HOUSE OF REPRESENTATIVES—*Wednesday, July 22, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. QUINN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 22, 1998.

I hereby designate the Honorable JACK QUINN to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

We are grateful, O God, for the families from which we have been born, the communities where we have lived, and the Nation whose heritage we call our own. And yet You have lifted our vision, gracious God, to include all the conditions and concerns of our world, for You have created every person, endowed them with opportunities and responsibilities, and united us all with Your providence and Your grace. As we better understand the scope of Your creation, O God, may we also better understand the spiritual solidarity that You have already given us so together with people of every Nation, we will work for justice and for peace, world without end. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from the District of Columbia (Ms. NORTON) come forward and lead the House in the Pledge of Allegiance.

Ms. NORTON led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4112. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4112) "An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BENNETT, Mr. STEVENS, Mr. CRAIG, Mr. COCHRAN, Mr. DORGAN, Mrs. BOXER, and Mr. BYRD, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair this morning will entertain 15 one-minute speeches from each side.

SECRETARY COHEN'S PROPOSED CHANGE TO MILITARY RULES

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

Mr. SHIMKUS. Mr. Speaker, our armed forces are based on honor and discipline. These principles lead to trust and accountability on the battlefield, a situation which the majority of civilians will never have to face in their lifetimes. Yet Defense Secretary Cohen has proposed to change military rules regarding adultery to bring them more in line with civilian law.

Secretary Cohen has said that he would like to clear up the ambiguities and inconsistencies so members of the military know what standard they are to be held to. Mr. Speaker, there are no ambiguities. In the military, adultery is a felony. It could not be much clearer than that.

We expect the most from our men and women in the armed forces. Dumbing down the standards of these men and women is insulting to all them. As an Airborne Ranger, I salute the United States Marine Corps and Colonel Stuart Wagner, who put it so eloquently: Semper fidelis, always faithful, is not a slogan.

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, for months we have heard and been hearing about how expensive the Patients' Bill of Rights is. The insurance industry, managed care organizations, HMOs, and big business have repeatedly tried to scare the American public, saying that the bill would dramatically raise premiums and force employers to drop health insurance coverage for their employees.

Last week we found out how much dramatically really is. The nonpartisan Congressional Budget Office, after thoroughly analyzing each section of the Dingell-Ganske Patients' Bill of Rights, has determined that the bill would cost beneficiaries only $2 a month. That is right. For the cost of a Happy Meal at McDonald's, patients in managed care would have what they need: accountability; access to specialists; no gag rule on their providers; and a swift insurer appeals process.

It is the simple, most logical provision in the Patients' Bill of Rights because it puts the HMOs on the same level as every other industry in this country. They have to be accountable for their actions and their decisions. The bottom line is if you are making medical decisions, you should be held accountable. If you are not making medical decisions, you should not be accountable.

EDUCATION SAVINGS ACCOUNTS

(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, yesterday the President vetoed legislation allowing parents to create education savings accounts. These accounts would have given parents the ability to save for their children's education and use these savings for books, tutors or to choose which school educates their children. Why? Why did he do this? Because Washington insiders still think they know how to educate children, better than the parents of the child.

You see, freedom of choice in education threatens the special interests who are allowed to deliver an inferior product year after year with absolutely no accountability. These education savings accounts the President vetoed would have benefited poor families and middle-class families; they would have benefited all families in this country. Anything that helps children in this

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fashion deserves to be the law of the land. I deeply regret both the President's action, as well as his priorities.

MANAGED CARE REFORM

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

Mr. WISE. Mr. Speaker, the 73 percent of Americans presently covered by managed care plans in this country know it is time for a Patients' Bill of Rights. The over 200,000 West Virginians covered alone under HMOs, health maintenance organizations, know it is time for a patient protection act. It is important to outlaw the gag rules. It is important to permit quick appeals, to permit seeing specialists, but it is also important to do something else, and that is to bring enforceability and accountability.

Right now the insurance companies who make the basic decisions are not being held accountable. A doctor, say, may order a CAT scan thinking it is necessary for the patient. The insurance company overrides that decision. The illness goes undiagnosed. Who is held responsible? The doctor who knew that the CAT scan was necessary can be held responsible, but not the insurance company.

That is why this has to change. Those who profit from making health care decisions, the insurance companies, the managed care plans, those who profit from making these basic health care decisions must also be held accountable for their patient care decisions. That is why we support the Dingell-Ganske Bill of Rights.

CHINA'S MISSILE ARSENAL

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

Mr. RYUN. Mr. Speaker, Pentagon intelligence officials are reporting that communist China will add eight ICBM missiles to its arsenal. That is in addition to the 13 nuclear missiles that it already has pointed at American citizens.

This weekend the President said that he would veto the defense bill over a House provision blocking the transfer of missile technology to China.

Mr. President, exactly whose side are you on? China is not a friendly ally. It aggressively builds nuclear missiles and aims them at American children. What is the Commander in Chief's response? Will he build a missile defense system? No. He vetoed that legislation 3 years ago.

The President has no response to the news that China is building more, not less, nuclear missiles to aim at American children. Instead, he has threatened to veto the only legislation that attempts to stem the flow of technology between the Clinton White House and Beijing.

Mr. President, shame on you. I yield back my time and any missile technology secrets that the administration cares to keep from the communists.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman is reminded, as are all Members in the Chamber, that remarks should be directed to the Chair and not to the President, personally.

AMERICAN SOVEREIGNTY

(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, the World Bank makes loans to communists with American dollars. The World Trade Organization regularly rips us off. The United Nations sends American troops into war. That is right. We are not sending the Peace Corps here, folks.

If that is not enough to compromise your Viagra, the United Nations has created a world court with universal authority and jurisdiction. Unbelievable. What is next, a world tax? Beam me up.

I say the Constitution of the United States should not be surrendered to a bunch of international bureaucrats who regularly rule against us, ladies and gentlemen.

Now, I do not know about you, but I did not pledge an oath to the charter of the United Nations. I pledged an oath to the Constitution of the United States and I think the Congress of the United States should put its foot down before we become known as background music in some doctor's office. I yield back any courage we have left.

ENVIRONMENTAL EXTREMISM PERPETUATES WILDFIRE

(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, the tug of war between the common sense of ordinary people and the nonsense of government bureaucracy continues. Recently a wildland fire started in my district and has continued to burn unabated for the last 3 days. This fire could have been put out in its very early stages only if Secretary Babbitt would have just let the firefighters do their jobs.

The fire started in not a wilderness area but a wilderness study area and since mechanical vehicles are not allowed in the so-called study area, firefighters must carry their equipment 2½ miles just to reach the flames. Not only that, 12 planeloads of fire retardant have been dropped which have cost the taxpayers $60,000, to no avail.

This environmental extremism has allowed the fire to burn nearly 1,000 acres, and that is strange since firefighters believe they could have put the fire out on the first night had they been able to use their mobile equipment.

