TREATMENT OF PREVIOUS SELECTIONS.—A public housing agency that has been selected to receive amounts under the notice of funding availability for fiscal year 1996 amounts for the HOPE VI program (provided under the heading "PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND REPLACEMENT HOUSING GRANTS" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 14371 note) (enacted as section 101(e) of Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–269)) may apply to the Secretary of Housing and Urban Development for a waiver of the total development cost rehabilitation requirement otherwise applicable under such program, and the Secretary may waive such requirement, but only (1) to the extent that a designated site for use of such amounts does not have dwelling units that are considered to be obsolete under Department of Housing and Urban Development regulations in effect upon the date of the enactment of this Act, and (2) if the Secretary determines that the public housing agency will continue to comply with the purposes of the program notwithstanding such waiver.

SEC. 1263. VOLUNTARY VOUCHER SYSTEM FOR PUBLIC HOUSING.

(a) IN GENERAL.—A public housing agency may convert any public housing development (or portion thereof) owned and operated by the agency to a system of choice-based rental housing assistance under title XIII, in accordance with this section.

(b) ASSESSMENT AND PLAN REQUIREMENT.—In converting under this section to a choice-based rental housing assistance system, the public housing agency shall develop a conversion assessment and plan under this subsection, in consultation with the appropriate public officials and with significant participation by the residents of the development (or portion thereof), which assessment and plan shall—

(1) be consistent with and part of the local housing management plan for the agency;

(2) describe the conversion and future use or disposition of the public housing development, including an impact analysis on the affected community;

(3) include a cost analysis that demonstrates whether or not the cost (both on a net present value basis and in terms of new budget authority requirements) of providing choice-based rental housing assistance under title XIII for the same families in substantially similar dwellings over the same period of time is less expensive than continuing public housing assistance in the public housing development proposed for conversion for the remaining useful life of the development;

(4) identify the actions, if any, that the public housing agency will take with regard to converting any public housing development or developments (or portions thereof) of the agency to a system of choice-based rental housing assistance under title XIII;

(5) require the public housing agency to—

(A) notify the families residing in the public housing development subject to the conversion, in accordance with any guidelines issued by the Secretary governing such notifications, that—

(i) the development will be removed from the inventory of the public housing agency; and

(ii) the families displaced by such action will receive choice-based housing assistance;

(B) provide any necessary counseling for families displaced by such action to facilitate relocation; and

(C) provide any reasonable relocation expenses for families displaced by such action; and

(6) ensure that each family that is a resident of the development is relocated to other safe, clean, and healthy affordable housing, which is, to the maximum extent practicable, housing of the family's choice, including choice-based assistance under title XIII (provided that with respect to choice-based assistance, the preceding requirement shall be fulfilled only upon the relocation of such family into such housing).

(c) STREAMLINED ASSESSMENT AND PLAN.—At the discretion of the Secretary or at the request of a public housing agency, the Secretary may waive any or all of the requirements of subsection (b) or otherwise require a streamlined assessment with respect to any public housing development or class of public housing developments.

(d) IMPLEMENTATION OF CONVERSION PLAN.—

(1) IN GENERAL.—A public housing agency may implement a conversion plan only if the conversion assessment under this section demonstrates that the conversion—

(A) will not be more expensive than continuing to operate the public housing development (or portion thereof) as public housing; and

(B) will principally benefit the residents of the public housing development (or portion thereof) to be converted, the public housing agency, and the community.

(2) DISAPPROVAL.—The Secretary shall disapprove a conversion plan only if the plan is plainly inconsistent with the conversion assessment under subsection (b) or there is reliable information and data available to the Secretary that contradicts that conversion assessment.

(e) OTHER REQUIREMENTS.—To the extent approved by the Secretary, the funds used by the public housing agency to provide choice-based rental housing assistance under title XIII shall be added to the housing assistance payment contract administered by the public housing agency or any entity administering the contract on behalf of the public housing agency.

(f) SAVINGS PROVISION.—This section does not affect any contract or other agreement entered into under section 22 of the United States Housing Act of 1937 (as such section existed before the effective date of the repeal under section 1601(b) of this Act).

Subtitle F—Mixed-Finance Public Housing

SEC. 1271. AUTHORITY.

Notwithstanding sections 1203 and 1262, the Secretary may, upon such terms and conditions as the Secretary may prescribe, authorize a public housing agency to provide for the use of grant amounts allocated and provided from the capital fund or from a grant under section 1262, to produce mixed-finance housing developments, or replace or revitalize existing public housing dwelling units with mixed-finance housing developments, but only if the agency submits to the Secretary a plan for such housing that is approved pursuant to section 1273 by the Secretary.

SEC. 1272. MIXED-FINANCE HOUSING DEVELOPMENTS.

(a) IN GENERAL.—For purposes of this subtitle, the term "mixed-finance housing" means low-income housing or mixed-income housing (as described in section 1221(c)(2)) for which the financing for production or revitalization is provided, in part, from entities other than the public housing agency.

(b) PRODUCTION.—A mixed-finance housing development shall be produced or revitalized, and owned—

(1) by a public housing agency or by an entity affiliated with a public housing agency;

(2) by a partnership, a limited liability company, or other entity in which the public housing agency (or an entity affiliated with a public housing agency) is a general partner, is a managing member, or otherwise participates in the activities of the entity;

(3) by any entity that grants to the public housing agency the option to purchase the public housing project during the 20-year period beginning on the date of initial occupancy of the public housing project in accordance with section 42(l)(7) of the Internal Revenue Code of 1986; or

(4) in accordance with such other terms and conditions as the Secretary may prescribe by regulation.

This subsection may not be construed to require production or revitalization, and ownership, by the same entity.

SEC. 1273. MIXED-FINANCE HOUSING PLAN.

The Secretary may approve a plan for production or revitalization of mixed-finance housing under this subtitle only if the Secretary determines that—

(1) the public housing agency has the ability, or has provided for an entity under section 1272(b) that has the ability, to use the amounts provided for use under the plan for such housing, effectively, either directly or through contract management;

(2) the plan provides permanent financing commitments from a sufficient number of sources other than the public housing agency, which may include banks and other conventional lenders, States, units of general local government, State housing finance agencies, secondary market entities, and other financial institutions;

(3) the plan provides for use of amounts provided under section 1271 by the public housing agency for financing the mixed-income housing in the form of grants, loans, advances, or other debt or equity investments, including collateral or credit enhancement of bonds issued by the agency or any State or local governmental agency for production or revitalization of the development; and

(4) the plan complies with any other criteria that the Secretary may establish.

SEC. 1274. RENT LEVELS FOR HOUSING FINANCED WITH LOW-INCOME HOUSING TAX CREDIT.

With respect to any dwelling unit in a mixed-finance housing development that is a low-income dwelling unit for which amounts from a block grant under this title are used and that is assisted pursuant to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, the rents charged to the residents of the unit shall be determined in accordance with this title, but shall not in any case exceed the amounts allowable under such section 42.

SEC. 1275. CARRY-OVER OF ASSISTANCE FOR REPLACED HOUSING.

In the case of a mixed-finance housing development that is replacement housing for public housing demolished or disposed of, or is the result of the revitalization of existing public housing, the share of assistance received from the capital fund and the operating fund by the public housing agency that owned or operated the housing demolished, disposed of, or revitalized shall not be reduced because of such demolition, disposition, or revitalization after the commencement of such demolition, disposition, or revitalization, unless—

(1) upon the expiration of the 18-month period beginning upon the approval of the plan under section 1273 for the mixed-finance housing development, the agency does not have binding commitments for production or revitalization, or a construction contract, for such development;

(2) upon the expiration of the 4-year period beginning upon the approval of the plan, the mixed-finance housing development is not substantially ready for occupancy and is placed under the block grant contract for the agency under section 1201; or

(3) the number of dwelling units in the mixed-finance housing development that are made available for occupancy only by low-income families is substantially less than the number of such dwelling units in the public housing demolished, disposed of, or revitalized.

The Secretary may extend the period under paragraph (1) or (2) for a public housing agency if the Secretary determines that circumstances beyond the control of the agency caused the agency to fail to meet the deadline under such paragraph.

Subtitle G—General Provisions

SEC. 1281. PAYMENT OF NON-FEDERAL SHARE.

Rental or use-value of buildings or facilities paid for, in whole or in part, from production, modernization, or operation costs financed under this title may be used as the non-Federal share required in connection with activities undertaken under Federal grant-in-aid programs which provide social, educational, employment, and other services to the residents in a project assisted under this title.

SEC. 1282. AUTHORIZATION OF APPROPRIATIONS FOR BLOCK GRANTS.

There are authorized to be appropriated for grants under this title, the following amounts:

(1) CAPITAL FUND.—For the allocations from the capital fund for grants, $2,500,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002.

(2) OPERATING FUND.—For the allocations from the operating fund for grants, $2,900,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002.

SEC. 1283. FUNDING FOR OPERATION SAFE HOME.

Of any amounts made available for fiscal years 1998 and 1999 for carrying out the Community Partnerships Against Crime Act of 1997 (as so designated pursuant to section 1624(a) of this Act), not more than $20,000,000 shall be available in each such fiscal year, for use under the Operation Safe Home program administered by the Office of the Inspector General of the Department of Housing and Urban Development, for law enforcement efforts to combat violent crime on or near the premises of public and federally assisted housing.

SEC. 1284. FUNDING FOR RELOCATION OF VICTIMS OF DOMESTIC VIOLENCE.

Of any amounts made available for fiscal years 1998, 1999, 2000, 2001, and 2002 for choice-based housing assistance under title XIII of this Act, not more than $700,000 shall be available in each such fiscal year for relocating residents of public housing (including providing assistance for costs of relocation and housing assistance under title XIII of this Act) who are residing in public housing, who have been subject to domestic violence, and for whom provision of assistance is likely to reduce or eliminate the threat of subsequent violence to the members of the family. The Secretary shall establish procedures for eligibility and administration of assistance under this section.

TITLE XIII—CHOICE-BASED RENTAL HOUSING AND HOMEOWNERSHIP ASSISTANCE FOR LOW-INCOME FAMILIES

Subtitle A—Allocation

SEC. 1301. AUTHORITY TO PROVIDE HOUSING ASSISTANCE AMOUNTS.

To the extent that amounts to carry out this title are made available, the Secretary may enter into contracts with public housing agencies for each fiscal year to provide housing assistance under this title.

SEC. 1302. CONTRACTS WITH PHA'S.

(a) CONDITION OF ASSISTANCE.—The Secretary may provide amounts under this title to a public housing agency for a fiscal year only if the Secretary has entered into a contract under this section with the public housing agency, under which the Secretary shall provide such agency with amounts (in the amount of the allocation for the agency determined pursuant to section 1304) for housing assistance under this title for low-income families.

(b) USE FOR HOUSING ASSISTANCE.—A contract under this section shall require a public housing agency to use amounts provided under this title to provide housing assistance in any manner authorized under this title.

(c) ANNUAL OBLIGATION OF AUTHORITY.—A contract under this title shall provide

amounts for housing assistance for 1 fiscal year covered by the contract.

(d) ENFORCEMENT OF HOUSING QUALITY REQUIREMENTS.—Each contract under this section shall require the public housing agency administering assistance provided under the contract—

(1) to ensure compliance, under each housing assistance payments contract entered into pursuant to the contract under this section, with the provisions of the housing assistance payments contract included pursuant to section 1351(c)(4); and

(2) to establish procedures for assisted families to notify the agency of any noncompliance with such provisions.

SEC. 1303. ELIGIBILITY OF PHA'S FOR ASSISTANCE AMOUNTS.

The Secretary may provide amounts available for housing assistance under this title pursuant to the formula established under section 1304(a) to a public housing agency only if—

(1) the agency has submitted a local housing management plan to the Secretary for such fiscal year and applied to the Secretary for such assistance;

(2) the plan has been determined to comply with the requirements under section 1106 and the Secretary has not notified the agency that the plan fails to comply with such requirements;

(3) no member of the board of directors or other governing body of the agency, or the executive director, has been convicted of a felony; and

(4) the agency has not been disqualified for assistance pursuant to title XV.

SEC. 1304. ALLOCATION OF AMOUNTS.

(a) FORMULA ALLOCATION.—

(1) IN GENERAL.—When amounts for assistance under this title are first made available for reservation, after reserving amounts in accordance with subsections (b)(3) and (c), the Secretary shall allocate such amounts, only among public housing agencies meeting the requirements under this title to receive such assistance, on the basis of a formula that is established in accordance with paragraph (2) and based upon appropriate criteria to reflect the needs of different States, areas, and communities, using the most recent data available from the Bureau of the Census of the Department of Commerce and the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act (or any consolidated plan incorporating such strategy) for the applicable jurisdiction. The Secretary may establish a minimum allocation amount, in which case only the public housing agencies that, pursuant to the formula, are provided an amount equal to or greater than the minimum allocation amount, shall receive an allocation.

(2) REGULATIONS.—The formula under this subsection shall be established by regulation issued by the Secretary. Notwithstanding sections 563(a) and 565(a) of title 5, United States Code, any proposed regulation containing such formula shall be issued pursuant to a negotiated rulemaking procedure under subchapter III of chapter 5 of such title and the Secretary shall establish a negotiated rulemaking committee for development of any such proposed regulations.

(b) ALLOCATION CONSIDERATIONS.—

(1) LIMITATION ON REALLOCATION FOR ANOTHER STATE.—Any amounts allocated for a State or areas or communities within a State that are not likely to be used within the fiscal year for which the amounts are provided shall not be reallocated for use in another State, unless the Secretary determines that other areas or communities within the same State (that are eligible for amounts under this title) cannot use the amounts within the same fiscal year.

(2) EFFECT OF RECEIPT OF TENANT-BASED ASSISTANCE FOR DISABLED FAMILIES.—The Secretary may not consider the receipt by a public housing agency of assistance under section 811(b)(1) of the Cranston-Gonzalez National Affordable Housing Act, or the amount received, in approving amounts under this title for the agency or in determining the amount of such assistance to be provided to the agency.

(3) EXEMPTION FROM FORMULA ALLOCATION.—The formula allocation requirements of subsection (a) shall not apply to any assistance under this title that is approved in appropriation Acts for uses that the Secretary determines are incapable of geographic allocation, including amendments of existing housing assistance payments contracts, renewal of such contracts, assistance to families that would otherwise lose assistance due to the decision of the project owner to prepay the project mortgage or not to renew the housing assistance payments contract, assistance to prevent displacement from public or assisted housing or to provide replacement housing in connection with the demolition or disposition of public housing, assistance for relocation from public housing, assistance in connection with protection of crime witnesses, assistance for conversion from leased housing contracts under section 23 of the United States Housing Act of 1937 (as in effect before the enactment of the Housing and Community Development Act of 1974), and assistance in support of the property disposition and portfolio management functions of the Secretary.

(c) RECAPTURE OF AMOUNTS.—

(1) AUTHORITY.—In each fiscal year, from any budget authority made available for assistance under this title or section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act) that is obligated to a public housing agency but remains unobligated by the agency upon the expiration of the 8-month period beginning upon the initial availability of such amounts for obligation by the agency, the Secretary may deobligate an amount, as determined by the Secretary, not exceeding 50 percent of such unobligated amount.

(2) USE.—The Secretary may reallocate and transfer any amounts deobligated under paragraph (1) only to public housing agencies in areas that the Secretary determines have received less funding than other areas, based on the relative needs of all areas.

SEC. 1305. ADMINISTRATIVE FEES.

(a) FEE FOR ONGOING COSTS OF ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall establish fees for the costs of administering the choice-based housing assistance program under this title.

(2) FISCAL YEAR 1998.—

(A) CALCULATION.—For fiscal year 1998, the fee for each month for which a dwelling unit is covered by a contract for assistance under this title shall be—

(i) in the case of a public housing agency that, on an annual basis, is administering a program for not more than 600 dwelling units, 7.65 percent of the base amount; and

(ii) in the case of an agency that, on an annual basis, is administering a program for more than 600 dwelling units—

(I) for the first 600 units, 7.65 percent of the base amount; and

(II) for any additional dwelling units under the program, 7.0 percent of the base amount.

(B) BASE AMOUNT.—For purposes of this paragraph, the base amount shall be the higher of—

(i) the fair market rental established under section 8(c) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 1601(b) of this Act) for fiscal year 1993 for a 2-bedroom existing rental dwelling unit in the market area of the agency, and

(ii) the amount that is the lesser of (I) such fair market rental for fiscal year 1994 or (II) 103.5 percent of the amount determined under clause (i),

adjusted based on changes in wage data or other objectively measurable data that reflect the costs of administering the program, as determined by the Secretary. The Secretary may require that the base amount be not less than a minimum amount and not more than a maximum amount.

(3) SUBSEQUENT FISCAL YEARS.—For subsequent fiscal years, the Secretary shall publish a notice in the Federal Register, for each geographic area, establishing the amount of the fee that would apply for public housing agencies administering the program, based on changes in wage data or other objectively measurable data that reflect the costs of administering the program, as determined by the Secretary.

(4) INCREASE.—The Secretary may increase the fee if necessary to reflect the higher costs of administering small programs and programs operating over large geographic areas.

(b) FEE FOR PRELIMINARY EXPENSES.—The Secretary shall also establish reasonable fees (as determined by the Secretary) for—

(1) the costs of preliminary expenses, in the amount of $500, for a public housing agency, but only in the first year that the agency administers a choice-based housing assistance program under this title, and only if, immediately before the effective date of this division, the agency was not administering a tenant-based rental assistance program under the United States Housing Act of 1937 (as in effect immediately before such effective date), in connection with its initial increment of assistance received;

(2) the costs incurred in assisting families who experience difficulty (as determined by the Secretary) in obtaining appropriate housing under the programs; and

(3) extraordinary costs approved by the Secretary.

(c) TRANSFER OF FEES IN CASES OF CONCURRENT GEOGRAPHICAL JURISDICTION.—In each fiscal year, if any public housing agency provides tenant-based rental assistance under section 8 of the United States Housing Act of 1937 or housing assistance under this title on behalf of a family who uses such assistance for a dwelling unit that is located within the jurisdiction of such agency but is also within the jurisdiction of another public housing agency, the Secretary shall take such steps as may be necessary to ensure that the public housing agency that provides the services for a family receives all or part of the administrative fee under this section (as appropriate).

SEC. 1306. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for providing public housing agencies with housing assistance under this title, such sums as may be necessary for each of fiscal years 1998, 1999, 2000, 2001, and 2002 to provide amounts for incremental assistance under this title, for renewal of expiring contracts under section 1302 of this Act and renewal under this title of expiring

contracts for tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act), and for replacement needs for public housing under title XII.

(b) ASSISTANCE FOR DISABLED FAMILIES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for choice-based housing assistance under this title to be used in accordance with paragraph (2), $50,000,000 for fiscal year 1998, and such sums as may be necessary for each subsequent fiscal year.

(2) USE.—The Secretary shall provide amounts made available under paragraph (1) to public housing agencies only for use to provide housing assistance under this title for nonelderly disabled families (including such families relocating pursuant to designation of a public housing development under section 1227 or the establishment of occupancy restrictions in accordance with section 658 of the Housing and Community Development Act of 1992 and other nonelderly disabled families who have applied to the agency for housing assistance under this title).

(3) ALLOCATION OF AMOUNTS.—The Secretary shall allocate and provide amounts made available under paragraph (1) to public housing agencies as the Secretary determines appropriate based on the relative levels of need among the authorities for assistance for families described in paragraph (1).

(c) ASSISTANCE FOR WITNESS RELOCATION.—Of the amounts made available for choice-based housing assistance under this title for each fiscal year, the Secretary, in consultation with the Inspector General, shall make available such sums as may be necessary for such housing assistance for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to requests from law enforcement and prosecutive agencies.

SEC. 1307. CONVERSION OF SECTION 8 ASSISTANCE.

(a) IN GENERAL.—Any amounts made available to a public housing agency under a contract for annual contributions for assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act) that have not been obligated for such assistance by such agency before such effective date shall be used to provide assistance under this title, except to the extent the Secretary determines such use is inconsistent with existing commitments.

(b) EXCEPTION.—Subsection (a) shall not apply to any amounts made available under a contract for housing constructed or substantially rehabilitated pursuant to section 8(b)(2) of the United States Housing Act of 1937, as in effect before October 1, 1983.

SEC. 1308. RECAPTURE AND REUSE OF ANNUAL CONTRACT PROJECT RESERVES UNDER CHOICE-BASED HOUSING ASSISTANCE AND SECTION 8 TENANT-BASED ASSISTANCE PROGRAMS.

To the extent that the Secretary determines that the amount in the reserve account for annual contributions contracts (for housing assistance under this title or tenant-based assistance under section 8 of the United States Housing Act of 1937) that is under contract with a public housing agency for such assistance is in excess of the amounts needed by the agency, the Secretary shall recapture such excess amount. The Secretary may hold recaptured amounts in reserve until needed to enter into, amend, or renew contracts under this title or to amend or renew contracts under section 8 of such Act for tenant-based assistance with any agency.

Subtitle B—Choice-Based Housing Assistance for Eligible Families

SEC. 1321. ELIGIBLE FAMILIES AND PREFERENCES FOR ASSISTANCE.

(a) LOW-INCOME REQUIREMENT.—Housing assistance under this title may be provided only on behalf of a family that—

(1) at the time that such assistance is initially provided on behalf of the family, is determined by the public housing agency to be a low-income family; or

(2) qualifies to receive such assistance under any other provision of Federal law.

(b) INCOME TARGETING.—Of the families initially assisted under this title by a public housing agency in any year, not less than 40 percent shall be families whose incomes do not exceed 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families. The Secretary may establish income ceiling higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

(c) REVIEWS OF FAMILY INCOMES.—

(1) IN GENERAL.—Reviews of family incomes for purposes of this title shall be subject to the provisions of section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 and shall be conducted upon the initial provision of housing assistance for the family and thereafter not less than annually.

(2) PROCEDURES.—Each public housing agency administering housing assistance under this title shall establish procedures that are appropriate and necessary to ensure that income data provided to the agency and owners by families applying for or receiving housing assistance from the agency is complete and accurate.

(d) PREFERENCES FOR ASSISTANCE.—

(1) AUTHORITY TO ESTABLISH.—Any public housing agency that receives amounts under this title may establish a system for making housing assistance available on behalf of eligible families that provides preference for such assistance to eligible families having certain characteristics.

(2) CONTENT.—Each system of preferences established pursuant to this subsection shall be based upon local housing needs and priorities, as determined by the public housing agency using generally accepted data sources, including any information obtained pursuant to an opportunity for public comment as provided under section 1106(e) and under the requirements applicable to the comprehensive housing affordability strategy for the relevant jurisdiction.

(3) SENSE OF THE CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, public housing agencies involved in the selection of tenants under the provisions of this title should adopt preferences for individuals who are victims of domestic violence.

(e) PORTABILITY OF HOUSING ASSISTANCE.—

(1) NATIONAL PORTABILITY.—An eligible family that is selected to receive or is receiving assistance under this title may rent any eligible dwelling unit in any area where a program is being administered under this title. Notwithstanding the preceding sentence, a public housing agency may require that any family not living within the jurisdiction of the public housing agency at the time the family applies for assistance from the agency shall, during the 12-month period beginning on the date of initial receipt of housing assistance made available on behalf of the family from such agency, lease and occupy an eligible dwelling unit located within the jurisdiction served by the agency. The agency for the jurisdiction into which the family moves shall have the responsibility for administering assistance for the family.

(2) SOURCE OF FUNDING FOR A FAMILY THAT MOVES.—For a family that has moved into the jurisdiction of a public housing agency and that, at the time of the move, has been selected to receive, or is receiving, assistance provided by another agency, the agency for the jurisdiction into which the family has moved may, in its discretion, cover the cost of assisting the family under its contract with the Secretary or through reimbursement from the other agency under that agency's contract.

(3) AUTHORITY TO DENY ASSISTANCE TO CERTAIN FAMILIES WHO MOVE.—A family may not receive housing assistance as provided under this subsection if the family has moved from a dwelling unit in violation of the lease for the dwelling unit.

(4) FUNDING ALLOCATIONS.—In providing assistance amounts under this title for public housing agencies for any fiscal year, the Secretary may give consideration to any reduction or increase in the number of resident families under the program of an agency in the preceding fiscal year as a result of this subsection.

(f) CONFIDENTIALITY FOR VICTIMS OF DOMESTIC VIOLENCE.—A public housing agency shall be subject to the restrictions regarding release of information relating to the identity and new residence of any family receiving housing assistance who was a victim of domestic violence that are applicable to shelters pursuant to the Family Violence Prevention and Services Act. The agency shall work with the United States Postal Service to establish procedures consistent with the confidentiality provisions in the Violence Against Women Act of 1994.

SEC. 1322. RESIDENT CONTRIBUTION.

(a) AMOUNT.—

(1) MONTHLY RENT CONTRIBUTION.—An assisted family shall contribute on a monthly basis for the rental of an assisted dwelling unit an amount that the public housing agency determines is appropriate with respect to the family and the unit, but which—

(A) shall not be less than the minimum monthly rental contribution determined under subsection (b); and

(B) shall not exceed the greatest of—

(i) 30 percent of the monthly adjusted income of the family;

(ii) 10 percent of the monthly income of the family; and

(iii) if the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by such agency to meet the housing costs of the family, the portion of such payments that is so designated.

(2) EXCESS RENTAL AMOUNT.—In any case in which the monthly rent charged for a dwelling unit pursuant to the housing assistance payments contract exceeds the applicable payment standard (established under section 1353) for the dwelling unit, the assisted family residing in the unit shall contribute (in addition to the amount of the monthly rent contribution otherwise determined under paragraph (1) for such family) such entire excess rental amount.

(b) MINIMUM MONTHLY RENTAL CONTRIBUTION.—

(1) IN GENERAL.—The public housing agency shall determine the amount of the minimum

monthly rental contribution of an assisted family (which rent shall include any amount allowed for utilities), which—

(A) shall be based upon factors including the adjusted income of the family and any other factors that the agency considers appropriate;

(B) shall be not less than $25, nor more than $50; and

(C) may be increased annually by the agency, except that no such annual increase may exceed 10 percent of the amount of the minimum monthly contribution in effect for the preceding year.

(2) HARDSHIP PROVISIONS.—

(A) IN GENERAL.—Notwithstanding paragraph (1), a public housing agency shall grant an exemption in whole or in part from payment of the minimum monthly rental contribution established under this paragraph to any assisted family unable to pay such amount because of financial hardship, which shall include situations in which (i) the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; (ii) the family would be evicted as a result of imposition of the minimum rent; (iii) the income of the family has decreased because of changed circumstance, including loss of employment; and (iv) a death in the family has occurred; and other situations as may be determined by the agency.

(B) WAITING PERIOD.—If an assisted family requests a hardship exemption under this paragraph and the public housing agency reasonably determines the hardship to be of a temporary nature, an exemption shall not be granted during the 90-day period beginning upon the making of a request for the exemption. An assisted family may not be evicted during such 90-day period for nonpayment of rent. In such a case, if the assisted family thereafter demonstrates that the financial hardship is of a long-term basis, the agency shall retroactively exempt the family from the applicability of the minimum rent requirement for such 90-day period.

(c) TREATMENT OF CHANGES IN RENTAL CONTRIBUTION.—

(1) NOTIFICATION OF CHANGES.—A public housing agency shall promptly notify the owner of an assisted dwelling unit of any change in the resident contribution by the assisted family residing in the unit that takes effect immediately or at a later date.

(2) COLLECTION OF RETROACTIVE CHANGES.—In the case of any change in the rental contribution of an assisted family that affects rental payments previously made, the public housing agency shall collect any additional amounts required to be paid by the family under such change directly from the family and shall refund any excess rental contribution paid by the family directly to the family.

(d) PHASE-IN OF RENT CONTRIBUTION INCREASES.—

(1) IN GENERAL.—Except as provided in paragraph (2), for any family that is receiving tenant-based rental assistance under section 8 of the United States Housing Act of 1937 upon the initial applicability of the provisions of this title to such family, if the monthly contribution for rental of an assisted dwelling unit to be paid by the family upon such initial applicability is greater than the amount paid by the family under the provisions of the United States Housing Act of 1937 immediately before such applicability, any such resulting increase in rent contribution shall be—

(A) phased in equally over a period of not less than 3 years, if such increase is 30 percent or more of such contribution before initial applicability; and

(B) limited to not more than 10 percent per year if such increase is more than 10 percent but less than 30 percent of such contribution before initial applicability.

(2) EXCEPTION.—The minimum rent contribution requirement under subsection (b)(1) shall apply to each family described in paragraph (1) of this subsection, notwithstanding such paragraph.

SEC. 1323. RENTAL INDICATORS.

(a) IN GENERAL.—The Secretary shall establish and issue rental indicators under this section periodically, but not less than annually, for existing rental dwelling units that are eligible dwelling units. The Secretary shall establish and issue the rental indicators by housing market area (as the Secretary shall establish) for various sizes and types of dwelling units.

(b) AMOUNT.—For a market area, the rental indicator established under subsection (a) for a dwelling unit of a particular size and type in the market area shall be a dollar amount that reflects the rental amount for a standard quality rental unit of such size and type in the market area that is an eligible dwelling unit.

(c) EFFECTIVE DATE.—The Secretary shall cause the proposed rental indicators established under subsection (a) for each market area to be published in the Federal Register with reasonable time for public comment, and such rental indicators shall become effective upon the date of publication in final form in the Federal Register.

(d) ANNUAL ADJUSTMENT.—Each rental indicator in effect under this section shall be adjusted to be effective on October 1 of each year to reflect changes, based on the most recent available data trended so that the indicators will be current for the year to which they apply, in rents for existing rental dwelling units of various sizes and types in the market area suitable for occupancy by families assisted under this title.

SEC. 1324. LEASE TERMS.

Rental assistance may be provided for an eligible dwelling unit only if the assisted family and the owner of the dwelling unit enter into a lease for the unit that—

(1) provides for a single lease term of 12 months and continued tenancy after such term under a periodic tenancy on a month-to-month basis;

(2) contains terms and conditions specifying that termination of tenancy during the term of a lease shall be subject to the provisions set forth in sections 1642 and 1643; and

(3) is set forth in the standard form, which is used in the local housing market area by the owner and applies generally to any other tenants in the property who are not assisted families, together with any addendum necessary to include the many terms required under this section.

A lease may include any addenda appropriate to set forth the provisions under this title.

SEC. 1325. TERMINATION OF TENANCY.

Each housing assistance payments contract shall provide that the owner shall conduct the termination of tenancy of any tenant of an assisted dwelling unit under the contract in accordance with applicable State or local laws, including providing any notice of termination required under such laws.

SEC. 1326. ELIGIBLE OWNERS.

(a) OWNERSHIP ENTITY.—Rental assistance under this title may be provided for any eligible dwelling unit for which the owner is any public agency, private person or entity (including a cooperative), nonprofit organization, agency of the Federal Government, or public housing agency.

(b) INELIGIBLE OWNERS.—

(1) IN GENERAL.—Notwithstanding subsection (a), a public housing agency—

(A) may not enter into a housing assistance payments contract (or renew an existing contract) covering a dwelling unit that is owned by an owner who is debarred, suspended, or subject to limited denial of participation under part 24 of title 24, Code of Federal Regulations;

(B) may prohibit, or authorize the termination or suspension of, payment of housing assistance under a housing assistance payments contract in effect at the time such debarment, suspension, or limited denial of participation takes effect.

If the public housing agency takes action under subparagraph (B), the agency shall take such actions as may be necessary to protect assisted families who are affected by the action, which may include the provision of additional assistance under this title to such families.

(2) PROHIBITION OF SALE OR RENTAL TO RELATED PARTIES.—The Secretary shall establish guidelines to prevent housing assistance payments for a dwelling unit that is owned by any spouse, child, or other party who allows an owner described in paragraph (1) to maintain control of the unit.

SEC. 1327. SELECTION OF DWELLING UNITS.

(a) FAMILY CHOICE.—The determination of the dwelling unit in which an assisted family resides and for which housing assistance is provided under this title shall be made solely by the assisted family, subject to the provisions of this title and any applicable law.

(b) DEED RESTRICTIONS.—Housing assistance may not be used in any manner that abrogates any local deed restriction that applies to any housing consisting of 1 to 4 dwelling units. Nothing in this section may be construed to affect the provisions or applicability of the Fair Housing Act.

SEC. 1328. ELIGIBLE DWELLING UNITS.

(a) IN GENERAL.—A dwelling unit shall be an eligible dwelling unit for purposes of this title only if the public housing agency to provide housing assistance for the dwelling unit determines that the dwelling unit—

(1) is an existing dwelling unit that is not located within a nursing home or the grounds of any penal, reformatory, medical, mental, or similar public or private institution; and

(2) complies—

(A) in the case of a dwelling unit located in a jurisdiction which has in effect laws, regulations, standards, or codes regarding habitability of residential dwellings, with such applicable laws, regulations, standards, or codes; or

(B) in the case of a dwelling unit located in a jurisdiction which does not have in effect laws, regulations, standards, or codes described in subparagraph (A), with the housing quality standards established under subsection (c).

Each public housing agency providing housing assistance shall identify, in the local housing management plan for the agency, whether the agency is utilizing the standard under subparagraph (A) or (B) of paragraph (2).

(b) DETERMINATIONS.—

(1) IN GENERAL.—A public housing agency shall make the determinations required

under subsection (a) pursuant to an inspection of the dwelling unit conducted before any assistance payment is made for the unit.

(2) EXPEDITIOUS INSPECTION.—Inspections of dwelling units under this subsection shall be made before the expiration of the 15-day period beginning upon a request by the resident or landlord to the public housing agency. The performance of the agency in meeting the 15-day inspection deadline shall be taken into account in assessing the performance of the agency.

(c) FEDERAL HOUSING QUALITY STANDARDS.—The Secretary shall establish housing quality standards under this subsection that ensure that assisted dwelling units are safe, clean, and healthy. Such standards shall include requirements relating to habitability, including maintenance, health and sanitation factors, condition, and construction of dwellings, and shall, to the greatest extent practicable, be consistent with the standards established under section 1232(b). The Secretary shall differentiate between major and minor violations of such standards.

(d) ANNUAL INSPECTIONS.—Each public housing agency providing housing assistance shall make an annual inspection of each assisted dwelling unit during the term of the housing assistance payments contracts for the unit to determine whether the unit is maintained in accordance with the requirements under subsection (a)(2). The agency shall retain the records of the inspection for a reasonable time and shall make the records available upon request to the Secretary, the Inspector General for the Department of Housing and Urban Development, and any auditor conducting an audit under section 1541.

(e) INSPECTION GUIDELINES.—The Secretary shall establish procedural guidelines and performance standards to facilitate inspections of dwelling units and conform such inspections with practices utilized in the private housing market. Such guidelines and standards shall take into consideration variations in local laws and practices of public housing agencies and shall provide flexibility to authorities appropriate to facilitate efficient provision of assistance under this title.

(f) RULE OF CONSTRUCTION.—This section may not be construed to prevent the provision of housing assistance in connection with supportive services for elderly or disabled families.

SEC. 1329. HOMEOWNERSHIP OPTION.

(a) IN GENERAL.—A public housing agency providing housing assistance under this title may provide homeownership assistance to assist eligible families to purchase a dwelling unit (including purchase under lease-purchase homeownership plans).

(b) REQUIREMENTS.—A public housing agency providing homeownership assistance under this section shall, as a condition of an eligible family receiving such assistance, require the family to—

(1) demonstrate that the family has sufficient income from employment or other sources (other than public assistance), as determined in accordance with requirements established by the agency; and

(2) meet any other initial or continuing requirements established by the public housing agency.

(c) DOWNPAYMENT REQUIREMENT.—

(1) IN GENERAL.—A public housing agency may establish minimum downpayment requirements, if appropriate, in connection with loans made for the purchase of dwelling units for which homeownership assistance is provided under this section. If the agency establishes a minimum downpayment requirement, the agency shall permit the family to use grant amounts, gifts from relatives, contributions from private sources, and similar amounts as downpayment amounts in such purchase, subject to the requirements of paragraph (2).

(2) DIRECT FAMILY CONTRIBUTION.—In purchasing housing pursuant to this section subject to a downpayment requirement, each family shall contribute an amount of the downpayment, from resources of the family other than grants, gifts, contributions, or other similar amounts referred to in paragraph (1), that is not less than 1 percent of the purchase price.

(d) INELIGIBILITY UNDER OTHER PROGRAMS.—A family may not receive homeownership assistance pursuant to this section during any period when assistance is being provided for the family under other Federal homeownership assistance programs, as determined by the Secretary, including assistance under the HOME Investment Partnerships Act, the Homeownership and Opportunity Through HOPE Act, title II of the Housing and Community Development Act of 1987, and section 502 of the Housing Act of 1949.

SEC. 1330. ASSISTANCE FOR RENTAL OF MANUFACTURED HOMES.

(a) AUTHORITY.—Nothing in this title may be construed to prevent a public housing agency from providing housing assistance under this title on behalf of a low-income family for the rental of—

(1) a manufactured home that is the principal residence of the family and the real property on which the home is located; or

(2) the real property on which is located a manufactured home, which is owned by the family and is the principal residence of the family.

(b) ASSISTANCE FOR CERTAIN FAMILIES OWNING MANUFACTURED HOMES.—

(1) AUTHORITY.—Notwithstanding section 1351 or any other provision of this title, a public housing agency that receives amounts under a contract under section 1302 may enter into a housing assistance payment contract to make assistance payments under this title to a family that owns a manufactured home, but only as provided in paragraph (2).

(2) LIMITATIONS.—In the case only of a low-income family that owns a manufactured home, rents the real property on which it is located, and to whom housing assistance under this title has been made available for the rental of such property, the public housing agency making such assistance available shall enter into a contract to make housing assistance payments under this title directly to the family (rather than to the owner of such real property) if—

(A) the owner of the real property refuses to enter into a contract to receive housing assistance payments pursuant to section 1351(a);

(B) the family was residing in such manufactured home on such real property at the time such housing assistance was initially made available on behalf of the family;

(C) the family provides such assurances to the agency, as the Secretary may require, to ensure that amounts from the housing assistance payments are used for rental of the real property; and

(D) the rental of the real property otherwise complies with the requirements for assistance under this title.

A contract pursuant to this subsection shall be subject to the provisions of section 1351 and any other provisions applicable to housing assistance payments contracts under this title, except that the Secretary may provide such exceptions as the Secretary considers appropriate to facilitate the provision of assistance under this subsection.

Subtitle C—Payment of Housing Assistance on Behalf of Assisted Families

SEC. 1351. HOUSING ASSISTANCE PAYMENTS CONTRACTS.

(a) IN GENERAL.—Each public housing agency that receives amounts under a contract under section 1302 may enter into housing assistance payments contracts with owners of existing dwelling units to make housing assistance payments to such owners in accordance with this title.