The lack of common sense and the bogus government extremism are wasting taxpayer dollars. This could threaten our land and destroy human lives in the process.

Let us pray that this government nonsense does not get out of hand, destroy lives, homes and create a truly desolate America.

MANAGED CARE REFORM

(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, the Republican leadership has finally agreed to bring a managed care reform bill to the floor. Unfortunately the GOP proposal is so watered down that it could have been written by the insurance industry itself. It should be called the Profit Protection Act.

Simply put, the Republican plan would allow the insurance companies to continue to place healthy profits over healthy patients. The Republican bill does not end the outrageous practice of drive-through mastectomies. In fact, it leaves medical decisions in the hands of the insurance company accountants instead of doctors. In fact, it does not provide any mechanism to hold the plan accountable when the plan abuse kills or injures someone and when they deny care to someone.

Democrats have introduced a real managed care bill to insure that doctors and patients and not insurance company bureaucrats are making those critical health care decisions. It is time we had a scheduled debate on real managed care in this House and that we pass the Democratic Patients' Bill of Rights Act.

BEST WISHES TO THE HONORABLE TOM MANTON ON THE ANNOUNCEMENT OF HIS RETIREMENT FROM CONGRESS

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

Mr. KING. Mr. Speaker, this morning I would like to reach across the aisle and extend my sincerest best wishes to my good friend, TOM MANTON, who yesterday announced his retirement after this session of the United States Congress.

I have had the privilege of knowing TOM MANTON for almost 20 years and

despite any party differences we may have, I can honestly say I have never met a more decent man, a man of greater integrity, a man of greater commitment to his community and to this Congress.

TOM MANTON was an outstanding police officer, he was a member of the Marine Corps, he was a member of the New York City Council and a Congressman for the past 14 years.

TOM has worked in many areas, probably none more than the quest for Irish peace and freedom, and certainly the Good Friday Agreement that was reached in Belfast this past April is as much a tribute to TOM MANTON as any Member of this body or any person in this country.

TOM, I wish you the very best, I wish you and your family many years of health and happiness, and thank you for your years of service to this country.

MANAGED CARE REFORM

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

Mr. STUPAK. Mr. Speaker, the Republican Party has introduced the Insurance Industry Protection Act instead of the Patients' Bill of Rights. Make no mistake about it, there are major differences between the Patients' Bill of Rights and the Republican fig leaf proposal.

The Republican plan still leaves medical decisions in the hands of insurance company clerks. It allows for drive-through mastectomies; does not give access to specialty care when needed; does not allow women to choose their obstetrician or gynecologist as a primary care doctor; does not provide for the continuity of the doctor-patient relationship; provides no effective mechanism to hold accountable an HMO plan when it abuses or kills or injures someone. There are only two organizations in this whole country that have immunity, HMOs and foreign diplomats.

Mr. Speaker, the Democratic plan wants to make sure that good health care is the right of every American. If you pay for it, you deserve it. You have the right to demand the treatment you need from your managed care plan.

□ 1015

THE TRUTH ON HEALTH CARE REFORM

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

Mr. EWING. Mr. Speaker, I have sat here and listened to the berating of the health care plan on the Republican side. It really disturbs me, the distortion, the lack of truth, the lack of facts that are being put out.

The Republicans have and are putting forth a strong health care plan, one that will not put hundreds of thousands of Americans without insurance, as the trial lawyer plan that the Democrats have would, but one that allows us to have a review process first. It does not eliminate the ability to go to court, but it allows a review process first that makes the system work.

Now, our friends on the other side are still sweating because they did not get socialized medicine. We have a plan here that will work for America. We have the strong bill, not the weak bill. The weak bill is just to go to court. Of course, you are probably dead, but you get your decision.

Let us get to the facts and the truth here.

DEMOCRAT PATIENTS' BILL OF RIGHTS

(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, this week I join more than 160 Members of Congress in signing a discharge petition to force the Republican leadership of the House to allow the Democrats' Patients' Bill of Rights to be voted on in the Congress. The Democrats' Patients' Bill of Rights states that managed care should be more about managing the health of our loved ones, and not about managing and protecting the profits of HMOs; about protecting the health of patients, not the financial stability of the HMOs.

Mr. Speaker, HMO reform must provide that if the HMO wrongly denies coverage and that wrongful denial causes the injury or death to a patient, that that patient or his family can hold the HMOs accountable for their decision. That is, in a nutshell, the difference between the Republican and Democratic patient plans. The democratic proposal would allow patients to hold HMOs accountable; the Republican plan does not.

Moderates on both sides of the aisle have endorsed the Democratic Patients' Bill of Rights, but the Republican leadership in the House refuses to allow the Democratic Patients' Bill of Rights to be voted on.

I urge Americans, call your Member of Congress and demand a vote on the Democrat Patients' Bill of Rights. Hold HMOs accountable.

HAPPY BIRTHDAY, ALISON RENEE BARTON

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

Mr. BARTON of Texas. Mr. Speaker, July 22, 1975, was a hot sultry day in Crockett, Texas. Early in the morning my wife woke me up and said, "I think the time has come to take me to the hospital." We did, and, luckily, within an hour or two, we had a beautiful young baby daughter, Alison Renee Barton.

Alison grew up to be a delightful young girl, playing in the sandbox, playing house. As a teenager, she was the lead in a one-act play in her high school, and, now, as a beautiful young woman, she has graduated from Texas A&M and is going to be a teacher.

Today, on her birthday, I just want to say, that Alison, your father loves you, your mother loves you, your brother and sister love you. Happy birthday.

ACTION MUST BE TAKEN TO STOP WORLD ECONOMIC CONFLAGRATION

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

Mr. LAFALCE. Alison, happy birthday.

Mr. Speaker, we have a very, very fragile global economy today, and, in a good many areas, Asia, Russia, et cetera, it is burning. Unfortunately, this burning flame is spreading, and while the world economy burns, unfortunately, the House Republican leadership is fiddling. They are fiddling with the replenishment of monies for the only financial mechanism that exists to deal with international economic problems, the International Monetary Fund.

There was supposed to be a markup in the full House Committee on Appropriations today. It was called off. We have delayed this for well over a year now. It is unconscionable.

Japan has been in the economic doldrums for about half a decade. If the yen gets above 150 or so, the situation will get extremely worse. China could devalue. We could face a conflagration around the world.

The House Republican leadership must stop fiddling around.

IRS REFORM PROVIDING PEACE OF MIND TO AMERICANS

(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, yesterday the Congress sent bipartisan IRS reform legislation to President Clinton's desk for his signature. The bill will protect honest, productive Americans by leveling the playing field between taxpayers and the IRS.

Everybody has a horror story about the IRS and about one of their audits, so we took action. By shifting the burden of proof from the taxpayer to the IRS, taxpayers now will be innocent

until proven guilty under the new law, just as any American is innocent in a U.S. court of law.