(b) PHA ACTING AS OWNER.—A public housing agency may enter into a housing assistance payments contract to make housing assistance payments under this title to itself (or any agency or instrumentality thereof) as the owner of dwelling units (other than public housing), and the agency shall be subject to the same requirements that are applicable to other owners, except that the determinations under sections 1328(a) and 1354(b) shall be made by a competent party not affiliated with the agency, and the agency shall be responsible for any expenses of such determinations.

(c) PROVISIONS.—Each housing assistance payments contract shall—

(1) have a term of not more than 12 months;

(2) require that the assisted dwelling unit may be rented only pursuant to a lease that complies with the requirements of section 1324;

(3) comply with the requirements of sections 1325, 1642, and 1643 (relating to termination of tenancy);

(4) require the owner to maintain the dwelling unit in accordance with the applicable standards under section 1328(a)(2); and

(5) provide that the screening and selection of eligible families for assisted dwelling units shall be the function of the owner.

SEC. 1352. AMOUNT OF MONTHLY ASSISTANCE PAYMENT.

(a) UNITS HAVING GROSS RENT EXCEEDING PAYMENT STANDARD.—In the case of a dwelling unit bearing a gross rent that exceeds the payment standard established under section 1353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located, the amount of the monthly assistance payment shall be the amount by which such payment standard exceeds the amount of the resident contribution determined in accordance with section 1322(a)(1).

(b) SHOPPING INCENTIVE FOR UNITS HAVING GROSS RENT NOT EXCEEDING PAYMENT STANDARD.—In the case of an assisted family renting an eligible dwelling unit bearing a gross rent that does not exceed the payment standard established under section 1353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located, the following requirements shall apply:

(1) AMOUNT OF MONTHLY ASSISTANCE PAYMENT.—The amount of the monthly assistance payment for housing assistance under this title on behalf of the assisted family shall be the amount by which the gross rent for the dwelling unit exceeds the amount of the resident contribution.

(2) ESCROW OF SHOPPING INCENTIVE SAVINGS.—An amount equal to 50 percent of the difference between payment standard and the gross rent for the dwelling unit shall be placed in an interest bearing escrow account on behalf of such family on a monthly basis by the public housing agency. Amounts in

the escrow account shall be made available to the assisted family on an annual basis.

(3) DEFICIT REDUCTION.—The public housing agency making housing assistance payments on behalf of such assisted family in a fiscal year shall reserve from amounts made available to the agency for assistance payments for such fiscal year an amount equal to the amount described in paragraph (2). At the end of each fiscal year, the Secretary shall recapture any such amounts reserved by public housing agencies and such amounts shall be covered into the General Fund of the Treasury of the United States.

For purposes of this section, in the case of a family receiving homeownership assistance under section 1329, the term "gross rent" shall mean the homeownership costs to the family as determined in accordance with guidelines of the Secretary.

SEC. 1353. PAYMENT STANDARDS.

(a) ESTABLISHMENT.—Each public housing agency providing housing assistance under this title shall establish payment standards under this section for various areas, and sizes and types of dwelling units, for use in determining the amount of monthly housing assistance payment to be provided on behalf of assisted families.

(b) USE OF RENTAL INDICATORS.—The payment standard for each size and type of housing for each market area shall be an amount that is not less than 80 percent, and not greater than 120 percent, of the rental indicator established under section 1323 for such size and type for such area.

(c) REVIEW.—If the Secretary determines, at any time, that a significant percentage of the assisted families who are assisted by a public housing agency and are occupying dwelling units of a particular size are paying more than 30 percent of their adjusted incomes for rent, the Secretary shall review the payment standard established by the agency for such size dwellings. If, pursuant to the review, the Secretary determines that such payment standard is not appropriate to serve the needs of the low-income population of the jurisdiction served by the agency (taking into consideration rental costs in the area), as identified in the approved community improvement plan of the agency, the Secretary may require the public housing agency to modify the payment standard.

SEC. 1354. REASONABLE RENTS.

(a) ESTABLISHMENT.—The rent charged for a dwelling unit for which rental assistance is provided under this title shall be established pursuant to negotiation and agreement between the assisted family and the owner of the dwelling unit.

(b) REASONABLENESS.—

(1) DETERMINATION.—A public housing agency providing rental assistance under this title for a dwelling unit shall, before commencing assistance payments for a unit (with respect to initial contract rents and any rent revisions), determine whether the rent charged for the unit exceeds the rents charged for comparable units in the applicable private unassisted market.

(2) UNREASONABLE RENTS.—If the agency determines that the rent charged for a dwelling unit exceeds such comparable rents, the agency shall—

(A) inform the assisted family renting the unit that such rent exceeds the rents for comparable unassisted units in the market; and

(B) refuse to provide housing assistance payments for such unit.

SEC. 1355. PROHIBITION OF ASSISTANCE FOR VACANT RENTAL UNITS.

If an assisted family vacates a dwelling unit for which rental assistance is provided under a housing assistance payments contract before the expiration of the term of the lease for the unit, rental assistance pursuant to such contract may not be provided for the unit after the month during which the unit was vacated.

Subtitle D—General and Miscellaneous Provisions

SEC. 1371. DEFINITIONS.

For purposes of this title:

(1) ASSISTED DWELLING UNIT.—The term "assisted dwelling unit" means a dwelling unit in which an assisted family resides and for which housing assistance payments are made under this title.

(2) ASSISTED FAMILY.—The term "assisted family" means an eligible family on whose behalf housing assistance payments are made under this title or who has been selected and approved for housing assistance.

(3) CHOICE-BASED.—The term "choice-based" means, with respect to housing assistance, that the assistance is not attached to a dwelling unit but can be used for any eligible dwelling unit selected by the eligible family.

(4) ELIGIBLE DWELLING UNIT.—The term "eligible dwelling unit" means a dwelling unit that complies with the requirements under section 1328 for consideration as an eligible dwelling unit.

(5) ELIGIBLE FAMILY.—The term "eligible family" means a family that meets the requirements under section 1321(a) for assistance under this title.

(6) HOMEOWNERSHIP ASSISTANCE.—The term "homeownership assistance" means housing assistance provided under section 1329 for the ownership of a dwelling unit.

(7) HOUSING ASSISTANCE.—The term "housing assistance" means choice-based assistance provided under this title on behalf of low-income families for the rental or ownership of an eligible dwelling unit.

(8) HOUSING ASSISTANCE PAYMENTS CONTRACT.—The term "housing assistance payments contract" means a contract under section 1351 between a public housing agency (or the Secretary) and an owner to make housing assistance payments under this title to the owner on behalf of an assisted family.

(9) PUBLIC HOUSING AGENCY.—The terms "public housing agency" and "agency" have the meaning given such terms in section 1103, except that the terms include—

(A) a consortia of public housing agencies that the Secretary determines has the capacity and capability to administer a program for housing assistance under this title in an efficient manner;

(B) any other entity that, upon the effective date of this division, was administering any program for tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act), pursuant to a contract with the Secretary or a public housing agency; and

(C) with respect to any area in which no public housing agency has been organized or where the Secretary determines that a public housing agency is unwilling or unable to implement this title, or is not performing effectively—

(i) the Secretary or another entity that by contract agrees to receive assistance amounts under this title and enter into housing assistance payments contracts with owners and perform the other functions of public housing agency under this title; or

(ii) notwithstanding any provision of State or local law, a public housing agency for another area that contracts with the Secretary to administer a program for housing assistance under this title, without regard to any otherwise applicable limitations on its area of operation.

(10) OWNER.—The term "owner" means the person or entity having the legal right to lease or sublease dwelling units. Such term includes any principals, general partners, primary shareholders, and other similar participants in any entity owning a multifamily housing project, as well as the entity itself.

(11) RENT.—The terms "rent" and "rental" include, with respect to members of a cooperative, the charges under the occupancy agreements between such members and the cooperative.

(12) RENTAL ASSISTANCE.—The term "rental assistance" means housing assistance provided under this title for the rental of a dwelling unit.

SEC. 1372. RENTAL ASSISTANCE FRAUD RECOVERIES.

(a) AUTHORITY TO RETAIN RECOVERED AMOUNTS.—The Secretary shall permit public housing agencies administering housing assistance under this title to retain, out of amounts obtained by the authorities from tenants that are due as a result of fraud and abuse, an amount (determined in accordance with regulations issued by the Secretary) equal to the greater of—

(1) 50 percent of the amount actually collected; or

(2) the actual, reasonable, and necessary expenses related to the collection, including costs of investigation, legal fees, and collection agency fees.

(b) USE.—Amounts retained by an agency shall be made available for use in support of the affected program or project, in accordance with regulations issued by the Secretary. If the Secretary is the principal party initiating or sustaining an action to recover amounts from families or owners, the provisions of this section shall not apply.

(c) RECOVERY.—Amounts may be recovered under this section—

(1) by an agency through a lawsuit (including settlement of the lawsuit) brought by the agency or through court-ordered restitution pursuant to a criminal proceeding resulting from an agency's investigation where the agency seeks prosecution of a family or where an agency seeks prosecution of an owner;

(2) through administrative repayment agreements with a family or owner entered into as a result of an administrative grievance procedure conducted by an impartial decisionmaker in accordance with section 1110; or

(3) through an agreement between the parties.

SEC. 1373. STUDY REGARDING GEOGRAPHIC CONCENTRATION OF ASSISTED FAMILIES.

(a) IN GENERAL.—The Secretary shall conduct a study of the geographic areas in the State of Illinois served by the Housing Authority of Cook County and the Chicago Housing Authority and submit to the Congress a report and a specific proposal, which addresses and resolves the issues of—

(1) the adverse impact on local communities due to geographic concentration of assisted households under the tenant-based housing programs under section 8 of the United States Housing Act of 1937 (as in effect upon the enactment of this Act) and under this title; and

(2) facilitating the deconcentration of such assisted households by providing broader housing choices to such households.

The study shall be completed, and the report shall be submitted, not later than 90 days after the date of the enactment of this Act.

(b) CONCENTRATION.—For purposes of this section, the term "concentration" means, with respect to any area within a census tract, that—

(1) 15 percent or more of the households residing within such area have incomes which do not exceed the poverty level; or

(2) 15 percent or more of the total affordable housing stock located within such area is assisted housing.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 1374. STUDY REGARDING RENTAL ASSISTANCE.

The Secretary shall conduct a nationwide study of the choice-based housing assistance program under this title and the tenant-based rental assistance program under section 8 of the United States Housing Act of 1937 (as in effect pursuant to sections 1601(c) and 1602(b)). The study shall, for various localities—

(1) determine who are the providers of the housing in which families assisted under such programs reside;

(2) describe and analyze the physical and demographic characteristics of the housing in which such assistance is used, including, for housing in which at least one such assisted family resides, the total number of units in the housing and the number of units in the housing for which such assistance is provided;

(3) determine the total number of units for which such assistance is provided;

(4) describe the durations that families remain on waiting lists before being provided such housing assistance; and

(5) assess the extent and quality of participation of housing owners in such assistance programs in relation to the local housing market, including comparing—

(A) the quality of the housing assisted to the housing generally available in the same market; and

(B) the extent to which housing is available to be occupied using such assistance to the extent to which housing is generally available in the same market.

The Secretary shall submit a report describing the results of the study to the Congress not later than the expiration of the 2-year period beginning on the date of the enactment of this Act.

TITLE XIV—HOME RULE FLEXIBLE GRANT OPTION

SEC. 1401. PURPOSE.

The purpose of this title is to give local governments and municipalities the flexibility to design creative approaches for providing and administering Federal housing assistance based on the particular needs of the communities that—

(1) give incentives to low-income families with children where the head of household is working, seeking work, or preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient;

(2) reduce cost and achieve greater cost-effectiveness in Federal housing assistance expenditures;

(3) increase housing choices for low-income families; and

(4) reduce excessive geographic concentration of assisted families.

SEC. 1402. FLEXIBLE GRANT PROGRAM.

(a) AUTHORITY AND USE.—The Secretary shall carry out a program under which a jurisdiction may, upon the application of the jurisdiction and the review and approval of the Secretary, receive, combine, and enter into performance-based contracts for the use of amounts of covered housing assistance in a period consisting of not less than 1 nor more than 5 fiscal years in the manner determined appropriate by the participating jurisdiction—

(1) to provide housing assistance and services for low-income families in a manner that facilitates the transition of such families to work;

(2) to reduce homelessness;

(3) to increase homeownership among low-income families; and

(4) for other housing purposes for low-income families determined by the participating jurisdiction.

(b) INAPPLICABILITY OF CATEGORICAL PROGRAM REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and section 1405, the provisions of this division regarding use of amounts made available under each of the programs included as covered housing assistance and the program requirements applicable to each such program shall not apply to amounts received by a jurisdiction pursuant to this title.

(2) APPLICABILITY OF CERTAIN LAWS.—This title may not be construed to exempt assistance under this division from, or make inapplicable any provision of this division or of any other law that requires that assistance under this division be provided in compliance with—

(A) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

(B) the Fair Housing Act (42 U.S.C. 3601 et seq.);

(C) section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(D) title IX of the Education Amendments of 1972 (86 Stat. 373 et seq.);

(E) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.);

(F) the Americans with Disabilities Act of 1990; or

(G) the National Environmental Policy Act of 1969 and other provisions of law that further protection of the environment (as specified in regulations that shall be issued by the Secretary).

(c) EFFECT ON PROGRAM ALLOCATIONS FOR COVERED HOUSING ASSISTANCE.—The amount of assistance received pursuant to this title by a participating jurisdiction shall not be decreased, because of participation in the program under this title, from the sum of the amounts that otherwise would be made available for or within the participating jurisdiction under the programs included as covered housing assistance.

SEC. 1403. COVERED HOUSING ASSISTANCE.

For purposes of this title, the term "covered housing assistance" means—

(1) operating assistance provided under section 9 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act);

(2) modernization assistance provided under section 14 of such Act;

(3) assistance provided under section 8 of such Act for the certificate and voucher programs;

(4) assistance for public housing provided under title XII of this Act; and

(5) choice-based rental assistance provided under title XIII of this Act.

Such term does not include any amounts obligated for assistance under existing contracts for project-based assistance under section 8 of the United States Housing Act of 1937 or section 1601(f) of this Act.

SEC. 1404. PROGRAM REQUIREMENTS.

(a) ELIGIBLE FAMILIES.—Each family on behalf of whom assistance is provided for rental or homeownership of a dwelling unit using amounts made available pursuant to this title shall be a low-income family. Each dwelling unit assisted using amounts made available pursuant to this title shall be available for occupancy only by families that are low-income families at the time of their initial occupancy of the unit.

(b) COMPLIANCE WITH ASSISTANCE PLAN.—A participating jurisdiction shall provide assistance using amounts received pursuant to this title in the manner set forth in the plan of the jurisdiction approved by the Secretary under section 1406(a)(2).

(c) RENT POLICY.—A participating jurisdiction shall ensure that the rental contributions charged to families assisted with amounts received pursuant to this title—

(1) do not exceed the amount that would be chargeable under title XII to such families were such families residing in public housing assisted under such title; or

(2) are established, pursuant to approval by the Secretary of a proposed rent structure included in the application under section 1406, at levels that are reasonable and designed to eliminate any disincentives for members of the family to obtain employment and attain economic self-sufficiency.

(d) HOUSING QUALITY STANDARDS.—

(1) COMPLIANCE.—A participating jurisdiction shall ensure that housing assisted with amounts received pursuant to this title is maintained in a condition that complies—

(A) in the case of housing located in a jurisdiction which has in effect laws, regulations, standards, or codes regarding habitability of residential dwellings, with such applicable laws, regulations, standards, or codes; or

(B) in the case of housing located in a jurisdiction which does not have in effect laws, regulations, standards, or codes described in paragraph (1), with the housing quality standards established under paragraph (2).

(2) FEDERAL HOUSING QUALITY STANDARDS.—The Secretary shall establish housing quality standards under this paragraph that ensure that dwelling units assisted under this title are safe, clean, and healthy. Such standards shall include requirements relating to habitability, including maintenance, health and sanitation factors, condition, and construction of dwellings, and shall, to the greatest extent practicable, be consistent with the standards established under sections 1232(b) and 1328(c). The Secretary shall differentiate between major and minor violations of such standards.

(e) NUMBER OF FAMILIES ASSISTED.—A participating jurisdiction shall ensure that, in providing assistance with amounts received pursuant to this title in each fiscal year, not less than substantially the same total number of eligible low-income families are assisted as would have been assisted had the amounts of covered housing assistance not been combined for use under this title.

(f) CONSISTENCY WITH WELFARE PROGRAM.—A participating jurisdiction shall ensure that assistance provided with amounts received pursuant to this title is provided in a manner that is consistent with the welfare, public assistance, or other economic self-sufficiency programs operating in the jurisdiction by facilitating the transition of assisted families to work, which may include requiring compliance with the requirements under such welfare, public assistance, or self-sufficiency programs as a condition of receiving housing assistance with amounts provided under this title.

(g) TREATMENT OF CURRENTLY ASSISTED FAMILIES.—

(1) CONTINUATION OF ASSISTANCE.—A participating jurisdiction shall ensure that each family that was receiving housing assistance or residing in an assisted dwelling unit pursuant to any of the programs included as covered housing assistance immediately before the jurisdiction initially provides assistance pursuant to this title shall be offered assistance or an assisted dwelling unit under the program of the jurisdiction under this title.

(2) PHASE-IN OF RENT CONTRIBUTION INCREASES.—For any family that was receiving housing assistance pursuant to any of the programs included as covered housing assistance immediately before the jurisdiction initially provides assistance pursuant to this title, if the monthly contribution for rental of a dwelling unit assisted under this title to be paid by the family upon initial applicability of this title is greater than the amount paid by the family immediately before such applicability, any such resulting increase in rent contribution shall be—

(A) phased in equally over a period of not less than 3 years, if such increase is 30 percent or more of such contribution before initial applicability; and

(B) limited to not more than 10 percent per year if such increase is more than 10 percent but less than 30 percent of such contribution before initial applicability.

(h) AMOUNT OF ASSISTANCE.—In providing housing assistance using amounts received pursuant to this title, the amount of assistance provided by a participating jurisdiction on behalf of each assisted low-income family shall be sufficient so that if the family used such assistance to rent a dwelling unit having a rent equal to the 40th percentile of rents for standard quality rental units of the same size and type in the same market area, the contribution toward rental paid by the family would be affordable (as such term is defined by the jurisdiction) to the family.

(i) PORTABILITY.—A participating jurisdiction shall ensure that financial assistance for housing provided with amounts received pursuant to this title may be used by a family moving from an assisted dwelling unit located within the jurisdiction to obtain a dwelling unit located outside of the jurisdiction.

(j) PREFERENCES.—In providing housing assistance using amounts received pursuant to this title, a participating jurisdiction may establish a system for making housing assistance available that provides preference for assistance to families having certain characteristics. A system of preferences established pursuant to this subsection shall be based on local housing needs and priorities, as determined by the jurisdiction using generally accepted data sources.

(k) COMMUNITY WORK REQUIREMENT.—

(1) APPLICABILITY OF REQUIREMENTS FOR PHA'S.—Except as provided in paragraph (2), participating jurisdictions, families assisted with amounts received pursuant to this title, and dwelling units assisted with amounts received pursuant to this title, shall be subject to the provisions of section 1105 to the same extent that such provisions apply with respect to public housing agencies, families residing in public housing dwelling units and families assisted under title XIII, and public housing dwelling units and dwelling units assisted under title XIII.

(2) LOCAL COMMUNITY SERVICE ALTERNATIVE.—Paragraph (1) shall not apply to a participating jurisdiction that, pursuant to approval by the Secretary of a proposal included in the application under section 1406, is carrying out a local program that is designed to foster community service by families assisted with amounts received pursuant to this title.

(l) INCOME TARGETING.—In providing housing assistance using amounts received pursuant to this title in any fiscal year, a participating jurisdiction shall ensure that the number of families having incomes that do not exceed 30 percent of the area median income that are initially assisted under this title during such fiscal year is not less than substantially the same number of families having such incomes that would be initially assisted in such jurisdiction during such fiscal year under titles XII and XIII pursuant to sections 1222(c) and 1321(b)).

SEC. 1405. APPLICABILITY OF CERTAIN PROVISIONS.

(a) PUBLIC HOUSING DEMOLITION AND DISPOSITION REQUIREMENTS.—section 1261 shall continue to apply to public housing notwithstanding any use of the housing under this title.

(b) LABOR STANDARDS.—section 1112 shall apply to housing assisted with amounts provided pursuant to this title, other than housing assisted solely due to occupancy by families receiving tenant-based assistance.

SEC. 1406. APPLICATION.

(a) IN GENERAL.—The Secretary shall provide for jurisdictions to submit applications to receive and use covered housing assistance amounts as authorized in this title for periods of not less than 1 and not more than 5 fiscal years. An application—

(1) shall be submitted only after the jurisdiction provides for citizen participation through a public hearing and, if appropriate, other means;

(2) shall include a plan developed by the jurisdiction for the provision of housing assistance with amounts received pursuant to this title that takes into consideration comments from the public hearing and any other public comments on the proposed program, and comments from current and prospective residents who would be affected, and that includes criteria for meeting each of the requirements under section 1404 and this title;

(3) shall describe how the plan for use of amounts will assist in meeting the goals set forth in section 1401;

(4) shall propose standards for measuring performance in using assistance provided pursuant to this title based on the performance standards under subsection (b)(2);

(5) shall propose the length of the period for which the jurisdiction is applying for assistance under this title;

(6) may include a request assistance for training and technical assistance to assist with design of the program and to participate in a detailed evaluation;

(7) shall—

(A) in the case of the application of any jurisdiction within whose boundaries are areas subject to any other unit of general local government, include the signed consent of the appropriate executive official of such unit to the application; and

(B) in the case of the application of a consortia of units of general local government (as provided under section 1409(1)(B)), include the signed consent of the appropriate executive officials of each unit included in the consortia;

(8) shall include information sufficient, in the determination of the Secretary—

(A) to demonstrate that the jurisdiction has or will have management and administrative capacity sufficient to carry out the plan under paragraph (2);

(B) to demonstrate that carrying out the plan will not result in excessive duplication of administrative efforts and costs, particularly with respect to activities performed by public housing agencies operating within the boundaries of the jurisdiction;

(C) to describe the function and activities to be carried out by such public housing agencies affected by the plan; and

(D) to demonstrate that the amounts received by the jurisdiction will be maintained separate from other funds available to the jurisdiction and will be used only to carry out the plan; and

(9) shall include information describing how the jurisdiction will make decisions regarding asset management of housing for low-income families under programs for covered housing assistance or assisted with grant amounts under this title.

A plan required under paragraph (2) to be included in the application may be contained in a memorandum of agreement or other document executed by a jurisdiction and public housing agency, if such document is submitted together with the application.

(b) REVIEW, APPROVAL, AND PERFORMANCE STANDARDS.—

(1) REVIEW.—The Secretary shall review applications for assistance pursuant to this title and shall approve or disapprove such applications within 60 days after their submission. The Secretary shall provide affected public housing agencies an opportunity to review an application submitted under this subsection and to provide written comments on the application, which shall be a period of not less than 30 days ending before the Secretary approves or disapproves the application. If the Secretary determines that the application complies with the requirements of this title, the Secretary shall offer to enter into an agreement with jurisdiction providing for assistance pursuant to this title and incorporating a requirement that the jurisdiction achieve a particular level of performance in each of the areas for which performance standards are established under paragraph (2). If the Secretary determines that an application does not comply with the requirements of this title, the Secretary shall notify the jurisdiction submitting the application of the reasons for such disapproval and actions that may be taken to make the application approvable. Upon approving or disapproving an application under this paragraph, the Secretary shall make such determination publicly available in writing together with a written statement of the reasons for such determination.

(2) PERFORMANCE STANDARDS.—The Secretary shall establish standards for measuring performance of jurisdictions in the following areas:

(A) Success in moving dependent low-income families to economic self-sufficiency.

(B) Success in reducing the numbers of long-term homeless families.

(C) Decrease in the per-family cost of providing assistance.

(D) Reduction of excessive geographic concentration of assisted families.

(E) Any other performance goals that the Secretary may prescribe.

(3) APPROVAL.—If the Secretary and a jurisdiction that the Secretary determines has submitted an application meeting the requirements of this title enter into an agreement referred to in paragraph (1), the Secretary shall approve the application and provide covered housing assistance for the jurisdiction in the manner authorized under this title. The Secretary may not approve any application for assistance pursuant to this title

unless the Secretary and jurisdiction enter into an agreement referred to in paragraph (1). The Secretary shall establish requirements for the approval of applications under this section submitted by public housing agencies designated under section 1533(a) as troubled, which may include additional or different criteria determined by the Secretary to be more appropriate for such agencies.

(c) STATUS OF PHA'S.—Nothing in this section or title may be construed to require any change in the legal status of any public housing agency or in any legal relationship between a jurisdiction and a public housing agency as a condition of participation in the program under this title.

SEC. 1407. TRAINING.

The Secretary, in consultation with representatives of public and assisted housing interests, shall provide training and technical assistance relating to providing assistance under this title and conduct detailed evaluations of up to 30 jurisdictions for the purpose of identifying replicable program models that are successful at carrying out the purposes of this title.

SEC. 1408. ACCOUNTABILITY.

(a) PERFORMANCE GOALS.—The Secretary shall monitor the performance of participating jurisdictions in providing assistance pursuant to this title based on the performance standards contained in the agreements entered into pursuant to section 1406(b)(1).

(b) KEEPING RECORDS.—Each participating jurisdiction shall keep such records as the Secretary may prescribe as reasonably necessary to disclose the amounts and the disposition of amounts provided pursuant to this title, to ensure compliance with the requirements of this title and to measure performance against the performance goals under subsection (a).

(c) REPORTS.—Each participating jurisdiction agency shall submit to the Secretary a report, or series of reports, in a form and at a time specified by the Secretary. The reports shall—

(1) document the use of funds made available under this title;

(2) provide such information as the Secretary may request to assist the Secretary in assessing the program under this title; and

(3) describe and analyze the effect of assisted activities in addressing the purposes of this title.

(d) ACCESS TO DOCUMENTS BY SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this title.

(e) ACCESS TO DOCUMENTS BY COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this title.

SEC. 1409. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) JURISDICTION.—The term "jurisdiction" means—

(A) a unit of general local government (as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act) that has boundaries, for purposes of carrying out this title, that—

(i) wholly contain the area within which a public housing agency is authorized to operate; and

(ii) do not contain any areas contained within the boundaries of any other participating jurisdiction; and

(B) a consortia of such units of general local government, organized for purposes of this title.

(2) PARTICIPATING JURISDICTION.—The term "participating jurisdiction" means, with respect to a period for which such approval is made, a jurisdiction that has been approved under section 1406(b)(3) to receive assistance pursuant to this title for such fiscal year.

TITLE XV—ACCOUNTABILITY AND OVERSIGHT OF PUBLIC HOUSING AGENCIES

Subtitle A—Study of Alternative Methods for Evaluating Public Housing Agencies

SEC. 1501. IN GENERAL.

The Secretary of Housing and Urban Development shall provide under section 1505 for a study to be conducted to determine the effectiveness of various alternative methods of evaluating the performance of public housing agencies and other providers of federally assisted housing.

SEC. 1502. PURPOSES.

The purposes of the study under this subtitle shall be—

(1) to identify and examine various methods of evaluating and improving the performance of public housing agencies in administering public housing and tenant-based rental assistance programs and of other providers of federally assisted housing, which are alternatives to oversight by the Department of Housing and Urban Development; and

(2) to identify specific monitoring and oversight activities currently conducted by the Department of Housing and Urban Development that are insufficient or ineffective in accurately and efficiently assessing the performance of public housing agencies and other providers of federally assisted housing, and to evaluate whether such activities should be eliminated, modified, or transferred to other entities (including government and private entities) to increase accuracy and effectiveness and improve monitoring.

SEC. 1503. EVALUATION OF VARIOUS PERFORMANCE EVALUATION SYSTEMS.

To carry out the purpose under section 1502(1), the study under this subtitle shall identify, and analyze and assess the costs and benefits of, the following methods of regulating and evaluating the performance of public housing agencies and other providers of federally assisted housing:

(1) CURRENT SYSTEM.—The system pursuant to the United States Housing Act of 1937 (as in effect upon the enactment of this Act), including the methods and requirements under such system for reporting, auditing, reviewing, sanctioning, and monitoring of such agencies and housing providers and the public housing management assessment program pursuant to subtitle C of this title (and section 6(j) of the United States Housing Act of 1937 (as in effect upon the enactment of this Act)).

(2) ACCREDITATION MODELS.—Various models that are based upon accreditation of such agencies and housing providers, subject to the following requirements:

(A) The study shall identify and analyze various models used in other industries and professions for accreditation and determine the extent of their applicability to the programs for public housing and federally assisted housing.

(B) If any accreditation models are determined to be applicable to the public and federally assisted housing programs, the study shall identify appropriate goals, objectives, and procedures for an accreditation program for such agencies housing providers.

(C) The study shall evaluate the effectiveness of establishing an independent accreditation and evaluation entity to assist, supplement, or replace the role of the Department of Housing and Urban Development in assessing and monitoring the performance of such agencies and housing providers.

(D) The study shall identify the necessary and appropriate roles and responsibilities of various entities that would be involved in an accreditation program, including the Department of Housing and Urban Development, the Inspector General of the Department, an accreditation entity, independent auditors and examiners, local entities, and public housing agencies.

(E) The study shall determine the costs involved in developing and maintaining such an independent accreditation program.

(F) The study shall analyze the need for technical assistance to assist public housing agencies in improving performance and identify the most effective methods to provide such assistance.

(3) PERFORMANCE BASED MODELS.—Various performance-based models, including systems that establish performance goals or targets, assess the compliance with such goals or targets, and provide for incentives or sanctions based on performance relative to such goals or targets.

(4) LOCAL REVIEW AND MONITORING MODELS.—Various models providing for local, resident, and community review and monitoring of such agencies and housing providers, including systems for review and monitoring by local and State governmental bodies and agencies.

(5) PRIVATE MODELS.—Various models using private contractors for review and monitoring of such agencies and housing providers.

(6) OTHER MODELS.—Various models of any other systems that may be more effective and efficient in regulating and evaluating such agencies and housing providers.

SEC. 1504. CONSULTATION.

The entity that, pursuant to section 1505, carries out the study under this subtitle shall, in carrying out the study, consult with individuals and organization experienced in managing public housing, private real estate managers, representatives from State and local governments, residents of public housing, families and individuals receiving choice- or tenant-based assistance, the Secretary of Housing and Urban Development, the Inspector General of the Department of Housing and Urban Development, and the Comptroller General of the United States.

SEC. 1505. CONTRACT TO CONDUCT STUDY.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall enter into a contract with a public or nonprofit private entity to conduct the study under this subtitle, using amounts made available pursuant to section 1507.

(b) NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.—The Secretary shall request the National Academy of Public Administration to enter into the contract under subsection (a) to conduct the study under this subtitle. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through other public or nonprofit private entities.

SEC. 1506. REPORT.

(a) INTERIM REPORT.—The Secretary shall ensure that not later than the expiration of the 6-month period beginning on the date of

the enactment of this Act, the entity conducting the study under this subtitle submits to the Congress an interim report describing the actions taken to carry out the study, the actions to be taken to complete the study, and any findings and recommendations available at the time.

(b) FINAL REPORT.—The Secretary shall ensure that—

(1) not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the study required under this subtitle is completed and a report describing the findings and recommendations as a result of the study is submitted to the Congress; and

(2) before submitting the report under this subsection to the Congress, the report is submitted to the Secretary and national organizations for public housing agencies at such time to provide the Secretary and such agencies an opportunity to review the report and provide written comments on the report, which shall be included together with the report upon submission to the Congress under paragraph (1).

SEC. 1507. FUNDING.

Of any amounts made available under title V of the Housing and Urban Development Act of 1970 for policy development and research for fiscal year 1998, $500,000 shall be available to carry out this subtitle.

SEC. 1508. EFFECTIVE DATE.

This subtitle shall take effect on the date of the enactment of this Act.

Subtitle B—Housing Evaluation and Accreditation Board

SEC. 1521. ESTABLISHMENT.

(a) IN GENERAL.—There is established an independent agency in the executive branch of the Government to be known as the Housing Foundation and Accreditation Board (in this title referred to as the "Board").

(b) REQUIREMENT FOR CONGRESSIONAL REVIEW OF STUDY.—Notwithstanding any other provision of this division, sections 1523, 1524, and 1525 shall not take effect and the Board shall not have any authority to take any action under such sections (or otherwise) unless there is enacted a law specifically providing for the repeal of this subsection. This subsection may not be construed to prevent the appointment of the Board under section 1522.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 1522. MEMBERSHIP.

(a) IN GENERAL.—The Board shall be composed of 12 members appointed by the President not later than 180 days after the date of the final report regarding the study required under subtitle A is submitted to the Congress pursuant to section 1506(b), as follows:

(1) 4 members shall be appointed from among 10 individuals recommended by the Secretary of Housing and Urban Development.

(2) 4 members shall be appointed from among 10 individuals recommended by the Chairman and Ranking Minority Member of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) 4 members appointed from among 10 individuals recommended by the Chairman and Ranking Minority Member of the Committee on Banking and Financial Services of the House of Representatives.

(b) QUALIFICATIONS.—

(1) REQUIRED REPRESENTATION.—The Board shall at all times have the following members:

(A) 2 members who are residents of public housing or dwelling units assisted under title XIII of this Act or the provisions of section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act).

(B) At least 2, but not more than 4 members who are executive directors of public housing agencies.

(C) 1 member who is a member of the Institute of Real Estate Managers.

(D) 1 member who is the owner of a multifamily housing project assisted under a program administered by the Secretary of Housing and Urban Development.

(2) REQUIRED EXPERIENCE.—The Board shall at all times have as members individuals with the following experience:

(A) At least 1 individual who has extensive experience in the residential real estate finance business.

(B) At least 1 individual who has extensive experience in operating a nonprofit organization that provides affordable housing.

(C) At least 1 individual who has extensive experience in construction of multifamily housing.

(D) At least 1 individual who has extensive experience in the management of a community development corporation.

(E) At least 1 individual who has extensive experience in auditing participants in government programs.

A single member of the board with the appropriate experience may satisfy the requirements of more than 1 subparagraph of this paragraph. A single member of the board with the appropriate qualifications and experience may satisfy the requirements of a subparagraph of paragraph (1) and a subparagraph of this paragraph.

(c) POLITICAL AFFILIATION.—Not more than 6 members of the Board may be of the same political party.

(d) TERMS.—

(1) IN GENERAL.—Each member of the Board shall be appointed for a term of 4 years, except as provided in paragraphs (2) and (3).

(2) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

(A) 3 shall be appointed for terms of 1 year;

(B) 3 shall be appointed for terms of 2 years;

(C) 3 shall be appointed for terms of 3 years; and

(D) 3 shall be appointed for terms of 4 years.

(3) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(e) CHAIRPERSON.—The Board shall elect a chairperson from among members of the Board.

(f) QUORUM.—A majority of the members of the Board shall constitute a quorum for the transaction of business.

(g) VOTING.—Each member of the Board shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Board.

(h) PROHIBITION ON ADDITIONAL PAY.—Members of the Board shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board.

SEC. 1523. FUNCTIONS.

The purpose of this subtitle is to establish the Board as a nonpolitical entity to carry out, not later than the expiration of the 12-month period beginning upon the appointment under section 1522 of all of the initial members of the Board (or such other date as may be provided by law), the following functions:

(1) ESTABLISHMENT OF PERFORMANCE BENCHMARKS.—The Board shall establish standards and guidelines for use by the Board in measuring the performance and efficiency of public housing agencies and other owners and providers of federally assisted housing in carrying out operational and financial functions. The standards and guidelines shall be designed to replace the public housing management assessment program under section 6(j) of the United States Housing Act of 1937 (as in effect before the enactment of this Act) and improve the evaluation of the performance of housing providers relative to such program. In establishing such standards and guidelines, the Board shall consult with the Secretary, the Inspector General of the Department of Housing and Urban Development, and such other persons and entities as the Board considers appropriate.

(2) ESTABLISHMENT OF ACCREDITATION PROCEDURE AND ACCREDITATION.—The Board shall—

(A) establish a procedure for the Board to accredit public housing agencies to receive block grants under title XII for the operation, maintenance, and production of public housing and amounts for housing assistance under title XIII, based on the performance of agencies, as measured by the performance benchmarks established under paragraph (1) and any audits and reviews of agencies; and

(B) commence the review and accreditation of public housing agencies under the procedures established under subparagraph (A).

In carrying out the functions under this section, the Board shall take into consideration the findings and recommendations contained in the report issued under section 1506(b).

SEC. 1524. POWERS.

(a) HEARINGS.—The Board may, for the purpose of carrying out this subtitle, hold such hearings and sit and act at such times and places as the Board determines appropriate.

(b) RULES AND REGULATIONS.—The Board may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION.—The Board may secure directly from any department or agency of the Federal Government such information as the Board may require for carrying out its functions, including public housing agency plans submitted to the Secretary by public housing agencies under title XI. Upon request of the Board, any such department or agency shall furnish such information.

(2) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Board, on a reimbursable basis, such administrative support services as the Board may request.

(3) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—Upon the request of the chairperson of the Board, the Secretary of Housing and Urban Development shall, to the extent possible and subject to the discretion of the Secretary, detail any of the personnel of the Department of Housing and Urban Development, on a nonreimbursable basis, to assist the Board in carrying out its functions under this subtitle.

(4) HUD INSPECTOR GENERAL.—The Inspector General of the Department of Housing and Urban Development shall serve the Board as a principal adviser with respect to

all aspects of audits of public housing agencies. The Inspector General may advise the Board with respect to other activities and functions of the Board.

(d) MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) CONTRACTING.—The Board may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts with private firms, institutions, and individuals for the purpose of conducting evaluations of public housing agencies, audits of public housing agencies, and research and surveys necessary to enable the Board to discharge its functions under this subtitle.

(f) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Board shall appoint an executive director of the Board, who shall be compensated at a rate fixed by the Board, but which shall not exceed the rate established for level V of the Executive Schedule under title 5, United States Code.

(2) OTHER PERSONNEL.—In addition to the executive director, the Board may appoint and fix the compensation of such personnel as the Board considers necessary, in accordance with the provisions of title 5, United States Code, governing appointments to the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(g) ACCESS TO DOCUMENTS.—The Board shall have access for the purposes of carrying out its functions under this subtitle to any books, documents, papers, and records of a public housing agency to which the Secretary has access under this division.

SEC. 1525. FEES.

(a) ACCREDITATION FEES.—The Board may establish and charge reasonable fees for the accreditation of public housing agencies as the Board considers necessary to cover the costs of the operations of the Board relating to its functions under section 1523.