For the first time, Congress extended confidentiality protections to taxpayers that covers the advice they receive from their tax preparers. This change should provide some taxpayer peace of mind by protecting them from IRS fishing expeditions at taxpayer expense.

The IRS reform bill is an important example of how Republicans in Congress are working very thoughtfully and very steadily to improve the quality of life for all Americans.

CONGRESS MUST ACT TO STRENGTHEN PUBLIC SCHOOLS

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

Mr. ETHERIDGE. Mr. Speaker, I rise today to call on this Congress to pass legislation to strengthen our neighborhood public schools. As a former superintendent of schools in my State, I know firsthand what it takes to improve education for all of our children. We must raise academic standards for our students and ensure accountability to our parents, the taxpayers and our communities. We must build new schools to reduce overcrowding and to provide a safe and orderly disciplined environment, free from drugs, violence and gangs. We must reduce class size and equip our children with the basic skills they need to make the best of their God-given ability.

But instead of helping our public schools, where over 90 percent of all of our children attend, this Republican-led Congress, has chosen risky voucher schemes that would divert public resources to subsidize private schools.

Using taxpayer money to provide private schools tuition is wrong. Our neighborhood public schools need all the resources we can provide them. I commend the President for his veto yesterday of the private school voucher scheme.

I have a better bill for our public schools. My bill would provide money out of that voucher bill to provide building new schools. I urge this Congress to take action.

HUMANITARIAN DE-MINING IN WESTERN SAHARA MUST START NOW

(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 today on behalf of 165,000 refugees living in the middle of the harsh Western Sahara Desert. Just last week I returned from a visit to these refugees. I was deeply impressed with the strength and determination these people showed in their ability to survive in the midst of such a harsh environment.

The Sahrawi people are in refugee camps because of a 20-year territorial dispute with Morocco over the land known as Western Sahara. The conflict ended with an agreement that the United Nations peacekeeping force, called MINURSO, will conduct a free, fair and transparent referendum.

Unfortunately, as I saw last week, according to the July 10 report from Kofi Annan to the UN Security Council, Morocco continues to obstruct this process by denying the Swedish demining contingent the use of their equipment to carry out their task to remove the hundreds of thousands, and perhaps millions of land mines, that have been placed in Western Sahara.

Mr. Speaker, I urge the Kingdom of Morocco to review its position as requested by the UN so the process agreed to by both parties can continue and the lives of innocent civilians be spared by permitting the team to demine the area.

SUPPORT DEMOCRATIC PATIENTS' 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, this could be your story, the story of the over-the-counter prescription that the Republicans are offering the American people with health care.

You could have the story of the witness yesterday in our managed care hearings whose baby died in her stomach in the eighth month because her HMO refused to give her the kind of care needed for high-risk pregnancy. Maybe you would be the young student who fell off the bar doing acrobatics and gymnastics, and Dr. Wei, a witness who came to our attention, found her in great pain with little pulse. When they called for an ambulance, the HMO said, "Oh, she doesn't need an ambulance. We know she is nine-years old, we know she is crying in pain, we know she has no pulse, but she doesn't need an ambulance." Or maybe you might be the person who needed breast cancer surgery and fought with your HMO down to the very wire, when it was too late almost, until your Congressperson had to call and get that kind of surgery.

The Republican so-called bill dealing with health care leaves my constituents and leaves all Americans with no water in their cup. I am not going to support an empty cup. Support the Democratic Patients' Bill of Rights. Stand for what is right.

PROTECT AMERICAN LIBERTIES

(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, when you connect the dots of several recent Clinton administration actions, a frightening picture clearly emerges.

Over the past few months, the administration has issued several executive orders and proposed agency rules which will fundamentally change the relationship between the government and the States and their citizens.

The Department of Transportation is moving us rapidly toward a national identification license. Executive Order 13083 abrogates the powers of the States and the people thereof and overrides the 10th amendment.

The administration is working to develop a "health identifier" system to track every citizen's medical history from cradle to grave. The FBI seeks the power to track cell phone owners and users without a court order, while it also seeks to levy a gun tax and compile a registry of lawful gun owners in America.

Mr. Speaker, take notice of the picture being drawn. Let us take the necessary steps now to protect our liberties, before they are lost completely.

WOMEN'S CAUCUS LEGISLATION MUST-PASS LEGISLATION MOVING FORWARD

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

Ms. NORTON. Mr. Speaker, this session the Congressional Women's Caucus has crafted a must-pass list of bills which we call the Magnificent Seven. For the first time, the Women's Caucus, and we are now 55 women strong in this Congress, has chosen not a wish-list, but a real list for passage.

Last week the second of the Magnificent Seven passed, the Lowey amendment affording contraceptive choices for Federal employees. The week before, sections of the Violence against Women Act, another priority, passed.

That leaves five more, all carefully chosen consensus bills which every Member can support, from the reauthorization of the Mammography Standards Act, assuring safe machinery to detect breast cancer, to a Sense of the House Resolution encouraging the Federal Government to raise its support for the burgeoning number of women-owned businesses. There is no gender preference here. All Members can support these bills.

PROTECT-THE-TRIAL-LAWYERS HEALTH CARE BILL

(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, we have heard a lot of squawking today

from the Democrat side about their big protect-the-trial-lawyers health care bill. I think if you look at the Republican versus the Democrat bill, it is very clear: One of the bills gets you quickly into the courtroom, and the other one gets you quickly into the emergency room. The Republican bill gives you a choice of doctors; the Democrat bill gives you a choice of lawyers.

Now, we know that the trial bar gives obscenely to the other side. We know that many on the other side want to socialize medicine, and we know that socialization leads to rationing of health care. But we believe that American consumers should have a choice of doctors and a choice of plans without interference from HMOs and government regulators. We do not believe in centralized health care planning.

Last year my seven-year-old cut his foot and had to go in because of a complication to the surgery room and was in surgery for about two hours. During that time, and, I might add, there are certainly no atheists in a waiting room, but let me say this, while I was there, at least I knew that he was getting quality, professional, safe health care, free of excessive government bureaucracy regulating it and bringing down the quality. I was comforted by that, and I believe American consumers should be.

Vote for health care reform, not lawyer reform.

□ 1030

HEALTH CARE 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, I rise to join the debate on health care reform in America.

On the one hand we have the Democrats' plan, which is patient protection. On the other hand we have the Republican plan, which is basically insurance industry protection. It really amounts to this: When HMOs make health care decisions instead of doctors, they ought to be liable.

When a young man in my district had a bicycle accident, the HMO wanted to make the decision that he not receive the treatment that his doctor recommended. If that young man is disfigured, the HMO ought to pay the cost, and that essentially is the difference in today's debate.

We guarantee patients' rights, because if we cannot enforce a right, it is not really a right, and the way we enforce it is the ability to go into one's State court and say look, the HMO made the decision, the HMO denied the doctor's recommendation, and the HMO ought to be held accountable. That is real HMO reform; that is not what the Republicans want to do.