(b) FUND.—Any fees collected under this section shall be deposited in an operations fund for the Board, which is hereby established in the Treasury of the United States. Amounts in such fund shall be available, to the extent provided in appropriation Acts, for the expenses of the Board in carrying out its functions under this subtitle.

SEC. 1526. GAO AUDIT.

The activities and transactions of the Board shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General. The representatives of the General Accounting Office shall have access for the purpose of audit and examination to any books, documents, papers, and records of the Board that are necessary to facilitate an audit.

Subtitle C—Interim Applicability of Public Housing Management Assessment Program

SEC. 1531. INTERIM APPLICABILITY.

This subtitle shall be effective only during the period that begins on the effective date of this division and ends upon the date of the effectiveness of the standards and procedures required under section 1523.

SEC. 1532. MANAGEMENT ASSESSMENT INDICATORS.

(a) ESTABLISHMENT.—The Secretary shall develop and publish in the Federal Register indicators to assess the management performance of public housing agencies and other entities managing public housing (including resident management corporations, independent managers pursuant to section 1236, and management entities pursuant to subtitle D). The indicators shall be established by rule under section 553 of title 5, United States Code. Such indicators shall enable the Secretary to evaluate the performance of public housing agencies and such other managers of public housing in all major areas of management operations.

(b) CONTENT.—The management assessment indicators shall include the following indicators:

(1) The number and percentage of vacancies within an agency's or manager's inventory, including the progress that an agency or manager has made within the previous 3 years to reduce such vacancies.

(2) The amount and percentage of funds obligated to the public housing agency or manager from the capital fund or under section 14 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act), which remain unexpended after 3 years.

(3) The percentage of rents uncollected.

(4) The energy consumption (with appropriate adjustments to reflect different regions and unit sizes).

(5) The average period of time that an agency or manager requires to repair and turn-around vacant dwelling units.

(6) The proportion of maintenance work orders outstanding, including any progress that an agency or manager has made during the preceding 3 years to reduce the period of time required to complete maintenance work orders.

(7) The percentage of dwelling units that an agency or manager fails to inspect to ascertain maintenance or modernization needs within such period of time as the Secretary deems appropriate (with appropriate adjustments, if any, for large and small agencies or managers).

(8) The extent to which the rent policies of any public housing agency establishing rental amounts in accordance with section 1225(b) comply with the requirement under section 1225(c).

(9) Whether the agency is providing acceptable basic housing conditions, as determined by the Secretary.

(10) Whether the agency has conducted and regularly updated an assessment to identify any pest control problems in the public housing owned or operated by the agency and the extent to which the agency is effective in carrying out a strategy to eradicate or control such problems, which assessment and strategy shall be included in the local housing management plan for the agency under section 1106.

(11) Any other factors as the Secretary deems appropriate.

(c) CONSIDERATIONS IN EVALUATION.—The Secretary shall—

(1) administer the system of evaluating public housing agencies and managers flexibly to ensure that agencies and managers are not penalized as result of circumstances beyond their control;

(2) reflect in the weights assigned to the various management assessment indicators the differences in the difficulty of managing individual developments that result from their physical condition and their neighborhood environment; and

(3) determine a public housing agency's or manager's status as "troubled with respect to modernization" under section 1533(b) based upon factors solely related to its ability to carry out modernization activities.

SEC. 1533. DESIGNATION OF PHA'S.

(a) TROUBLED PHA'S.—The Secretary shall, under the rulemaking procedures under section 553 of title 5, United States Code, establish procedures for designating troubled public housing agencies and managers, which procedures shall include identification of serious and substantial failure to perform as measured by (1) the performance indicators specified under section 1532 and such other factors as the Secretary may deem to be appropriate; or (2) such other evaluation system as is determined by the Secretary to assess the condition of the public housing agency or other entity managing public housing, which system may be in addition to or in lieu of the performance indicators established under section 1532. Such procedures shall provide that an agency that does not provide acceptable basic housing conditions shall be designated a troubled public housing agency.

(b) AGENCIES TROUBLED WITH RESPECT TO CAPITAL ACTIVITIES.—The Secretary shall designate, by rule under section 553 of title 5, United States Code, agencies and managers that are troubled with respect to capital activities.

(c) AGENCIES AT RISK OF BECOMING TROUBLED.—The Secretary shall designate, by rule under section 553 of title 5, United States Code, agencies and managers that are at risk of becoming troubled.

(d) EXEMPLARY AGENCIES.—The Secretary may also, in consultation with national organizations representing public housing agencies and managers and public officials (as the Secretary determines appropriate), identify and commend public housing agencies and managers that meet the performance standards established under section 1532 in an exemplary manner.

(e) APPEAL OF DESIGNATION.—The Secretary shall establish procedures for public housing agencies and managers to appeal designation as a troubled agency or manager (including designation as a troubled agency or manager for purposes of capital activities), to petition for removal of such designation, and to appeal any refusal to remove such designation.

SEC. 1534. ON-SITE INSPECTION OF TROUBLED PHA'S.

(a) IN GENERAL.—Upon designating a public housing agency or manager as troubled pursuant to section 1533 and determining that an assessment under this section will not duplicate any other review previously conducted or required to be conducted of the agency or manager, the Secretary shall provide for an on-site, independent assessment of the management of the agency or manager.

(b) CONTENT.—To the extent the Secretary deems appropriate (taking into consideration an agency's or manager's performance under the indicators specified under section 1532, the assessment team shall also consider issues relating to the agency's or manager's resident population and physical inventory, including the extent to which—

(1) the public housing agency plan for the agency or manager adequately and appropriately addresses the rehabilitation needs of the public housing inventory;

(2) residents of the agency or manager are involved in and informed of significant management decisions; and

(3) any developments in the agency's or manager's inventory are severely distressed (as such term is defined under section 1262).

(c) INDEPENDENT ASSESSMENT TEAM.—An independent assessment under this section shall be carried out by a team of knowledgeable individuals selected by the Secretary (referred to in this title as the "assessment team") with expertise in public housing and

real estate management. In conducting an assessment, the assessment team shall consult with the residents and with public and private entities in the jurisdiction in which the public housing is located. The assessment team shall provide to the Secretary and the public housing agency or manager a written report, which shall contain, at a minimum, recommendations for such management improvements as are necessary to eliminate or substantially remedy existing deficiencies.

SEC. 1535. ADMINISTRATION.

(a) PHA'S.—The Secretary shall carry out this subtitle with respect to public housing agencies substantially in the same manner as the public housing management assessment system under section 6(j) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 1601(b) of this Act) was required to be carried out with respect to public housing agencies. The Secretary may comply with the requirements under this subtitle by using any regulations issued to carry out such system and issuing any additional regulations necessary to make such system comply with the requirements under this subtitle.

(b) OTHER MANAGERS.—The Secretary shall establish specific standards and procedures for carrying out this subtitle with respect to managers of public housing that are not public housing agencies. Such standards and procedures shall take in consideration special circumstances relating to entities hired, directed, or appointed to manage public housing.

Subtitle D—Accountability and Oversight Standards and Procedures

SEC. 1541. AUDITS.

(a) BY SECRETARY AND COMPTROLLER GENERAL.—Each block grant contract under section 1201 and each contract for housing assistance amounts under section 1302 shall provide that the Secretary, the Inspector General of the Department of Housing and Urban Development, and the Comptroller General of the United States, or any of their duly authorized representatives, shall, for the purpose of audit and examination, have access to any books, documents, papers, and records of the public housing agency (or other entity) entering into such contract that are pertinent to this division and to its operations with respect to financial assistance under this division.

(b) BY PHA.—

(1) REQUIREMENT.—Each public housing agency that owns or operates 250 or more public housing dwelling units and receives assistance under this division shall have an audit made in accordance with chapter 75 of title 31, United States Code. The Secretary, the Inspector General of the Department of Housing and Urban Development, and the Comptroller General of the United States shall have access to all books, documents, papers, or other records that are pertinent to the activities carried out under this division in order to make audit examinations, excerpts, and transcripts.

(2) WITHHOLDING OF AMOUNTS.—The Secretary may, in the sole discretion of the Secretary, arrange for, and pay the costs of, an audit required under paragraph (1). In such circumstances, the Secretary may withhold, from assistance otherwise payable to the agency under this division, amounts sufficient to pay for the reasonable costs of conducting an acceptable audit, including, when appropriate, the reasonable costs of accounting services necessary to place the agency's books and records in auditable condition.

SEC. 1542. PERFORMANCE AGREEMENTS FOR AUTHORITIES AT RISK OF BECOMING TROUBLED.

(a) IN GENERAL.—Upon designation of a public housing agency as at risk of becoming troubled under section 1533(c), the Secretary shall seek to enter into an agreement with the agency providing for improvement of the elements of the agency that have been identified. An agreement under this section shall contain such terms and conditions as the Secretary determines are appropriate for addressing the elements identified, which may include an on-site, independent assessment of the management of the agency.

(b) POWERS OF SECRETARY.—If the Secretary determines that such action is necessary to prevent the public housing agency from becoming a troubled agency, the Secretary may—

(1) solicit competitive proposals from other public housing agencies and private housing management agents (which may be selected by existing tenants through administrative procedures established by the Secretary), for any case in which such agents may be needed for managing all, or part, of the housing or functions administered by the agency; or

(2) solicit competitive proposals from other public housing agencies and private entities with experience in construction management, for any case in which such authorities or firms may be needed to oversee implementation of assistance made available for capital improvement for public housing of the agency.

SEC. 1543. PERFORMANCE AGREEMENTS AND CDBG SANCTIONS FOR TROUBLED PHA'S.

(a) IN GENERAL.—Upon designation of a public housing agency as a troubled agency under section 1533(a) and after reviewing the report submitted pursuant to section 1534(c) and consulting with the assessment team for the agency under section 1534, the Secretary shall seek to enter into an agreement with the agency providing for improving the management performance of the agency.

(b) CONTENTS.—An agreement under this section between the Secretary and a public housing agency shall set forth—

(1) targets for improving performance, as measured by the guidelines and standards established under section 1532 and other requirements within a specified period of time, which shall include targets to be met upon the expiration of the 12-month period beginning upon entering into the agreement;

(2) strategies for meeting such targets;

(3) sanctions for failure to implement such strategies; and

(4) to the extent the Secretary deems appropriate, a plan for enhancing resident involvement in the management of the public housing agency.

(c) LOCAL ASSISTANCE IN IMPLEMENTATION.—The Secretary and the public housing agency shall, to the maximum extent practicable, seek the assistance of local public and private entities in carrying out an agreement under this section.

(d) DEFAULT UNDER PERFORMANCE AGREEMENT.—Upon the expiration of the 12-month period beginning upon entering into an agreement under this section with a public housing agency, the Secretary shall review the performance of the agency in relation to the performance targets and strategies under the agreement. If the Secretary determines that the agency has failed to comply with the performance targets established for such period, the Secretary shall take the action authorized under subsection (b)(2) or (b)(5) of section 1545.

(e) CDBG SANCTION AGAINST LOCAL GOVERNMENT CONTRIBUTING TO TROUBLED STATUS OF PHA.—If the Secretary determines that the actions or inaction of any unit of general local government within which any portion of the jurisdiction of a public housing agency is located has substantially contributed to the conditions resulting in the agency being designated under section 1533(a) as a troubled agency, the Secretary may redirect or withhold, from such unit of general local government any amounts allocated for such unit under section 106 of the Housing and Community Development Act of 1974.

SEC. 1544. OPTION TO DEMAND CONVEYANCE OF TITLE TO OR POSSESSION OF PUBLIC HOUSING.

(a) AUTHORITY FOR CONVEYANCE.—A contract under section 1201 for block grants under title XII (including contracts which amend or supersede contracts previously made (including contracts for contributions)) may provide that upon the occurrence of a substantial default with respect to the covenants or conditions to which the public housing agency is subject (as such substantial default shall be defined in such contract), the public housing agency shall be obligated, at the option of the Secretary, to—

(1) convey title in any case where, in the determination of the Secretary (which determination shall be final and conclusive), such conveyance of title is necessary to achieve the purposes of this division; or

(2) deliver to the Secretary possession of the development, as then constituted, to which such contract relates.

(b) OBLIGATION TO RECONVEY.—Any block grant contract under title XII containing the provisions authorized in subsection (a) shall also provide that the Secretary shall be obligated to reconvey or redeliver possession of the development, as constituted at the time of reconveyance or redelivery, to such public housing agency or to its successor (if such public housing agency or a successor exists) upon such terms as shall be prescribed in such contract, and as soon as practicable after—

(1) the Secretary is satisfied that all defaults with respect to the development have been cured, and that the development will, in order to fulfill the purposes of this division, thereafter be operated in accordance with the terms of such contract; or

(2) the termination of the obligation to make annual block grants to the agency, unless there are any obligations or covenants of the agency to the Secretary which are then in default.

Any prior conveyances and reconveyances or deliveries and redeliveries of possession shall not exhaust the right to require a conveyance or delivery of possession of the development to the Secretary pursuant to subsection (a) upon the subsequent occurrence of a substantial default.

(c) CONTINUED GRANTS FOR REPAYMENT OF BONDS AND NOTES UNDER 1937 ACT.—If—

(1) a contract for block grants under title XII for an agency includes provisions that expressly state that the provisions are included pursuant to this subsection, and

(2) the portion of the block grant payable for debt service requirements pursuant to the contract has been pledged by the public housing agency as security for the payment of the principal and interest on any of its obligations, then—

(A) the Secretary shall (notwithstanding any other provisions of this division), continue to make the block grant payments for the agency so long as any of such obligations remain outstanding; and

(B) the Secretary may covenant in such a contract that in any event such block grant

amounts shall in each year be at least equal to an amount which, together with such income or other funds as are actually available from the development for the purpose at the time such block grant payments are made, will suffice for the payment of all installments of principal and interest on the obligations for which the amounts provided for in the contract shall have been pledged as security that fall due within the next succeeding 12 months.

In no case shall such block grant amounts be in excess of the maximum sum specified in the contract involved, nor for longer than the remainder of the maximum period fixed by the contract.

SEC. 1545. REMOVAL OF INEFFECTIVE PHA'S.

(a) CONDITIONS OF REMOVAL.—The actions specified in subsection (b) may be taken only upon—

(1) the occurrence of events or conditions that constitute a substantial default by a public housing agency with respect to (A) the covenants or conditions to which the public housing agency is subject, or (B) an agreement entered into under section 1543; or

(2) submission to the Secretary of a petition by the residents of the public housing owned or operated by a public housing agency that is designated as troubled pursuant to section 1533(a).

(b) REMOVAL ACTIONS.—Notwithstanding any other provision of law or of any block grant contract under title XII or any grant agreement under title XIII, in accordance with subsection (a), the Secretary may—

(1) solicit competitive proposals from other public housing agencies and private housing management agents (which, in the discretion of the Secretary, may be selected by existing public housing residents through administrative procedures established by the Secretary) and, if appropriate, provide for such agents to manage all, or part, of the housing administered by the public housing agency or all or part of the other functions of the agency;

(2) take possession of the public housing agency, including any developments or functions of the agency under any section of this division;

(3) solicit competitive proposals from other public housing agencies and private entities with experience in construction management and, if appropriate, provide for such authorities or firms to oversee implementation of assistance made available for capital improvements for public housing;

(4) require the agency to make other arrangements acceptable to the Secretary and in the best interests of the public housing residents and assisted families under title XIII for managing all, or part of, the public housing administered by the agency or the functions of the agency; or

(5) petition for the appointment of a receiver for the public housing agency to any district court of the United States or to any court of the State in which any portion of the jurisdiction of the public housing agency is located, that is authorized to appoint a receiver for the purposes and having the powers prescribed in this section.

(c) EMERGENCY ASSISTANCE.—The Secretary may make available to receivers and other entities selected or appointed pursuant to this section such assistance as is fair and reasonable to remedy the substantial deterioration of living conditions in individual public housing developments or other related emergencies that endanger the health, safety and welfare of public housing residents or assisted families under title XIII.

(d) POWERS OF SECRETARY.—If the Secretary takes possession of an agency, or any developments or functions of an agency, pursuant to subsection (b)(2), the Secretary—

(1) may abrogate contracts that substantially impede correction of the substantial default or improvement of the classification, but only after efforts to renegotiate such contracts have failed and the Secretary has made a written determination regarding such abrogation, which shall be available to the public upon request, identify such contracts, and explain the determination that such contracts may be abrogated;

(2) may demolish and dispose of assets of the agency in accordance with section 1261;

(3) where determined appropriate by the Secretary, may require the establishment of one or more new public housing agencies;

(4) may consolidate the agency into other well-managed public housing agencies with the consent of such well-managed authorities;

(5) shall not be subject to any State or local laws relating to civil service requirements, employee rights, procurement, or financial or administrative controls that, in the determination of the Secretary, substantially impede correction of the substantial default or improvement of the classification, but only if the Secretary has made a written determination regarding such inapplicability, which shall be available to the public upon request, identify such inapplicable laws, and explain the determination that such laws impede such correction; and

(6) shall have such additional authority as a district court of the United States has the authority to confer under like circumstances upon a receiver to achieve the purposes of the receivership.

The Secretary may appoint, on a competitive or noncompetitive basis, an individual or entity as an administrative receiver to assume the Secretary's responsibility under this paragraph for the administration of a public housing agency. The Secretary may delegate to the administrative receiver any or all of the powers of the Secretary under this subsection. Regardless of any delegation under this subsection, an administrative receiver may not require the establishment of one or more new public housing agencies pursuant to paragraph (3) unless the Secretary first approves such establishment. For purposes of this subsection, the term "public housing agency" includes any developments or functions of a public housing agency under any section of this title.

(e) RECEIVERSHIP.—

(1) REQUIRED APPOINTMENT.—In any proceeding under subsection (b)(5), upon a determination that a substantial default has occurred, and without regard to the availability of alternative remedies, the court shall appoint a receiver to conduct the affairs of the public housing agency in a manner consistent with this division and in accordance with such further terms and conditions as the court may provide. The receiver appointed may be another public housing agency, a private management corporation, the Secretary, or any other appropriate entity. The court shall have power to grant appropriate temporary or preliminary relief pending final disposition of the petition by the Secretary.

(2) POWERS OF RECEIVER.—If a receiver is appointed for a public housing agency pursuant to subsection (b)(5), in addition to the powers accorded by the court appointing the receiver, the receiver—

(A) may abrogate contracts that substantially impede correction of the substantial default or improvement of the classification, but only after bona fide efforts to renegotiate such contracts have failed and the receiver has made a written determination regarding such abrogation, which shall be available to the public upon request, identify such contracts, and explain the determination that such contracts may be abrogated;

(B) may demolish and dispose of assets of the agency in accordance with section 1261;

(C) where determined appropriate by the Secretary, may require the establishment of one or more new public housing agencies, to the extent permitted by State and local law; and

(D) except as provided in subparagraph (C), shall not be subject to any State or local laws relating to civil service requirements, employee rights, procurement, or financial or administrative controls that, in the determination of the receiver, substantially impede correction of the substantial default or improvement of the classification, but only if the receiver has made a written determination regarding such inapplicability, which shall be available to the public upon request, identify such inapplicable laws, and explain the determination that such laws impede such correction.

For purposes of this paragraph, the term "public housing agency" includes any developments or functions of a public housing agency under any section of this title.

(3) TERMINATION.—The appointment of a receiver pursuant to this subsection may be terminated, upon the petition of any party, when the court determines that all defaults have been cured or the public housing agency will be able to make the same amount of progress in correcting the management of the housing as the receiver.