The reason we need accountability is so that the HMOs have an incentive to do the right thing, listen to the doctors. If we take away the incentive, we take away our ability to enforce our rights. I urge us today to pass real health care reform, not insurance industry protection.

AMERICANS WANT CHOICE IN HEALTH CARE

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

Mr. HASTERT. Mr. Speaker, we have heard a lot of diatribe over here about health care, but the fact is that what the Republican Party is doing and what we are going to deliver to the American people is for the American people to make the choices of where they want to go on health care.

Also, I think most American people want to be able, if they have a malady or an illness, to get to a doctor's office or get to a hospital. They do not want to take the bypass to the courtroom or, heaven forbid, have to go hire a lawyer before they go get their health care.

Our friends on the other side of the aisle say one has to go to a lawyer, one has to go to a courtroom before they are going to get health care. Most people do not want that. They want to be expedited into the health care provider that they choose to get the health care that they want and to get it as cheaply and affordably and as quickly as possible.

That is exactly what the Republican health care bill does. It expedites people into health care and into the hospital room, not into the courtroom. Our friends on the other side have the Patients' Bill of Rights, and really it is probably the lawyers' right to bill. We do not want to do that. We want to give people good, quick, accessible health care, and that is what this bill does.

SUPREME COURT DECISIONS AND DELIBERATIONS SHOULD BE BASED ON U.S. CONSTITUTION AND U.S. LAWS

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

Mr. COBURN. Mr. Speaker, regrettably, Reuters this last week reported that several members of the U.S. Supreme Court, on a recent trip to Europe, announced that they would be willing to consider legal arguments based on decisions of the European Court of Justice. Justice Breyer said that American lawyers "may cite an EU ruling in our court to further a point." Justice O'Connor said that she might cite decisions of that court in her future opinions.

Now, I certainly would not want to discourage these Justices from learning all they can about the laws and customs of our European neighbors. As a matter of fact, I would hope all of the members of the Supreme Court will continue to learn as much as they can. Like the rest of us, their knowledge is limited, and wisdom will come from greater and expanded learning.

But I would respectfully remind all of the Justices of the Supreme Court that it is their sworn duty to apply the U.S. Constitution, as written, and the laws of the United States, as written, to the cases that come before them. It is not to bring about some sort of global convergence between the American system of ordered liberty under law and some other system, whether from Europe or elsewhere.

I appreciate the interest of the Justices in comparative law, but I would urge them to keep the distinction in mind.

AMERICANS LOSE OPPORTUNITY TO SAVE FOR EDUCATION

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

Mr. FOSSELLA. Mr. Speaker, yesterday we got a perfect example and a distinction between right and wrong. In days when so many things become gray, we saw the President with much fanfare sign the IRS reform bill into law; and quietly, in the still of night, he vetoed I think a wonderful piece of legislation that would have empowered parents when it comes to education.

The education bill that passed both the House and Senate would have allowed parents to save as much as $2,000 a year per child in accounts that would earn tax-free interest, to be used for educational expenses from kindergarten through college.

Mr. Speaker, what we have here are two very diametrically opposed philosophies, one that believes that parents and local communities are the ones to determine what is best for their children when it comes to education, and the big bureaucrats, big government, monolithic approach that we know what is best here in Washington.

Sadly, the President vetoed a great opportunity for American parents to save more for their children, to improve their education, and instead, what we have is a defense of the status quo and more of the same.

DISAPPROVAL OF MOST-FAVORED-NATION TREATMENT FOR CHINA

Mr. ARCHER. Mr. Speaker, pursuant to the previous order of the House, I call up the joint resolution (H. J. Res. 121) disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China,

and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 121 is as follows:

H.J. RES. 121

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on June 3, 1998, with respect to the People's Republic of China.

The SPEAKER pro tempore (Mr. QUINN). Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Texas (Mr. ARCHER) and a Member in support of the joint resolution each will control 2 hours.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. 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 Joint Resolution 121.

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

There was no objection.

Mr. ARCHER. Mr. Speaker, I ask unanimous consent to yield one-half of my time to the gentleman from California (Mr. MATSUI) in opposition to the resolution, and that he be permitted to yield blocks of time.

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

There was no objection.

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to claim the time in support of my resolution, and that half of our time, of the 2 hours, be yielded to the gentleman from California (Mr. STARK) for purposes of control.

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

There was no objection.

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that following my opening remarks, the gentleman from Omaha, Nebraska (Mr. CHRISTENSEN) be allowed to manage the time in support of the joint resolution.

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

There was no objection.

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

I rise in strong opposition to H.J. Res. 121, which would disapprove the annual extension of normal trade relations with China. The open lines of communication and exchange that accompany a basic trade relationship with China protect the economic and foreign policy interests of the United States in a strategically important region of the world. At the same time, trading with China allows Americans to play a role as a friend and teacher in opening this country to our ideals of freedom, democracy, and private enterprise.

With a severe economic depression facing many Asian countries, the U.S. cannot afford to adopt a protectionist response to objectionable behavior by the Chinese Government. Certainly U.S. workers and firms would suffer mirror trade retaliation against the $17 billion in goods and services that they sell to China. In addition, consumers would see an increase in the prices of necessities of life in the marketplace on those goods that are sold in this country, imported from China. But revoking NTR, normal trade relations, this year could also trigger more currency devaluations in the region, further compounding the steep drop in demand for U.S. exports that has already occurred.

For Americans, maintaining normal trade relations means preserving 200,000 jobs supported directly by U.S. exports to China. These jobs typically pay about 15 percent more than non-export-related jobs. If we revoked NTR, China would have the legal right to retaliate by raising tariffs on U.S. exports in a wide range of sectors, including telecommunications, information technology, aircraft, soybeans, cotton and wheat, to name a few. Providing a tremendous competitive advantage to European and Japanese companies, we would be inflicting direct harm to U.S. workers and businesses, as well as undermining their future prosperity.

Trade with China, Mr. Speaker, enhances the affordability of clothing and many household items, thereby making a substantial contribution to the standard of living of all Americans, particularly those in lower income categories. Failure to renew NTR would exact the highest toll on low-income families, resulting in an increased tax burden of about 1 to 2 percent of their annual income, almost $300 a year.

U.S. issues of national security are also at stake. Revoking NTR would deal a devastating blow to the people of Hong Kong as they struggle to maintain their way of life and autonomy following the territory's reversion to China. Taiwan's economy, too, would suffer severe disruption. If the U.S. is to find a common ground with China on issues such as North Korea and weapons proliferation, we need a functioning bilateral relationship.

A Nation of 1.2 billion citizens with a history of 5,000 years cannot be expected to give in to our wishes because we threaten Smoot-Hawley tariffs, averaging about 50 percent, against their imports. Human nature is what it is; threats of this kind only provoke a backlash of resistance on the part of the country we are aiming to improve.

We will not ensure continued improvements in respect to human rights, religious freedom and democratic principles by turning our backs on the Chinese people and relinquishing our influence, in effect, unilaterally turning it over to Japan and to Europe. It is crucial that U.S. businesses and religious leaders remain engaged in China as an example and as a voice for our values.

Denying normal trade relations with China means severing ties that would take years to repair, so for the interests of all Americans and for the Chinese people, I urge a "no" vote on H.J. Res. 121.

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

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

Mr. Speaker, last month the President of the United States was received by the Communist dictators who run China in the very place where those dictators killed over 1,000 people in 1989; that place was Tiananmen Square.

Mr. Speaker, that was morally wrong. Indeed, as I said before the Committee on Ways and Means, it was morally revolting, but it represents the logical result of our policy of appeasement of Communist China. The continuing, unlinked, and the unconditional conferring of Most-Favored-Nation trade status on China is the cornerstone of the appeasement policy, Mr. Speaker, so I have introduced this resolution that is before the House today, again for the ninth consecutive year, and which would suspend temporarily China's MFN status.

Mr. Speaker, ever since the Tiananmen Square massacre in 1989, there has been a sharp division within the Congress between those who advocate a policy of so-called engagement with Communist China and those who believe that a corrupt dictatorship should not be coddled, especially a dictatorship that is pursuing an arms buildup of unprecedented scope. Look at this headline in today's paper: China Conducted Tests as Clinton Visited on Nuclear Missiles.

Mr. Speaker, let us look at the record. Nine years have gone by since 1989 when Congress first debated the merits of Most Favored Nation status for China. The advocates of engagement with China have told us for 9 consecutive years running that a policy of open, unfettered trade with China, as my colleagues have just heard the gentleman from Texas say, is the way to open up the Chinese market to American goods, to improve the human rights conditions for the Chinese people, and to modify the Chinese regimes' rogue behavior around the world. Let me tell my colleagues, it is rogue.

But what does the record show on opening up the Chinese markets to American goods? Forget it, I say to my colleagues. I want my colleagues to listen to this. Since 1989, U.S. exports to

China, which were minimal to start with, have barely doubled: up 120 percent. During the same period, Chinese exports to the United States have gone up 626 percent.

I ask my colleagues to think about that. Go into any of the stores that are across this Nation. A $6.2 billion trade deficit with China in 1989 grew from $6 billion to over $49 billion last year.

□ 1045

By the end of this year, it will nearly be $60 billion and will be larger than that of Japan. Can my colleagues imagine that? How does that happen?

Mr. Speaker, after 19 years of providing MFN status for China, during which time the gross domestic product in China has grown at an average rate of 9 percent, listen to this, less than 2 percent of America's total exports are now finding their way into the huge markets that we keep hearing so much about. Less than one-fifth of 1 percent of our total economic activity is involved in trade with China after 9 years of MFN treatment. So much for the huge markets, Mr. Speaker.

Mr. Speaker, the advocates of engagement must be incorrigible Red Sox fans or Cubs fans, because their battle cry is always, "Wait until next year." But next year never comes.

What about human rights? We need to look no further than our own State Department's Human Rights Report of 1997. I will quote, "Continued tight restrictions on freedom of speech, press, assembly, association, religion, privacy and worker rights."

Mr. Speaker, I continue, "Serious human rights abuses persisted in minority areas, including Tibet," and if Members have never been there, they ought to go and see the devastation there, "where tight controls on religion and other fundamental freedoms continued and, in some cases, intensified." This is our State Department saying that.

Sure, there is an occasional release of a political prisoner or some other public relations gesture. But the fact remains that more people are behind bars in China right now today, I urge my colleagues to listen to this, than when President Clinton was there 3 weeks ago. More people in jail. I mean, how could we live with that?

Of the $63 billion worth of exports China sent to the United States last year, an estimated one-half came from companies that are controlled by the Chinese military or which employ prison labor. According to the Washington Post, American companies that buy products from the Chinese military and paramilitary police are some of the biggest names in retailing. Listen to these: Nordstrom, Macy's, K-Mart, Walmart, Montgomery Ward's. And just try to buy something in Staples not made in China. I tried and failed.

Do my colleagues know what surge protectors are? I went in a store back in my district in Glens Falls, and I could not find anything made in America. I went into another store. These shirts that I am wearing cost 23 cents an hour to make in China. How can Americans compete?

The gentleman from Texas (Mr. ARCHER), my good friend, said it is going to cost us 200,000 jobs if we do not renew MFN for China. How about the millions of jobs that we have lost in this country over the last 9 years because we cannot manufacture anything competitively with China, and yet they will not let our goods in there.

Mr. Speaker, to find the source of exports that do not come from the military, the police, or the prisons, try looking in the sweatshops that work people for 70 hours a week for 23 cents an hour or less. So much for human rights.

And what does the record say about rogue behavior? We got our answer to that one 2 months ago in the form of a nuclear arms race in South Asia. Days before the Indian nuclear test in May, their defense minister stated unambiguously that China represented the number one threat to Indian security. That is the Chinese saying that. Where did Pakistan obtain the technology needed to conduct its own nuclear tests? China, of course. We all the know that.

Only last week, a bipartisan congressional commission chaired by former Secretary of Defense Donald Rumsfeld warned that, "China is modernizing its long-range missiles and nuclear weapons in ways that will make it a more threatening power in the event of crisis."

Again, just look at this headline. The Rumsfeld report goes on to say that China is "a significant proliferator of ballistic missiles, weapons of mass destruction, and enabling technologies that they are giving to other rogue nations."

Only just yesterday, we learned that China has added six new ICBMs. These are intercontinental ballistic missiles aimed at the United States of America. Six more on top of the 13 that were already aimed here. The Rumsfeld report warns of a link between China's ballistic missile capability and its regional priorities, a linkage that was underscored by a senior Chinese general who has questioned whether the United States would trade Los Angeles for Taipei. Think about that.

Just last year a new wild card was injected into the MFN debate by the revelation that the Chinese Embassy in Washington may have sought to buy influence with the U.S. Government through campaign contributions. That was confirmed when fund-raiser Johnny Chung admitted receiving $300,000 from Chinese military officers who were connected to firms involved in satellite and missile technologies.

Mr. Speaker, the odor of money and influence peddling is hanging over this debate, and like everything else on the whole subject of MFN it is going to get worse.

The U.S. Government has looked at the record with respect to opening up the Chinese markets to U.S. products; with respect to encouraging better human rights for the Chinese people; and with modifying China's rogue behavior. On every account, MFN has struck out.

Clearly, the time has come to recognize that the burden of proof in this debate rests with the side of engagement. We do not have to suspend MFN permanently. If we did it for a month or 2 weeks or a day, the Chinese government would come around because they lick their chops at 250 million Americans with the greatest buying power in the world and they want to sell to us. Let us at least give our own people a fair bargain.

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

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

Mr. Speaker, I speak in opposition to H.J. Res. 121, and support the continuation of trade relations with China. I oppose the resolution on the floor because I believe that our national strategic interests, not just our commercial interests, are at stake.