(f) LIABILITY.—If the Secretary takes possession of an agency pursuant to subsection (b)(2) or a receiver is appointed pursuant to subsection (b)(5) for a public housing agency, the Secretary or the receiver shall be deemed to be acting in the capacity of the public housing agency (and not in the official capacity as Secretary or other official) and any liability incurred shall be a liability of the public housing agency.

(g) EFFECTIVENESS.—The provisions of this section shall apply with respect to actions taken before, on, or after the effective date of this division and shall apply to any receivers appointed for a public housing agency before the effective date of this division.

SEC. 1546. MANDATORY TAKEOVER OF CHRONICALLY TROUBLED PHA'S.

(a) REMOVAL OF AGENCY.—Notwithstanding any other provision of this division, not later than the expiration of the 180-day period beginning on the effective date of this division, the Secretary shall take one of the following actions with respect to each chronically troubled public housing agency:

(1) CONTRACTING FOR MANAGEMENT.—Solicit competitive proposals for the management of the agency pursuant to section 1545(b)(1) and replace the management of the agency pursuant to selection of such a proposal.

(2) TAKEOVER.—Take possession of the agency pursuant to section 1545(b)(2).

(3) PETITION FOR RECEIVER.—Petition for the appointment of a receiver for the agency pursuant to section 1545(b)(5).

(b) DEFINITION.—For purposes of this section, the term "chronically troubled public housing agency" means a public housing agency that, as of the effective date of this division, is designated under section 6(j)(2) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 1601(b) of this Act) as a troubled public housing agency and has been so designated continuously for the

3-year period ending upon the effective date of this division; except that such term does not include any agency that owns or operates less than 1250 public housing dwelling units and that the Secretary determines can, with a reasonable amount of effort, make such improvements or remedies as may be necessary to remove its designation as troubled within 12 months.

SEC. 1547. TREATMENT OF TROUBLED PHA'S.

(a) EFFECT OF TROUBLED STATUS ON PHAS.—The comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the State or unit of general local government in which any troubled public housing agency is located shall not be considered to comply with the requirements under section 105 of the Cranston-Gonzalez National Affordable Housing Act unless such plan includes a description of the manner in which the State or unit will assist such troubled agency in improving its operations to remove such designation.

(b) DEFINITION.—For purposes of this section, the term "troubled public housing agency" means a public housing agency that—

(1) upon the effective date of this division, is designated under section 6(j)(2) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 1601(b) of this Act) as a troubled public housing agency; and

(2) is not a chronically troubled public housing agency, as such term is defined in section 1546(b) of this Act.

SEC. 1548. MAINTENANCE OF RECORDS.

Each public housing agency shall keep such records as may be reasonably necessary to disclose the amount and the disposition by the agency of the proceeds of assistance received pursuant to this division and to ensure compliance with the requirements of this division.

SEC. 1549. ANNUAL REPORTS REGARDING TROUBLED PHA'S.

The Secretary shall submit a report to the Congress annually, as a part of the report of the Secretary under section 8 of the Department of Housing and Urban Development Act, that—

(1) identifies the public housing agencies that are designated under section 1533 as troubled or at-risk of becoming troubled and the reasons for such designation; and

(2) describes any actions that have been taken in accordance with sections 1542, 1543, 1544, and 1545.

SEC. 1550. APPLICABILITY TO RESIDENT MANAGEMENT CORPORATIONS.

The Secretary shall apply the provisions of this subtitle to resident management corporations in the same manner as applied to public housing agencies.

SEC. 1551. ADVISORY COUNCIL FOR HOUSING AUTHORITY OF NEW ORLEANS.

(a) ESTABLISHMENT.—The Secretary and the Housing Authority of New Orleans (in this section referred to as the "Housing Authority") shall, pursuant to the cooperative endeavor agreement in effect between the Secretary and the Housing Authority, establish an advisory council for the Housing Authority of New Orleans (in this section referred to as the "advisory council") that complies with the requirements of this section.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory council shall be appointed by the Secretary, not later than 90 days after the date of the enactment of this Act, and shall be composed of the following members:

(A) The Inspector General of the Department of Housing and Urban Development (or the Inspector General's designee).

(B) Not more than 7 other members, who shall be selected for appointment based on their experience in successfully reforming troubled public housing agencies or in providing affordable housing in coordination with State and local governments, the private sector, affordable housing residents, or local nonprofit organizations.

(2) PROHIBITION ON ADDITIONAL PAY.—Members of the advisory council shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board using amounts from the Headquarters Reserve fund pursuant to section 1111(b)(4).

(c) FUNCTIONS.—The advisory council shall—

(1) establish standards and guidelines for assessing the performance of the Housing Authority in carrying out operational, asset management, and financial functions for purposes of the reports and finding under subsections (d) and (e), respectively;

(2) provide advice, expertise, and recommendations to the Housing Authority regarding the management, operation, repair, redevelopment, revitalization, demolition, and disposition of public housing developments of the Housing Authority;

(3) report to the Congress under subsection (d) regarding any progress of the Housing Authority in improving the performance of its functions; and

(4) make a final finding to the Congress under subsection (e) regarding the future of the Housing Authority.

(d) QUARTERLY REPORTS.—The advisory council shall report to the Congress and the Secretary not less than every 3 months regarding the performance of the Housing Authority and any progress of the authority in improving its performance and carrying out its functions.

(e) FINAL FINDING.—Upon the expiration of the 18-month period that begins upon the appointment under subsection (b)(1) of all members of the advisory council, the council shall make and submit to the Congress and the Secretary a finding of whether the Housing Authority has substantially improved its performance, the performance of its functions, and the overall condition of the Authority such that the Authority should be allowed to continue to operate as the manager of the public housing of the Authority. In making the finding under this subsection, the advisory council shall consider whether the Housing Authority has made sufficient progress in the demolition and revitalization of the Desire Homes development, the revitalization of the St. Thomas Homes development, the appropriate allocation of operating subsidy amounts, and the appropriate expending of modernization amounts.

(f) RECEIVERSHIP.—If the advisory council finds under subsection (e) that the Housing Authority has not substantially improved its performance such that the Authority should be allowed to continue to operate as the manager of the public housing of the Authority, the Secretary shall (notwithstanding section 1545(a)) petition under section 1545(b) for the appointment of a receiver for the Housing Authority, which receivership shall be subject to the provisions of section 1545.

(g) EXEMPTION.—The provisions of section 1546 shall not apply to the Housing Authority.

TITLE XVI—REPEALS AND RELATED AMENDMENTS

Subtitle A—Repeals, Effective Date, and Savings Provisions

SEC. 1601. EFFECTIVE DATE AND REPEAL OF UNITED STATES HOUSING ACT OF 1937.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—This division and the amendments made by this division shall take effect on October 1, 1999, except as otherwise provided in this section.

(2) SPECIFIC EFFECTIVE DATES.—Any provision of this division that specifically provides for the effective date of such provision shall take effect in accordance with the terms of the provision.

(b) REPEAL OF UNITED STATES HOUSING ACT OF 1937.—Effective upon the effective date under subsection (a)(1), the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is repealed, subject to the conditions under subsection (c).

(c) SAVINGS PROVISIONS.—

(1) OBLIGATIONS UNDER 1937 ACT.—Any obligation of the Secretary made under authority of the United States Housing Act of 1937 shall continue to be governed by the provisions of such Act, except that—

(A) notwithstanding the repeal of such Act, the Secretary may make a new obligation under such Act upon finding that such obligation is required—

(i) to protect the financial interests of the United States or the Department of Housing and Urban Development; or

(ii) for the amendment, extension, or renewal of existing obligations; and

(B) notwithstanding the repeal of such Act, the Secretary may, in accordance with subsection (d), issue regulations and other guidance and directives as if such Act were in effect if the Secretary finds that such action is necessary to facilitate the administration of obligations under such Act.

(2) TRANSITION OF FUNDING.—Amounts appropriated under the United States Housing Act of 1937 shall, upon repeal of such Act, remain available for obligation under such Act in accordance with the terms under which amounts were made available.

(3) CROSS REFERENCES.—The provisions of the United States Housing Act of 1937 shall remain in effect for purposes of the validity of any reference to a provision of such Act in any statute (other than such Act) until such reference is modified by law or repealed.

(d) PUBLICATION AND EFFECTIVE DATE OF SAVINGS PROVISIONS.—

(1) SUBMISSION TO CONGRESS.—The Secretary shall submit to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a copy of any proposed regulation, guidance, or directive under subsection (c)(1)(B).

(2) OPPORTUNITY TO REVIEW.—Such a regulation, guidance, or directive may not be published for comment or for final effectiveness before or during the 15-calendar day period beginning on the day after the date on which such regulation, guidance, or directive was submitted to the Congress.

(3) EFFECTIVE DATE.—No regulation, guideline, or directive may become effective until after the expiration of the 30-calendar day period beginning on the day after the day on which such rule or regulation is published as final.

(4) WAIVER.—The provisions of paragraphs (2) and (3) may be waived upon the written request of the Secretary, if agreed to by the Chairmen and Ranking Minority Members of both Committees.

(e) MODIFICATIONS.—Notwithstanding any provision of this division or any annual contributions contract or other agreement entered into by the Secretary and a public housing agency pursuant to the provisions of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act), the Secretary and the agency may by mutual consent amend, supersede, or modify any such agreement as appropriate to provide for assistance under this division, except that the Secretary and the agency may not consent to any such amendment, supersession, or modification that substantially alters any outstanding obligations requiring continued maintenance of the low-income character of any public housing development and any such amendment, supersession, or modification shall not be given effect.

(f) SECTION 8 PROJECT-BASED ASSISTANCE.—

(1) IN GENERAL.—The provisions of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) shall remain in effect after the effectiveness of the repeal under subsection (b) with respect to all section 8 project-based assistance, pursuant to existing and future contracts, except as otherwise provided by this section.

(2) TENANT SELECTION PREFERENCES.—An owner of housing assisted with section 8 project-based assistance shall give preference, in the selection of tenants for units of such projects that become available, according to any system of local preferences established pursuant to section 1223 by the public housing agency having jurisdiction for the area in which such projects are located.

(3) 1-YEAR NOTIFICATION.—Paragraphs (9) and (10) of section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)) shall not be applicable to section 8 project-based assistance.

(4) LEASE TERMS.—Leases for dwelling units assisted with section 8 project-based assistance shall comply with the provisions of paragraphs (1) and (3) of section 1324 of this Act and shall not be subject to the provisions of 8(d)(1)(B) of the United States Housing Act of 1937.

(5) TERMINATION OF TENANCY.—Any termination of tenancy of a resident of a dwelling unit assisted with section 8 project-based assistance shall comply with the provisions of section 1324(2) and section 1325 of this Act and shall not be subject to the provisions of section 8(d)(1)(B) of the United States Housing Act of 1937.

(6) TREATMENT OF COMMON AREAS.—The Secretary may not provide any assistance amounts pursuant to an existing contract for section 8 project-based assistance for a housing project and may not enter into a new or renewal contract for such assistance for a project unless the owner of the project provides consent, to such local law enforcement agencies as the Secretary determines appropriate, for law enforcement officers of such agencies to enter common areas of the project at any time and without advance notice upon a determination of probable cause by such officers that criminal activity is taking place in such areas.

(7) DEFINITION.—For purposes of this subsection, the term "section 8 project-based assistance" means assistance under any of the following programs:

(A) The new construction or substantial rehabilitation program under section 8(b)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1983).

(B) The property disposition program under section 8(b) of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act).

(C) The loan management set-aside program under subsections (b) and (v) of section 8 of such Act.

(D) The project-based certificate program under section 8(d)(2) of such Act.

(E) The moderate rehabilitation program under section 8(e)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1991).

(F) The low-income housing preservation program under Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the provisions of the Emergency Low Income Housing Preservation Act of 1987 (as in effect before November 28, 1990).

(G) Section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act), following conversion from assistance under section 101 of the Housing and Urban Development Act of 1965 or section 236(f)(2) of the National Housing Act.

(g) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 1602. OTHER REPEALS.

(a) IN GENERAL.—The following provisions of law are hereby repealed:

(1) ASSISTED HOUSING ALLOCATION.—Section 213 of the Housing and Community Development Act of 1974 (42 U.S.C. 1439).

(2) PUBLIC HOUSING RENT WAIVERS FOR POLICE.—Section 519 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437a-1).

(3) TREATMENT OF CERTIFICATE AND VOUCHER HOLDERS.—Subsection (c) of section 183 of the Housing and Community Development Act of 1987 (42 U.S.C. 1437f note).

(4) EXCESSIVE RENT BURDEN DATA.—Subsection (b) of section 550 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note).

(5) MOVING TO OPPORTUNITY FOR FAIR HOUSING.—Section 152 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note).

(6) REPORT REGARDING FAIR HOUSING OBJECTIVES.—Section 153 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note).

(7) SPECIAL PROJECTS FOR ELDERLY OR HANDICAPPED FAMILIES.—Section 209 of the Housing and Community Development Act of 1974 (42 U.S.C. 1438).

(8) ACCESS TO PHA BOOKS.—Section 816 of the Housing Act of 1954 (42 U.S.C. 1435).

(9) MISCELLANEOUS PROVISIONS.—Subsections (b)(1) and (d) of section 326 of the Housing and Community Development Amendments of 1981 (Public Law 97-35, 95 Stat. 406; 42 U.S.C. 1437f note).

(10) PAYMENT FOR DEVELOPMENT MANAGERS.—Section 329A of the Housing and Community Development Amendments of 1981 (42 U.S.C. 1437j-1).

(11) PROCUREMENT OF INSURANCE BY PHA'S.—In the item relating to "ADMINISTRATIVE PROVISIONS" under the heading "MANAGEMENT AND ADMINISTRATION" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991, the penultimate undesignated paragraph of such item (Public Law 101-507; 104 Stat. 1369).

(12) PUBLIC HOUSING CHILDHOOD DEVELOPMENT.—Section 222 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701z-6 note).

(13) INDIAN HOUSING CHILDHOOD DEVELOPMENT.—Section 518 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701z-6 note).

(14) PUBLIC HOUSING COMPREHENSIVE TRANSITION DEMONSTRATION.—Section 126 of the Housing and Community Development Act of 1987 (42 U.S.C. 1437f note).

(15) PUBLIC HOUSING ONE-STOP PERINATAL SERVICES DEMONSTRATION.—Section 521 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437t note).

(16) PUBLIC HOUSING MINCS DEMONSTRATION.—Section 522 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note).

(17) PUBLIC HOUSING ENERGY EFFICIENCY DEMONSTRATION.—Section 523 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437g note).

(18) OMAHA HOMEOWNERSHIP DEMONSTRATION.—Section 132 of the Housing and Community Development Act of 1992 (Public Law 102-550; 106 Stat. 3712).

(19) PUBLIC AND ASSISTED HOUSING YOUTH SPORTS PROGRAMS.—Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a).

(20) FROST-LELAND PROVISIONS.—Section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (Public Law 100-202; 101 Stat. 1329-213); except that, notwithstanding any other provision of law, beginning on the date of enactment of this Act, the public housing projects described in section 415 of such appropriations Act (as such section existed immediately before the date of enactment of this Act) shall be eligible for demolition—

(A) under section 14 of the United States Housing Act of 1937 (as such section existed upon the enactment of this Act); and

(B) under section 9 of the United States Housing Act of 1937.

(21) MULTIFAMILY FINANCING.—The penultimate sentence of section 302(b)(2) of the National Housing Act (12 U.S.C. 1717(b)(2)) and the penultimate sentence of section 305(a)(2) of the Emergency Home Finance Act of 1970 (12 U.S.C. 1454(a)(2)).

(22) CONFLICTS OF INTEREST.—Subsection (c) of section 326 of the Housing and Community Development Amendments of 1981 (42 U.S.C. 1437f note).

(23) CONVERSION OF PUBLIC HOUSING.—Section 202 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 1437l note) (enacted as section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134; 110 Stat. 1321-279)).

(b) SAVINGS PROVISION.—Except to the extent otherwise provided in this division—

(1) the repeals made by subsection (a) shall not affect any legally binding obligations entered into before the effective date of this division; and

(2) any funds or activities subject to a provision of law repealed by subsection (a) shall continue to be governed by the provision as in effect immediately before such repeal.

Subtitle B—Other Provisions Relating to Public Housing and Rental Assistance Programs

SEC. 1621. ALLOCATION OF ELDERLY HOUSING AMOUNTS.

Section 202(l) of the Housing Act of 1959 (12 U.S.C. 1701q(l)) is amended by adding at the end the following new paragraph:

"(4) CONSIDERATION IN ALLOCATING ASSISTANCE.—Assistance under this section shall be allocated in a manner that ensures that the awards of the assistance are made for projects of sufficient size to accommodate facilities for supportive services appropriate to the needs of frail elderly residents.".

SEC. 1622. PET OWNERSHIP.

Section 227 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701r–1) is amended to read as follows:

"SEC. 227. PET OWNERSHIP IN FEDERALLY ASSISTED RENTAL HOUSING.

"(a) RIGHT OF OWNERSHIP.—A resident of a dwelling unit in federally assisted rental housing may own common household pets or have common household pets present in the dwelling unit of such resident, subject to the reasonable requirements of the owner of the federally assisted rental housing and providing that the resident maintains the animals responsibly and in compliance with applicable local and State public health, animal control, and anticruelty laws. Such reasonable requirements may include requiring payment of a nominal fee and pet deposit by residents owning or having pets present, to cover the operating costs to the project relating to the presence of pets and to establish an escrow account for additional such costs not otherwise covered, respectively. Notwithstanding section 1225(d) of the Housing Opportunity and Responsibility Act of 1997, a public housing agency may not grant any exemption under such section from payment, in whole or in part, of any fee or deposit required pursuant to the preceding sentence.

"(b) PROHIBITION AGAINST DISCRIMINATION.—No owner of federally assisted rental housing may restrict or discriminate against any person in connection with admission to, or continued occupancy of, such housing by reason of the ownership of common household pets by, or the presence of such pets in the dwelling unit of, such person.

"(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) FEDERALLY ASSISTED RENTAL HOUSING.—The term 'federally assisted rental housing' means any multifamily rental housing project that is—

"(A) public housing (as such term is defined in section 1103 of the Housing Opportunity and Responsibility Act of 1997);

"(B) assisted with project-based assistance pursuant to section 1601(f) of the Housing Opportunity and Responsibility Act of 1997 or under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of the Housing Opportunity and Responsibility Act of 1997);

"(C) assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

"(D) assisted under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act);

"(E) assisted under title V of the Housing Act of 1949; or

"(F) insured, assisted, or held by the Secretary or a State or State agency under section 236 of the National Housing Act.

"(2) OWNER.—The term 'owner' means, with respect to federally assisted rental housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing (including a manager of such housing having such right).

"(d) REGULATIONS.—This section shall take effect upon the date of the effectiveness of regulations issued by the Secretary to carry out this section. Such regulations shall be issued not later than the expiration of the 1-year period beginning on the date of the enactment of the Housing Opportunity and Responsibility Act of 1997 and after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).".

SEC. 1623. REVIEW OF DRUG ELIMINATION PROGRAM CONTRACTS.

(a) REQUIREMENT.—The Secretary of Housing and Urban Development shall investigate all security contracts awarded by grantees under the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901 et seq.) that are public housing agencies that own or operate more than 4,500 public housing dwelling units—

(1) to determine whether the contractors under such contracts have complied with all laws and regulations regarding prohibition of discrimination in hiring practices;

(2) to determine whether such contracts were awarded in accordance with the applicable laws and regulations regarding the award of such contracts;

(3) to determine how many such contracts were awarded under emergency contracting procedures;

(4) to evaluate the effectiveness of the contracts; and

(5) to provide a full accounting of all expenses under the contracts.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete the investigation required under subsection (a) and submit a report to the Congress regarding the findings under the investigation. With respect to each such contract, the report shall (1) state whether the contract was made and is operating, or was not made or is not operating, in full compliance with applicable laws and regulations, and (2) for each contract that the Secretary determines is in such compliance issue a personal certification of such compliance by the Secretary of Housing and Urban Development.