The U.S.-China relation is by far the most important bilateral relationship the United States will have in the 21st century. A constructive positive economic and political relationship with China is a key to a long-lasting peace and prosperity and stability in Asia and throughout the world.

Democratic and Republican presidents, President Carter, President Reagan, President Bush, and President Clinton have all recommended the extension of normal trading relations with China each year since it was first granted in 1980.

We have also 17 former Secretaries of State, Defense, and National Security Advisors and they have written a bipartisan open letter to Congress urging the continuation of normal trade relations with China.

They point out that normal trade relations advance our interests in China by continuing to open and reform its economy and improve the quality of life of its citizens. They underscore that the vital importance of continuing the engagement with China is serving America's best economic and national security interests.

As said by previous speakers, the gentleman from Texas (Mr. ARCHER) in particular, China represents 23 percent of the world population. One person in every five living on this planet is a Chinese citizen. We cannot ignore this simple reality and we cannot and should not try to isolate China. Rather, we should continue to build upon and strengthen the positive relationship which has undeniably been an engine for change in China.

This was demonstrated most recently and visibly on the President's recent trip to China last month when human rights and other sensitive issues were openly discussed and televised for the first time.

There is no disagreement about the fact that China still has a long way to go in granting its citizens basic human rights and religious and political freedoms. We all know that. Change toward respect for human values that we cherish is gradual and obviously slower in this case than we wish.

The Chinese market, of course, is not as open to our goods and services as we speak, and China may have shared nuclear technology with other nations. These are the kinds of things that obviously we deplore. But China is also working with us to restore stability in the Asian region. It is assisting in the prevention of the spread of nuclear weapons.

As we know with the Asian financial crisis, which many of the economists in the world and in the United States in particular have said is comparable to the prelude before the 1930 "Great Crash," the Chinese are assisting us by maintaining the value of its currency and not devaluing, obviously causing economic harm to its own citizens, unlike some other Asian countries, and encouraging a peaceful resolution in the differences among South Asian countries and certainly in the Korean Peninsula.

Such cooperation on areas of mutual national interest is the result of a constructive diplomacy and engagement. And while we also continue to deal forthrightly with Chinese leaders on these areas of disagreement, we continue to press them in the area of human rights and obviously democratic principles. In fact, as many of us know, we are at this time working with China on an issue called the rule of law. It is going to take a great deal of time to get the Chinese to understand that they have a right to sue in their courts, but we are slowly making progress in that area. We believe that in the area of commercial rules of law, eventually and hopefully it will move into the area of human rights and due process, items that we in our country cherish.

Revoking normal trade relation status will not only hurt U.S. exporters and help foreign competitors in the Chinese markets, but it will not really close our bilateral trade deficit. We continue to insist, as we should, that China provide meaningful market access and adhere to international trading rules before joining the WTO. But China and Hong Kong are also major customers for U.S. products. Until the recent financial crisis, the increasing trade deficit has largely been offset in our deficit with other Asian countries, particularly the Four Tigers.

Mr. Speaker, I might just add to this that the Chinese now are wondering whether they do want to enter into the WTO under the terms that we have suggested. We will allow and grant the Chinese the ability to enter into the World Trade Organization, but only as a developed nation. They want to come in as a developing nation, which means they will not have to comply with all the WTO rules.

But I would have to say that ultimately we will want the Chinese in the WTO, because that is the way to get the Chinese to abide by international standards that were promulgated by over 186 countries in 1996. Cutting off normal trade relations would cut off a vital link between our two countries and an important catalyst for change through increased business and trade contracts with Chinese leaders and citizens.

Even more important, our withdrawal now from a policy of normal trade relations would reverse the long process of engagement to encourage China to be a responsible and constructive member of the international community.

In effect, the enactment of H.J. Res. 121 would create a new Cold War in the 21st century with only negative consequences for our national security and certainly our own national interests.

Mr. Speaker, I urge my colleagues to cast a "no" vote on H.J. Res. 121, and to support a continuation of normal trade relations with China.

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

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

Madam Speaker, pending the completion of my remarks, I ask unanimous consent that the gentlewoman from California (Ms. PELOSI) be allowed to control the remainder of my time.

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

There was no objection.

Mr. STARK. Madam Speaker, I rise today in support of H.J. Res. 121, disapproving the extension of Most Favored Nation, or whatever they now want to call this gift to China. We will hear a good deal today about China's breaking their nonproliferation promises and treaties. We will hear that they were testing a rocket motor while the President was there, with full knowledge, I might add, of our State Department, which now gives China one of two intercontinental ballistic missiles in the world, Russia having the other.

We will hear repeatedly about the violation of the Universal Declaration on Human Rights, which China, the PRC, engages in repeatedly. We will also hear from numerous colleagues about the violation and the exploitation of their own labor force, the destruction of young girl children, the imprisonment for slave labor.

□ 1100

And we will hear repeated statements of China's unfair trade practices. We will hear that they ignore intellectual property rights with impunity, which means they copy anything they want and reproduce anything they want without paying the fair share for patent or trademarks.

We probably will conclude that they do not play by any rules other than their own, U.S. or international rules. And we may conclude, given this inhumane treatment of human beings and complete disregard of the rule of law, that the Chinese Government does not deserve normal trade relations with the United States. We certainly do not recognize Cuba for far less. So we are really treating China specially.

Each year the issues around the debate are the same: The Members in this body keep saying we need continued trade, it will help change China's practices. It has not. They have gotten worse. No one can indicate on the floor today that China has improved in any way. But China shows no progress and we continue to accommodate, acquiesce and back off.

My colleagues might begin to wonder why. Well, the reason why is that we are here today to bail out General Motors, General Electric, Motorola, Westinghouse and Boeing, the five largest exporters to China. And my colleagues are going to say, well, that is just wonderful. I heard the chairman of the Committee on Ways and Means suggest that we need this to protect the American economy. My distinguished colleague from California suggested there is a vital link.

Well, I would agree. And in the words of Ross Perot, this vital link is a large sucking sound. And what we are hearing is the American taxpayers' dollars being sucked right out of the American taxpayers' pockets and awarded to General Motors, General Electric, Motorola, Westinghouse and Boeing.

Now, how does this happen? My goodness, Boeing is selling a lot of airplanes. And my colleagues may say, bully, that is an American company, but the fact is there is a hitch. Before Boeing can sell an airplane, Boeing must build a factory in China or China will not let them sell any airplanes. Okay, so they build a factory. My colleagues may say there will be some more jobs. Wrong again. China requires that Boeing hire Chinese people in China.

The net result is that we are not creating any new jobs, and we may lose some net jobs as Boeing is attracted to build more than just what they sell in China, but a few extra tail sections for 727s, or whatever they are building over there, because it saves them some money. So the jobs leave and we get no gain there.

Well, then one might say, but Boeing is making some money on this and it

helps the U.S. economy. Wrong again. The dollars that Boeing makes stay in China. And by staying in China, the taxpayers of America lose. We are not collecting any income tax from Boeing on the money they make and invest in China. That means American taxpayers are being suckered big time. We are paying extra income tax to allow Boeing to take this profit and invest it in China.

Well, my colleagues say, maybe some day that will come home. This is not the end. For those of my colleagues who are waiting for the real kicker in this, it is not enough that the taxpayers of the United States are subsidizing Boeing, who are putting the money in China at our cost, we have got to protect them.

Not that we have to protect them with a lot of troops, we are going to hear about IMF, which means that now that Boeing and General Motors and General Electric and Westinghouse have all of this money in China, we cannot let the currency be devalued. So the taxpayers, suckers again, hearing that big sucking sound in this vital link, are going to be asked to come up with $18 billion more to protect the money that was already taken out of their pockets to give to Boeing and General Electric and General Motors and Westinghouse to invest in China.

It is a sucker game. It is a sucker game by the major corporations in this country who are being subsidized by the American taxpayers to invest in China while we lose jobs in America; while all we get back from China are shelves stocked in our big box warehouse stores so we can buy cheap Nikes and cheap T-shirts as we lose good productive factory jobs, as we lose tax revenue, as we lose our dignity. Because we do all of this while we countenance torture and we countenance turning our back on human rights.

It turns all things that Americans believe in on its head and it is wrong. That is what the trouble is. It helps no one but the large corporations in this country. And they are perfectly willing, in the interest of maximizing profits, to ignore the human rights that are so vital to our country's continued existence.

So I urge my colleagues to honestly look at the promises made and broken, the PRC's sale of weapons, chemical weapons, nuclear weapon materials, and the growing trade imbalance, and say, why am I doing this? Is it so important to bail out General Motors and Boeing and General Electric and Westinghouse? Have they contributed so much to my campaign that I have to vote to perpetuate this dishonest, immoral regime by subsidizing them with taxpayers' money?

I think my colleagues will find, if they examine their consciences, that it is in our interest and the interest of all American taxpayers to support the resolution, and I hope my colleagues will join me in voting to deny Most Favored Nation treatment to China until they decide to join the humane world of man and obey the human rights and the dignity and liberty that we all enjoy.

Madam Speaker, I reserve the balance of my time.

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

I know that we want to expedite this procedure, since I see some of my colleagues here, like the gentleman from Ohio (Mr. TRAFICANT), who has fought against MFN all these years; and now the gentleman from Nebraska (Mr. CHRISTENSEN); and my good friend, the gentleman from California (Mr. DANA ROHRABACHER) over here; because all of these people who have waged this battle want to make sure they are out here on the Capitol steps at 12:30 to catch the bus to go down to the White House, because at 1:30 the President will be signing the legislation that terminates MFN.

We will never again be using that absurd language: Most Favored Nation. And so I know my friends here, who have fought this battle for years, are taking comfort in the realization that that label will be made a part of history and now we can get down to serious discussion about what we are really talking about, and that is normal trade relations. Big difference. Normal trade relations.

So I would hope some of those who are so ecstatic over their victory today will pay some attention to some of the arguments. We heard some arguments earlier from my good friend, the gentleman from New York (Mr. SOLOMON), who was concerned about what was being exported to the United States from China versus what we were exporting over there. And we heard from the gentleman from California (Mr. STARK) to that effect, too.

Some of the arguments advanced by the gentleman from New York (Mr. SOLOMON) were arguments that were advanced when the textile and apparel industry migrated from Burlington, Vermont, to south of the Mason-Dixon line. They did so for labor reasons and the cost of labor. And the textile and apparel industry has continued that flight, as my colleagues know, going down to the Caribbean and other countries because labor is cheaper in these areas where we are talking about a lack of skills.

With regard to, for example, the majority of our imports from China, it is underwear, it is toys, it is also footwear. Those are products that are certainly not high-tech but, to be sure, they manufacture good underwear, they manufacture good shoes, and they manufacture good toys over there. Our exports to them, the majority of ours, are power generating equipment, air and spacecraft and electrical machinery.

Now, my home State of Illinois exports over $1 billion a year of products to the mainland of China, and I would like to share some of these products with my good friend, the gentleman from California (Mr. STARK), over here, who I do not know how California is doing with regard to the breakdown of their list, but one of our big exports is scrap and waste. Scrap and waste. That is one of our big exports to mainland China. In addition to that, agricultural products, of course, is a biggie. We are an ag State.

In addition to that, let me recite some of the big exports from the State of Illinois. Primary metals, stone, clay, and glass products, rubber and plastic products, chemical products, paper products, food products, electric and electronic equipment, industrial machines and computers. It is a wide range of goods that we in the State of Illinois are blessed in finding markets for.

But that is not confined to my home State of Illinois, and I think that it is important for our colleagues involved in this debate to examine the breakdown in their own States of what their exports are; the component parts of their exports, but the magnitude of those exports.

So I would urge my colleagues to go back now and review the possibility of expanding, not contracting, normal trade relations, and to do that we have to guarantee that we defeat H.J. Res. 121.

Madam Speaker, I reserve the balance of my time.

Mr. CHRISTENSEN. Madam Speaker, I yield 5 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding me this time and I am pleased to rise in strong support of H.J. Res. 121, offered by the distinguished chairman of the Committee on Rules, the gentleman from New York (Mr. SOLOMON), disapproving extending Most Favored Nation trading status to the People's Republic of China.

This disapproval resolution sends a clear message to Beijing that our Nation will not reward nations that ignore international standards and norms of behavior, and that we expect of China, as an important member of the international community, to change its ways on trade, weapons proliferation and human rights.

Their record to date is clear. Beijing continues to bar access to its markets, violates trade agreements, proliferates weapons of mass destruction, ballistic missiles and enabling technologies, and represses fundamental human rights, all while enjoying unimpeded access to markets of our great Nation.

China's weapons proliferation practices are a source of significant international concern, especially in South

Asia and in the Middle East. China is the number one supplier of conventional arms to Iran, including the C–802 cruise missile which directly threatens our troops in the Gulf, and has aided Teheran's nuclear and chemical weapons programs as well.

China has also provided significant assistance to Pakistan's nuclear and ballistic missile programs that resulted in greatly increased tensions in South Asia. That kind of behavior should not be rewarded with any MFN.

China continues to violate basic human rights of its citizenry, one quarter of the world's population. The PRC is a one-party authoritarian State where freedom of expression, assembly, and religion are suppressed. Thousands of Chinese citizens languish in so-called reform camps for alleged crimes of conscience.

Moreover, China has occupied Tibet and decimated its unique culture and religion since 1950. With regard to Tibet, I request that a letter dated July 22, from the special envoy of His Holiness the Dalai Lama, be inserted at this point in the RECORD, setting forth his Holiness's reservations with regard to MFN.