(c) ACTIONS.—For each contract that is described in the report under subsection (b) as not made or not operating in full compliance with applicable laws and regulations, the Secretary of Housing and Urban Development shall promptly take any actions available under law or regulation that are necessary—

(1) to bring such contract into compliance; or

(2) to terminate the contract.

(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 1624. AMENDMENTS TO PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION ACT OF 1990.

(a) SHORT TITLE, PURPOSES, AND AUTHORITY TO MAKE GRANTS.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.) is amended by striking the chapter heading and all that follows through section 5123 and inserting the following:

"CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME

"SEC. 5121. SHORT TITLE.

"This chapter may be cited as the 'Community Partnerships Against Crime Act of 1997'.

"SEC. 5122. PURPOSES.

"The purposes of this chapter are to—

"(1) improve the quality of life for the vast majority of law-abiding public housing residents by reducing the levels of fear, violence, and crime in their communities;

"(2) broaden the scope of the Public and Assisted Housing Drug Elimination Act of 1990 to apply to all types of crime, and not simply crime that is drug-related; and

"(3) reduce crime and disorder in and around public housing through the expansion of community-oriented policing activities and problem solving.

"SEC. 5123. AUTHORITY TO MAKE GRANTS.

"The Secretary of Housing and Urban Development may make grants in accordance with the provisions of this chapter for use in eliminating crime in and around public housing and other federally assisted low-income housing projects to (1) public housing agencies, and (2) private, for-profit and nonprofit owners of federally assisted low-income housing.".

(b) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Section 5124(a) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(a)) is amended—

(A) in the matter preceding paragraph (1), by inserting "and around" after "used in";

(B) in paragraph (3), by inserting before the semicolon the following: ", including fencing, lighting, locking, and surveillance systems";

(C) in paragraph (4), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) to investigate crime; and";

(D) in paragraph (6)—

(i) by striking "in and around public or other federally assisted low-income housing projects"; and

(ii) by striking "and" after the semicolon; and

(E) by striking paragraph (7) and inserting the following new paragraphs:

"(7) providing funding to nonprofit public housing resident management corporations and resident councils to develop security and crime prevention programs involving site residents;

"(8) the employment or utilization of one or more individuals, including law enforcement officers, made available by contract or other cooperative arrangement with State or local law enforcement agencies, to engage in community- and problem-oriented policing involving interaction with members of the community in proactive crime control and prevention activities;

"(9) programs and activities for or involving youth, including training, education, recreation and sports, career planning, and entrepreneurship and employment activities and after school and cultural programs; and

"(10) service programs for residents that address the contributing factors of crime, including programs for job training, education, drug and alcohol treatment, and other appropriate social services.".

(2) OTHER PHA-OWNED HOUSING.—Section 5124(b) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(b)) is amended—

(A) in the matter preceding paragraph (1)—

(i) by striking "drug-related crime in" and inserting "crime in and around"; and

(ii) by striking "paragraphs (1) through (7)" and inserting "paragraphs (1) through (10)"; and

(B) in paragraph (2), by striking "drug-related" and inserting "criminal".

(c) GRANT PROCEDURES.—Section 5125 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11904) is amended to read as follows:

"SEC. 5125. GRANT PROCEDURES.

"(a) PHA'S WITH 250 OR MORE UNITS.—

"(1) GRANTS.—In each fiscal year, the Secretary shall make a grant under this chapter from any amounts available under section 5131(b)(1) for the fiscal year to each of the following public housing agencies:

"(A) NEW APPLICANTS.—Each public housing agency that owns or operates 250 or more public housing dwelling units and has—

"(i) submitted an application to the Secretary for a grant for such fiscal year, which includes a 5-year crime deterrence and reduction plan under paragraph (2); and

"(ii) had such application and plan approved by the Secretary.

"(B) RENEWALS.—Each public housing agency that owns or operates 250 or more public housing dwelling units and for which—

"(i) a grant was made under this chapter for the preceding Federal fiscal year;

"(ii) the term of the 5-year crime deterrence and reduction plan applicable to such grant includes the fiscal year for which the grant under this subsection is to be made; and

"(iii) the Secretary has determined, pursuant to a performance review under paragraph (4), that during the preceding fiscal year the agency has substantially fulfilled the requirements under subparagraphs (A) and (B) of paragraph (4).

Notwithstanding subparagraphs (A) and (B), the Secretary may make a grant under this chapter to a public housing agency that owns or operates 250 or more public housing dwelling units only if the agency includes in the application for the grant information that demonstrates, to the satisfaction of the Secretary, that the agency has a need for the grant amounts based on generally recognized crime statistics showing that (I) the crime rate for the public housing developments of the agency (or the immediate neighborhoods in which such developments are located) is higher than the crime rate for the jurisdiction in which the agency operates, (II) the crime rate for the developments (or such neighborhoods) is increasing over a period of sufficient duration to indicate a general trend, or (III) the operation of the program under this chapter substantially contributes to the reduction of crime.

"(2) 5-YEAR CRIME DETERRENCE AND REDUCTION PLAN.—Each application for a grant under this subsection shall contain a 5-year crime deterrence and reduction plan. The plan shall be developed with the participation of residents and appropriate law enforcement officials. The plan shall describe, for the public housing agency submitting the plan—

"(A) the nature of the crime problem in public housing owned or operated by the public housing agency;

"(B) the building or buildings of the public housing agency affected by the crime problem;

"(C) the impact of the crime problem on residents of such building or buildings; and

"(D) the actions to be taken during the term of the plan to reduce and deter such crime, which shall include actions involving residents, law enforcement, and service providers.

The term of a plan shall be the period consisting of 5 consecutive fiscal years, which begins with the first fiscal year for which funding under this chapter is provided to carry out the plan.

"(3) AMOUNT.—In any fiscal year, the amount of the grant for a public housing agency receiving a grant pursuant to paragraph (1) shall be the amount that bears the same ratio to the total amount made available under section 5131(b)(1) as the total number of public dwelling units owned or operated by such agency bears to the total number of dwelling units owned or operated by all public housing agencies that own or operate 250 or more public housing dwelling units that are approved for such fiscal year.

"(4) PERFORMANCE REVIEW.—For each fiscal year, the Secretary shall conduct a performance review of the activities carried out by each public housing agency receiving a grant pursuant to this subsection to determine whether the agency—

"(A) has carried out such activities in a timely manner and in accordance with its 5-year crime deterrence and reduction plan; and

"(B) has a continuing capacity to carry out such plan in a timely manner.

"(5) SUBMISSION OF APPLICATIONS.—The Secretary shall establish such deadlines and requirements for submission of applications under this subsection.

"(6) REVIEW AND DETERMINATION.—The Secretary shall review each application submitted under this subsection upon submission and shall approve the application unless the application and the 5-year crime deterrence and reduction plan are inconsistent with the purposes of this chapter or any requirements established by the Secretary or the information in the application or plan is not substantially complete. Upon approving or determining not to approve an application and plan submitted under this subsection, the Secretary shall notify the public housing agency submitting the application and plan of such approval or disapproval.

"(7) DISAPPROVAL OF APPLICATIONS.—If the Secretary notifies an agency that the application and plan of the agency is not approved, not later than the expiration of the 15-day period beginning upon such notice of disapproval, the Secretary shall also notify the agency, in writing, of the reasons for the disapproval, the actions that the agency could take to comply with the criteria for approval, and the deadlines for such actions.

"(8) FAILURE TO APPROVE OR DISAPPROVE.—If the Secretary fails to notify an agency of approval or disapproval of an application and plan submitted under this subsection before the expiration of the 60-day period beginning upon the submission of the plan or fails to provide notice under paragraph (7) within the 15-day period under such paragraph to an agency whose application has been disapproved, the application and plan shall be considered to have been approved for purposes of this section.

"(b) PHA'S WITH FEWER THAN 250 UNITS AND OWNERS OF FEDERALLY ASSISTED LOW-INCOME HOUSING.—

"(1) APPLICATIONS AND PLANS.—To be eligible to receive a grant under this chapter, a public housing agency that owns or operates fewer than 250 public housing dwelling units or an owner of federally assisted low-income housing shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require. The application shall include a plan for addressing the problem of crime in and around the housing for which the application is submitted, describing in detail activities to be conducted during the fiscal year for which the grant is requested.

"(2) GRANTS FOR PHA'S WITH FEWER THAN 250 UNITS.—In each fiscal year the Secretary may, to the extent amounts are available under section 5131(b)(2), make grants under this chapter to public housing agencies that own or operate fewer than 250 public housing dwelling units and have submitted applications under paragraph (1) that the Secretary has approved pursuant to the criteria under paragraph (4).

"(3) GRANTS FOR FEDERALLY ASSISTED LOW-INCOME HOUSING.—In each fiscal year the Secretary may, to the extent amounts are available under section 5131(b)(3), make grants under this chapter to owners of federally assisted low-income housing that have submitted applications under paragraph (1) that the Secretary has approved pursuant to the criteria under paragraphs (4) and (5).

"(4) CRITERIA FOR APPROVAL OF APPLICATIONS.—The Secretary shall determine whether to approve each application under this subsection on the basis of—

"(A) the extent of the crime problem in and around the housing for which the application is made;

"(B) the quality of the plan to address the crime problem in the housing for which the application is made;

"(C) the capability of the applicant to carry out the plan; and

"(D) the extent to which the tenants of the housing, the local government, local community-based nonprofit organizations, local tenant organizations representing residents of neighboring projects that are owned or assisted by the Secretary, and the local community support and participate in the design and implementation of the activities proposed to be funded under the application.

In each fiscal year, the Secretary may give preference to applications under this subsection for housing made by applicants who received a grant for such housing for the preceding fiscal year under this subsection or under the provisions of this chapter as in effect immediately before the date of the enactment of the Housing Opportunity and Responsibility Act of 1997.

"(5) ADDITIONAL CRITERIA FOR FEDERALLY ASSISTED LOW-INCOME HOUSING.—In addition to the selection criteria under paragraph (4), the Secretary may establish other criteria for evaluating applications submitted by owners of federally assisted low-income housing, except that such additional criteria shall be designed only to reflect—

"(A) relevant differences between the financial resources and other characteristics of public housing agencies and owners of federally assisted low-income housing; or

"(B) relevant differences between the problem of crime in public housing administered by such authorities and the problem of crime in federally assisted low-income housing.".

(d) DEFINITIONS.—Section 5126 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11905) is amended—

(1) by striking paragraphs (1) and (2);

(2) in paragraph (4)(A), by striking "section" before "221(d)(4)";

(3) by redesignating paragraphs (3) and (4) (as so amended) as paragraphs (1) and (2), respectively; and

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

"(3) PUBLIC HOUSING AGENCY.—The term 'public housing agency' has the meaning given the term in section 1103 of the Housing Opportunity and Responsibility Act of 1997.".

(e) IMPLEMENTATION.—Section 5127 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11906) is amended by striking "Cranston-Gonzalez National Affordable Housing Act" and inserting "Housing Opportunity and Responsibility Act of 1997".

(f) REPORTS.—Section 5128 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11907) is amended—

(1) by striking "drug-related crime in" and inserting "crime in and around"; and

(2) by striking "described in section 5125(a)" and inserting "for the grantee submitted under subsection (a) or (b) of section 5125, as applicable".

(g) FUNDING AND PROGRAM SUNSET.—Chapter 2 of subtitle C of title V of the Anti-Drug

Abuse Act of 1988 is amended by striking section 5130 (42 U.S.C. 11909) and inserting the following new section:

"SEC. 5130. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this chapter $290,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002.

"(b) ALLOCATION.—Of any amounts available, or that the Secretary is authorized to use, to carry out this chapter in any fiscal year—

"(1) 85 percent shall be available only for assistance pursuant to section 5125(a) to public housing agencies that own or operate 250 or more public housing dwelling units;

"(2) 10 percent shall be available only for assistance pursuant to section 5125(b)(2) to public housing agencies that own or operate fewer than 250 public housing dwelling units; and

"(3) 5 percent shall be available only for assistance to federally assisted low-income housing pursuant to section 5125(b)(3).

"(c) RETENTION OF PROCEEDS OF ASSET FORFEITURES BY INSPECTOR GENERAL.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law affecting the crediting of collections, the proceeds of forfeiture proceedings and funds transferred to the Office of Inspector General of the Department of Housing and Urban Development, as a participating agency, from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as an equitable share from the forfeiture of property in investigations in which the Office of Inspector General participates, shall be deposited to the credit of the Office of Inspector General for Operation Safe Home activities authorized under the Inspector General Act of 1978, as amended, to remain available until expended.".

(h) CONFORMING AMENDMENTS.—The table of contents in section 5001 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690; 102 Stat. 4295) is amended—

(1) by striking the item relating to the heading for chapter 2 of subtitle C of title V and inserting the following:

"CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME";

(2) by striking the item relating to section 5122 and inserting the following new item:

"Sec. 5122. Purposes.";

(3) by striking the item relating to section 5125 and inserting the following new item:

"Sec. 5125. Grant procedures.";

and

(4) by striking the item relating to section 5130 and inserting the following new item:

"Sec. 5130. Funding.".

(i) TREATMENT OF NOFA.—The cap limiting assistance under the Notice of Funding Availability issued by the Department of Housing and Urban Development in the Federal Register of April 8, 1996, shall not apply to a public housing agency within an area designated as a high intensity drug trafficking area under section 1005(c) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504(c)).

(j) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle C—Limitations Relating to Occupancy in Federally Assisted Housing

SEC. 1641. SCREENING OF APPLICANTS.

(a) INELIGIBILITY BECAUSE OF EVICTION.—Any household or member of a household evicted from federally assisted housing (as such term is defined in section 1645) shall not be eligible for federally assisted housing—

(1) in the case of eviction by reason of drug-related criminal activity, for a period of not less than 3 years that begins on the date of such eviction, unless the evicted member of the household successfully completes a rehabilitation program; and

(2) in the case of an eviction for other serious violations of the terms or conditions of the lease, for a reasonable period of time, as determined by the public housing agency or owner of the federally assisted housing, as applicable.

The requirements of paragraphs (1) and (2) may be waived if the circumstances leading to eviction no longer exist.

(b) INELIGIBILITY OF ILLEGAL DRUG USERS AND ALCOHOL USERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing, or both, as determined by the Secretary, shall establish standards that prohibit admission to the program or admission to federally assisted housing for any household with a member—

(A) who the public housing agency or owner determines is engaging in the illegal use of a controlled substance; or

(B) with respect to whom the public housing agency or owner determines that it has reasonable cause to believe that such household member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, would interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(2) CONSIDERATION OF REHABILITATION.—In determining whether, pursuant to paragraph (1)(B), to deny admission to the program or to federally assisted housing to any household based on a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol by a household member, a public housing agency or an owner may consider whether such household member—

(A) has successfully completed an accredited drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

(B) has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

(C) is participating in an accredited drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

(c) INELIGIBILITY OF SEXUALLY VIOLENT PREDATORS FOR ADMISSION TO PUBLIC HOUSING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency shall prohibit admission to public housing for any household that includes any individual who is a sexually violent predator.

(2) SEXUALLY VIOLENT PREDATOR.—For purposes of this subsection, the term "sexually violent predator" means an individual who—

(A) is a sexually violent predator (as such term is defined in section 170101(a)(3) of such Act); and

(B) is subject to a registration requirement under section 170101(a)(1)(B) or 170102(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(1)(B), 14072(c)), as provided under section 170101(b)(6)(B) or 170102(d)(2), respectively, of such Act.

(d) AUTHORITY TO DENY ADMISSION TO CRIMINAL OFFENDERS.—Except as provided in subsections (a), (b), and (c) and in addition to any other authority to screen applicants, in selecting among applicants for admission to the program or to federally assisted housing, if the public housing agency or owner of such housing (as applicable) determines that an applicant or any member of the applicant's household is or was, during a reasonable time preceding the date when the applicant household would otherwise be selected for admission, engaged in any criminal activity (including drug-related criminal activity), the public housing agency or owner may—

(1) deny such applicant admission to the program or to federally assisted housing;

(2) consider the applicant (for purposes of any waiting list) as not having applied for the program or such housing; and

(3) after the expiration of the reasonable period beginning upon such activity, require the applicant, as a condition of admission to the program or to federally assisted housing, to submit to the public housing agency or owner evidence sufficient (as the Secretary shall by regulation provide) to ensure that the individual or individuals in the applicant's household who engaged in criminal activity for which denial was made under paragraph (1) have not engaged in any criminal activity during such reasonable period.

(e) AUTHORITY TO REQUIRE ACCESS TO CRIMINAL RECORDS.—A public housing agency and an owner of federally assisted housing may require, as a condition of providing admission to the program or admission to or occupancy in federally assisted housing, that each adult member of the household provide a signed, written authorization for the public housing agency to obtain the records described in section 1644(a) regarding such member of the household from the National Crime Information Center, police departments, other law enforcement agencies, and State registration agencies referred to in such section. In the case of an owner of federally assisted housing that is not a public housing agency, the owner shall request the public housing agency having jurisdiction over the area within which the housing is located to obtain the records pursuant to section 1644.

(f) ADMISSION BASED ON DISABILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining eligibility for admission to federally assisted housing, a person shall not be considered to have a disability or a handicap solely because of the prior or current illegal use of a controlled substance (as defined in section 102 of the Controlled Substances Act) or solely by reason of the prior or current use of alcohol.

(2) CONTINUED OCCUPANCY.—This subsection may not be construed to prohibit the continued occupancy of any person who is a resident in assisted housing on the effective date of this division.

SEC. 1642. TERMINATION OF TENANCY AND ASSISTANCE FOR ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.

Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing (as applicable), shall establish standards or lease provisions for continued assistance or occupancy in federally assisted housing that allow the agency or owner (as applicable) to terminate the tenancy or assistance for any household with a member—

(1) who the public housing agency or owner determines is engaging in the illegal use of a controlled substance; or

(2) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the public housing agency or owner

to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

SEC. 1643. LEASE REQUIREMENTS.

In addition to any other applicable lease requirements, each lease for a dwelling unit in federally assisted housing shall provide that—

(1) the owner may not terminate the tenancy except for violation of the terms or conditions of the lease, violation of applicable Federal, State, or local law, or for other good cause; and

(2) grounds for termination of tenancy shall include any criminal or other activity, engaged in by the tenant, any member of the tenant's household, any guest, or any other person under the control of the household, that—

(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other tenant or employees of the owner or other manager of the housing;

(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

(C) with respect only to activity engaged in by the tenant or any member of the tenant's household, is criminal activity on or off the premises.

SEC. 1644. AVAILABILITY OF CRIMINAL RECORDS FOR TENANT SCREENING AND EVICTION.

(a) IN GENERAL.—

(1) CRIMINAL CONVICTION INFORMATION.—Notwithstanding any other provision of law other than paragraphs (3) and (4), upon the request of a public housing agency, the National Crime Information Center, a police department, and any other law enforcement agency shall provide to the public housing agency information regarding the criminal conviction records of an adult applicant for, or tenants of, federally assisted housing for purposes of applicant screening, lease enforcement, and eviction, but only if the public housing agency requests such information and presents to such Center, department, or agency a written authorization, signed by such applicant, for the release of such information to the public housing agency or other owner of the federally assisted housing.

(2) INFORMATION REGARDING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT PREDATORS.—Notwithstanding any other provision of law other than paragraphs (3) and (4), upon the request of a public housing agency, the Federal Bureau of Investigation, a State law enforcement agency designated as a registration agency under a State registration program under subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071), and any local law enforcement agency authorized by the State agency shall provide to a public housing agency the information collected under the national database established pursuant to section 170102 of such Act or such State registration program, as applicable, regarding an adult applicant for, or tenant of, federally assisted housing for purposes of applicant screening, lease enforcement, and eviction, but only if the public housing agency requests such information and presents to such State registration agency or other local law enforcement agency a written authorization, signed by such applicant, for the release of such information to the public housing agency or other owner of the federally assisted housing.

(3) DELAYED EFFECTIVE DATE FOR OWNERS OTHER THAN PHA'S.—The provisions of paragraphs (1) and (2) authorizing obtaining information for owners of federally assisted housing other than public housing agencies shall not take effect before—

(A) the expiration of the 1-year period beginning on the date of enactment of this Act; and

(B) the Secretary and the Attorney General of the United States have determined that access to such information is feasible for such owners and have provided for the terms of release of such information to owners.

(4) EXCEPTION.—The information provided under paragraphs (1), (2), and (3) shall include information regarding any criminal conviction of a juvenile only to the extent that the release of such information is authorized under the law of the applicable State, tribe, or locality.

(b) CONFIDENTIALITY.—A public housing agency or owner receiving information under this section may use such information only for the purposes provided in this section and such information may not be disclosed to any person who is not an officer, employee, or authorized representative of the agency or owner and who has a job-related need to have access to the information in connection with admission of applicants, eviction of tenants, or termination of assistance. For judicial eviction proceedings, disclosures may be made to the extent necessary. The Secretary shall, by regulation, establish procedures necessary to ensure that information provided under this section to a public housing agency or owner is used, and confidentiality of such information is maintained, as required under this section.

(c) OPPORTUNITY TO DISPUTE.—Before an adverse action is taken with regard to assistance for federally assisted housing on the basis of a criminal record (including on the basis that an individual is a sexually violent predator, pursuant to section 1641(c)), the public housing agency or owner shall provide the tenant or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

(d) FEE.—A public housing agency may be charged a reasonable fee for information provided under subsection (a). A public housing agency may require an owner of federally assisted housing (that is not a public housing agency) to pay such fee for any information that the agency acquires for the owner pursuant to section 1641(e) and subsection (a) of this section.

(e) RECORDS MANAGEMENT.—Each public housing agency and owner of federally assisted housing that receives criminal record information pursuant to this section shall establish and implement a system of records management that ensures that any criminal record received by the agency or owner is—

(1) maintained confidentially;

(2) not misused or improperly disseminated; and

(3) destroyed in a timely fashion, once the purpose for which the record was requested has been accomplished.

(f) PENALTY.—Any person who knowingly and willfully requests or obtains any information concerning an applicant for, or tenant of, federally assisted housing pursuant to the authority under this section under false pretenses, or any person who knowingly and willfully discloses any such information in any manner to any individual not entitled under any law to receive it, shall be guilty of a misdemeanor and fined not more than $5,000. The term "person" as used in this subsection shall include an officer, employee, or authorized representative of any public housing agency or owner.

(g) CIVIL ACTION.—Any applicant for, or tenant of, federally assisted housing affected by (1) a negligent or knowing disclosure of information referred to in this section about such person by an officer, employee, or authorized representative of any public housing agency or owner of federally assisted housing, which disclosure is not authorized by this section, or (2) any other negligent or knowing action that is inconsistent with this section, may bring a civil action for damages and such other relief as may be appropriate against any public housing agency or owner responsible for such unauthorized action. The district court of the United States in the district in which the affected applicant or tenant resides, in which such unauthorized action occurred, or in which the officer, employee, or representative alleged to be responsible for any such unauthorized action resides, shall have jurisdiction in such matters. Appropriate relief that may be ordered by such district courts shall include reasonable attorney's fees and other litigation costs.

(h) DEFINITION.—For purposes of this section, the term "adult" means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.

SEC. 1645. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) FEDERALLY ASSISTED HOUSING.—The term "federally assisted housing" means a dwelling unit—

(A) in public housing (as such term is defined in section 1102);

(B) assisted with choice-based housing assistance under title XIII;

(C) in housing that is provided project-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 1601(b) of this Act) or pursuant to section 1601(f) of this Act, including new construction and substantial rehabilitation projects;

(D) in housing that is assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

(E) in housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzalez National Affordable Housing Act;

(F) in housing that is assisted under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

(G) in housing financed by a loan or mortgage insured under section 221(d)(3) of the National Housing Act that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act;

(H) in housing insured, assisted, or held by the Secretary or a State or State agency under section 236 of the National Housing Act;

(I) in housing assisted under section 515 of the Housing Act of 1949.

(2) OWNER.—The term "owner" means, with respect to federally assisted housing, the entity or private person (including a cooperative or public housing agency) that has the legal right to lease or sublease dwelling units in such housing.

TITLE XVII—AFFORDABLE HOUSING AND MISCELLANEOUS PROVISIONS

SEC. 1701. RURAL HOUSING ASSISTANCE.

The last sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended by inserting before the period the following: ", and the city of Altus, Oklahoma,

shall be considered a rural area for purposes of this title until the receipt of data from the decennial census in the year 2000".

SEC. 1702. TREATMENT OF OCCUPANCY STANDARDS.

The Secretary of Housing and Urban Development shall not directly or indirectly establish a national occupancy standard.

SEC. 1703. IMPLEMENTATION OF PLAN.

(a) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall implement the Ida Barbour Revitalization Plan of the City of Portsmouth, Virginia, in a manner consistent with existing limitations under law.

(2) WAIVERS.—In carrying out paragraph (1), the Secretary shall consider and make any waivers to existing regulations and other requirements consistent with the plan described in paragraph (1) to enable timely implementation of such plan, except that generally applicable regulations and other requirements governing the award of funding under programs for which assistance is applied for in connection with such plan shall apply.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act and annually thereafter through the year 2000, the city described in subsection (a)(1) shall submit a report to the Secretary on progress in implementing the plan described in that subsection.

(2) CONTENTS.—Each report submitted under this subsection shall include—

(A) quantifiable measures revealing the increase in homeowners, employment, tax base, voucher allocation, leverage ratio of funds, impact on and compliance with the consolidated plan of the city;

(B) identification of regulatory and statutory obstacles that—

(i) have caused or are causing unnecessary delays in the successful implementation of the consolidated plan; or

(ii) are contributing to unnecessary costs associated with the revitalization; and

(C) any other information that the Secretary considers to be appropriate.

SEC. 1704. INCOME ELIGIBILITY FOR HOME AND CDBG PROGRAMS.

(a) HOME INVESTMENT PARTNERSHIPS.—The Cranston-Gonzalez National Affordable Housing Act is amended as follows:

(1) DEFINITIONS.—In section 104(10) (42 U.S.C. 12704(10))—

(A) by striking "income ceilings higher or lower" and inserting "an income ceiling higher";

(B) by striking "variations are" and inserting "variation is"; and

(C) by striking "high or".

(2) INCOME TARGETING.—In section 214(1)(A) (42 U.S.C. 12744(1)(A))—

(A) by striking "income ceilings higher or lower" and inserting "an income ceiling higher";

(B) by striking "variations are" and inserting "variation is"; and

(C) by striking "high or".

(3) RENT LIMITS.—In section 215(a)(1)(A) (42 U.S.C. 12745(a)(1)(A))—

(A) by striking "income ceilings higher or lower" and inserting "an income ceiling higher";

(B) by striking "variations are" and inserting "variation is"; and

(C) by striking "high or".

(b) CDBG.—Section 102(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(20)) is amended by striking subparagraph (B) and inserting the following new subparagraph:

"(B) The Secretary may—

"(i) with respect to any reference in subparagraph (A) to 50 percent of the median income of the area involved, establish percentages of median income for any area that are higher or lower than 50 percent if the Secretary finds such variations to be necessary because of unusually high or low family incomes in such area; and

"(ii) with respect to any reference in subparagraph (A) to 80 percent of the median income of the area involved, establish a percentage of median income for any area that is higher than 80 percent if the Secretary finds such variation to be necessary because of unusually low family incomes in such area.".

SEC. 1705. PROHIBITION OF USE OF CDBG GRANTS FOR EMPLOYMENT RELOCATION ACTIVITIES.

Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following new subsection:

"(h) PROHIBITION OF USE OF ASSISTANCE FOR EMPLOYMENT RELOCATION ACTIVITIES.—Notwithstanding any other provision of law, no amount from a grant under section 106 made in fiscal year 1997 or any succeeding fiscal year may be used for any activity (including any infrastructure improvement) that is intended, or is likely, to facilitate the relocation or expansion of any industrial or commercial plant, facility, or operation, from one area to another area, if the relocation or expansion will result in a loss of employment in the area from which the relocation or expansion occurs.".

SEC. 1706. REGIONAL COOPERATION UNDER CDBG ECONOMIC DEVELOPMENT INITIATIVE.

Section 108(q)(4) (42 U.S.C. 5308(q)(4)) of the Housing and Community Development Act of 1974 is amended—

(1) by striking "and" after the semicolon in subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

"(D) when applicable as determined by the Secretary, the extent of regional cooperation demonstrated by the proposed plan; and".

SEC. 1707. USE OF AMERICAN PRODUCTS.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this division should be American made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this division, 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.

SEC. 1708. CONSULTATION WITH AFFECTED AREAS IN SETTLEMENT OF LITIGATION.

In negotiating any settlement of, or consent decree for, any litigation regarding public housing or rental assistance (under title XIII of this Act or the United States Housing Act of 1937, as in effect before the effective date of the repeal under section 1601(b) of this Act) that involves the Secretary and any public housing agency or any unit of general local government, the Secretary shall consult with any units of general local government and public housing agencies having jurisdictions that are adjacent to the jurisdiction of the public housing agency involved.

SEC. 1709. TREATMENT OF PHA REPAYMENT AGREEMENT.

(a) LIMITATION ON SECRETARY.—During the 2-year period beginning on the date of the enactment of this Act, if the Housing Authority of the City of Las Vegas, Nevada, is otherwise in compliance with the Repayment Lien Agreement and Repayment Plan approved by the Secretary on February 12, 1997, the Secretary of Housing and Urban Development shall not take any action that has the effect of reducing the inventory of senior citizen housing owned by such housing authority that does not receive assistance from the Department of Housing and Urban Development.

(b) ALTERNATIVE REPAYMENT OPTIONS.—During the period referred to in subsection (a), the Secretary shall assist the housing authority referred to in such subsection to identify alternative repayment options to the plan referred to in such subsection and to execute an amended repayment plan that will not adversely affect the housing referred to in such subsection.

(c) RULE OF CONSTRUCTION.—This section may not be construed to alter—

(1) any lien held by the Secretary pursuant to the agreement referred to in subsection (a); or

(2) the obligation of the housing authority referred to in subsection (a) to close all remaining items contained in the Inspector General audits numbered 89 SF 1004 (issued January 20, 1989), 93 SF 1801 (issued October 30, 1993), and 96 SF 1002 (issued February 23, 1996).

SEC. 1710. USE OF ASSISTED HOUSING BY ALIENS.

Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended—

(1) in subsection (b)(2), by striking "Secretary of Housing and Urban Development" and inserting "applicable Secretary";

(2) in subsection (c)(1)(B), by moving clauses (ii) and (iii) 2 ems to the left;

(3) in subsection (d)—

(A) in paragraph (1)(A)—

(i) by striking "Secretary of Housing and Urban Development" and inserting "applicable Secretary"; and

(ii) by striking "the Secretary" and inserting "the applicable Secretary";

(B) in paragraph (2), in the matter following subparagraph (B)—

(i) by inserting "applicable" before "Secretary"; and

(ii) by moving such matter (as so amended by clause (i)) 2 ems to the right;

(C) in paragraph (4)(B)(ii), by inserting "applicable" before "Secretary";

(D) in paragraph (5), by striking "the Secretary" and inserting "the applicable Secretary"; and

(E) in paragraph (6), by inserting "applicable" before "Secretary";

(4) in subsection (h) (as added by section 576 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208))—

(A) in paragraph (1)—

(i) by striking "Except in the case of an election under paragraph (2)(A), no" and inserting "No";

(ii) by striking "this section" and inserting "subsection (d)"; and

(iii) by inserting "applicable" before "Secretary"; and

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) may, notwithstanding paragraph (1) of this subsection, elect not to affirmatively establish and verify eligibility before providing financial assistance"; and

(ii) in subparagraph (B), by striking "in complying with this section" and inserting "in carrying out subsection (d)"; and

(5) by redesignating subsection (h) (as amended by paragraph (4)) as subsection (i).

SEC. 1711. PROTECTION OF SENIOR HOMEOWNERS UNDER REVERSE MORTGAGE PROGRAM.

(a) DISCLOSURE REQUIREMENTS; PROHIBITION OF FUNDING OF UNNECESSARY OR EXCESSIVE COSTS.—Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) has received full disclosure of all costs to the mortgagor for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; and";

(2) in paragraph (9)(F), by striking "and";

(3) in paragraph (10), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(11) have been made with such restrictions as the Secretary determines to be appropriate to ensure that the mortgagor does not fund any unnecessary or excessive costs for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; such restrictions shall include a requirement that the mortgagee ask the mortgagor about any fees that the mortgagor has incurred in connection with obtaining the mortgage and a requirement that the mortgagee be responsible for ensuring that the disclosures required by subsection (d)(2)(C) are made.".

(b) IMPLEMENTATION.—

(1) NOTICE.—The Secretary of Housing and Urban Development shall, by interim notice, implement the amendments made by subsection (a) in an expeditious manner, as determined by the Secretary. Such notice shall not be effective after the date of the effectiveness of the final regulations issued under paragraph (2) of this subsection.

(2) REGULATIONS.—The Secretary shall, not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, issue final regulations to implement the amendments made by subsection (a). Such regulations shall be issued only after notice and opportunity for public comment pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2) and (b)(B) of such section).

SEC. 1712. CONVERSION OF SECTION 8 TENANT-BASED ASSISTANCE TO PROJECT-BASED ASSISTANCE IN THE BOROUGH OF TAMAQUA.

For the Tamaqua Highrise project in the Borough of Tamaqua, Pennsylvania, the Secretary of Housing and Urban Development may require the public housing agency to convert the tenant-based assistance under section 8 of the United States Housing Act of 1937 to project-based rental assistance under section 8(d)(2) of such Act, notwithstanding the requirement for rehabilitation or the percentage limitations under section 8(d)(2). The tenant-based assistance covered by the preceding sentance shall be the assistance for families who are residing in the project on the date of enactment of this Act and who initially received their assistance in connection with the conversion of the section 23 leased housing contract for the project to tenant-based assistance under section 8 of such Act. The Secretary may not take action under this section before the expiration of the 30-day period beginning upon the submission of a report to the Congress regarding the proposed action under this section.

SEC. 1713. HOUSING COUNSELING.

(a) EXTENSION OF EMERGENCY HOMEOWNERSHIP COUNSELING.—Section 106(c)(9) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(9)) is amended by striking "September 30, 1994" and inserting "September 30, 1999".

(b) EXTENSION OF PREPURCHASE AND FORECLOSURE PREVENTION COUNSELING DEMONSTRATION.—Section 106(d)(13) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(d)(12)) is amended by striking "fiscal year 1994" and inserting "fiscal year 1999".

(c) NOTIFICATION OF DELINQUENCY ON VETERANS HOME LOANS.—

Subparagraph (C) of section 106(c)(5) of the Housing and Urban Development Act of 1968 is amended to read as follows:

"(C) NOTIFICATION.—Notification under subparagraph (A) shall not be required with respect to any loan for which the eligible homeowner pays the amount overdue before the expiration of the 45-day period under subparagraph (B)(ii).".

SEC. 1714. TRANSFER OF SURPLUS REAL PROPERTY FOR PROVIDING HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES.

(a) IN GENERAL.—Notwithstanding any other provision of law (including the Federal Property and Administrative Services Act of 1949), the property known as 252 Seventh Avenue in New York County, New York is authorized to be conveyed in its existing condition under a public benefit discount to a nonprofit organization that has among its purposes providing housing for low-income individuals or families provided, that such property is determined by the Administrator of General Services to be surplus to the needs of the Government and provided it is determined by the Secretary of Housing and Urban Development that such property will be used by such non-profit organization to provide housing for low- and moderate-income families or individuals.

(b)(1) PUBLIC BENEFIT DISCOUNT.—The amount of the public benefit discount available under this section shall be 75 percent of the estimated fair market value of the property, except that the Secretary may discount by a greater percentage if the Secretary, in consultation with the Administrator, determines that a higher percentage is justified due to any benefit which will accrue to the United States from the use of such property for the public purpose of providing low- and moderate-income housing.

(2) REVERTER.—The Administrator shall require that the property be used for at least 30 years for the public purpose for which it was originally conveyed, or such longer period of time as the Administrator feels necessary, to protect the Federal interest and to promote the public purpose. If this condition is not met, the property shall revert to the United States.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Administrator shall determine estimated fair market value in accordance with Federal appraisal standards and procedures.

(4) DEPOSIT OF PROCEEDS.—The Administrator of General Services shall deposit any proceeds received under this subsection in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States and to accomplish a public purpose.

SEC. 1715. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

H.R. 4194

OFFERED BY: MR. GREENWOOD

AMENDMENT NO. 13: Page 58, line 25, insert before the colon the following: ", except that this proviso shall not apply to any action authorized by law".

H.R. 4194

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 14: Page 17, line 25, insert "(increased by $183,000,000)" after "$10,240,542,030".

Page 20, line 22, insert "(increased by $183,000,000)" after "$100,000,000".

Page 24, line 2, insert "(decreased by $183,000,000)" after "$3,000,000,000".

H.R. 4194

OFFERED BY: MR. RIGGS

AMENDMENT NO. 15: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ___. None of the funds appropriated by this Act may be provided to the City of San Francisco because the City requires, as a condition for an organization to contract with, or receive a grant from, the City, that the organization provide health care benefits for unmarried, domestic partners of individuals who are provided such benefits on the basis of their employment by or other relationship with the organization.

H.R. 4194

OFFERED BY: MRS. ROUKEMA

AMENDMENT NO. 16: Page 52, after line 2, insert the following new section:

SECTION 8 CONTRACT RENEWALS FOR MODERATE REHABILITATION PROJECTS

SEC. 210. Section 524(a)(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended, in clause (iii) of the matter that precedes subparagraph (A), by striking "the base rent" and all that follows through "Secretary" and inserting the following: "the aggregate current contract rents, adjusted by an annual operating cost adjustment factor established by the Secretary, not to exceed the aggregate published fair market rent for the market area for the unit mix in the project".

H.R. 4194

OFFERED BY: MR. SANFORD

AMENDMENT NO. 17: Page 76, line 24, strike "2,745,000,000" and insert "2,545,700,000."

Page 90, line 18 strike ", and $70,000,000 is appropriated to the National Science Foundation, 'Research and related activities'." and insert "."

H.R. 4194

OFFERED BY: MR. STOKES

AMENDMENT NO. 18: Page 18, line 14, after the dollar amount, insert the following: "(reduced by $97,000,000)".

Page 20, line 22, after the dollar amount, insert the following: "(increased by $97,000,000)".

H.R. 4194

OFFERED BY: MR. STOKES

AMENDMENT NO. 19: Page 61, line 13, strike the colon and all that follows through "expenses" on line 20.