SPECIAL ENVOY OF
HIS HOLINESS THE DALAI LAMA,
July 22, 1998.

Hon. BENJAMIN A. GILMAN,
Chairman, International Relations Committee, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN GILMAN: I understand that the House will be voting today on whether or not to renew Most-Favored-Nation (MFN) trading status to the People's Republic of China. While it is not customary for His Holiness the Dalai Lama to take a position on specific legislation, in this case I believe that some clarification of his views on trade with China may be useful.

As you may be aware, some House Members are using quotes from recent interviews with the Dalai Lama to justify MFN renewal. The Alliance of Christian Ministries ran a full-page ad in the Washington Post with the same intention. On neither occasion, were statement concerning MFN attributed to the Dalai Lama. But on both occasions, the suggestion was that the Dalai Lama would support MFN renewal. Of course, I was unhappy to see the Dalai Lama used in a debate in which he has not been party.

It is true that the Dalai Lama supports the U.S. process of engagement with China. However, the Dalai Lama has clearly stated that he does not support engagement if its primary goal is material enrichment. All decisions, he believes, must be guided by moral and ethical principles, including whether or not China should benefit from most-favored-nation trade status.

Sincerely,

LODI G. GYARI,
Special Envoy of His Holiness the Dalai Lama.

Madam Speaker, Beijing even refuses to renounce the use of force against Taiwan.

Our Nation should base our foreign policy, including trade, on the values that have made our Nation an indispensable Nation in the world community for democracy, for freedom, for human rights and the rule of law.

But, even if one believes that such issues such as human rights and weapons proliferation should not be linked to trade, continued MFN for China is a bad trade deal for our Nation.

□ 1115

Beijing continues to impose a 23-percent tariff on American goods shipped to China, while Chinese products entering our market enjoy a preferential 4-percent tariff under MFN. The trade deficit with China is now over $60 billion, that is with a "b", $60 billion, up 33 percent from only 2 years ago.

Our trade deficit with China will soon be the largest, even bigger than with Japan. The United States has been trying to negotiate a market opening trade agreement with China for the last 5 years, with no end in sight. And thanks to the trade advantage conferred by MFN, China now sends 33 percent of its exports to our Nation, but only 2 percent of our exports go to China.

Continual renewal of MFN status, which, by the way, was never given to the Soviet Union, gives China no incentive to open its markets to American goods or to make its economy more competitive. While I am on the side of American business, American business is not being treated fairly in the Chinese market. American firms allowed to do business in China are forced to transfer their technology there and are restricted on the distribution and selling of their products in China itself.

The Chinese need our markets more than we need Chinese markets. The leadership in Beijing badly wants MFN status from our Nation. I think it is time to end an arrangement that has not been fair to American companies or to American workers, and I think it is time to send a strong signal to Beijing that this inequitable and unsustainable arrangement must end.

Denying MFN for China will mark an important step forward in putting reciprocity back into our trade relationship and will serve notice that we no longer will tolerate China's proliferation of weapons or repression of human rights. Nothing less than a strong message will provide the incentive that is needed for Beijing to open its markets and reform its behavior.

Accordingly, I urge my colleagues to support the Solomon resolution, which revokes MFN for China.

Mr. MATSUI. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Madam Speaker, I rise today to express my opposition to H. Res. 121, the resolution of disapproval regarding normal trade relations with China.

I am concerned about the growing reluctance of the Congress to provide the leadership that is needed on international issues and to make improvements in trade relations and economic conditions throughout the world.

Opponents of extending MFN have discussed China's human rights record, nuclear proliferation, religious freedom, and trade barriers. Clearly, problems exist with China and work needs to continue on all these fronts. However, Presidents Clinton, Bush, Reagan, Carter, Ford, and Nixon have all recognized that constructive engagement is a better policy than isolation is.

The reality is that China has one of the fastest growing economies in the world. From 1979 to 1997, China's real GDP grew at an average annual rate of 9.9 percent. Projected growth in China is estimated by some to be in the average rate of 7 percent a year over the next two decades. At this rate, China could double the size of its economy every 10 years. And this policy of constructive engagement is going to ensure that the working men and women of the United States have access to this growing market opportunity.

I represent the San Joaquin Valley of California. This highly productive agricultural area produces agriculture commodities worth in excess of $22 billion annually, more than half of which is exported, and China is currently the sixth largest export market for U.S. agriculture goods.

In 1996, China bought over $1.9 billion of U.S. agricultural products. With 1.2 billion people and limited arable land, China must rely on imports to satisfy its demand for food. USDA estimates that two-thirds of the future growth in U.S. farm exports will be in Asia and 50 percent of that increase will come from China alone. Again, this policy of constructive engagement is clearly in the interest of the U.S. farmers.

Our ultimate goal must be to fully integrate China into the world trading arena as a full participant. That means helping to encourage WTO accession to China to ensure that they abide by internationally accepted trading rules. It also means continuing bilateral talks to address specific issues like intellectual property rights and non-tariff barriers.

Madam Speaker, I recognize the problems that continue to exist in China, and I appreciate the efforts of some of my colleagues in remaining committed to making improvements in the areas of human rights, trade policies, and nuclear proliferation. On those issues, none of us disagree that there is the need to continue to define ways that we can see significant improvement.

But I guess where many of us disagree is, is a policy that isolates the U.S. from China going to be more effective in achieving these improvements than the one of constructive engagement. That is where I clearly come down on the side that continued engagement with China is going to do

more to ensure that the rights of the citizens of China are advanced both in the interest of human rights as well as religious persecution, and this policy of constructive engagement is clearly in the interest of the working men and women of this country.

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

Madam Speaker, I rise today to support the resolution to revoke most-favored-nation status for China. I encourage my colleagues to vote in favor of the Solomon resolution, which would deny the special waiver that the President is requesting to grant MFN, NTR, whatever you want to call it.

I, too, voted for the IRS reform bill which had this little provision in it to change the name. But a rose is a rose is a rose. And in this case, it is a thorn, this thorn in terms of the enormous trade deficit, the enormous proliferation dangers that China presents, and the ongoing continued repression in China and Tibet.

Our concerns in Congress over the years have centered around three issues: trade, proliferation, and human rights, and let us just from the start establish some ground rules. This debate is not about whether MFN for China will be revoked or not. We all know it will not. The President will not sign the bill. What this vote is today whether this Congress will once again associate itself with the policy that has failed in all three areas of concern.

How much bigger will the trade deficit have to get for our colleagues to take notice? How many dissidents will have to be arrested, how much longer will many of them have to stay in jail for us to associate ourselves with their aspirations for democracy rather than calling Jiang Zemin, their jailor, the torturer in China and Tibet, a democratic leader who will take China into the future? And how much more proliferation of weapons of mass destruction, ballistic missiles, chemical and biological war technology does China have to proliferate for us to say enough is enough?

As I have said this debate is not about MFN revocation, it is about associating ourselves with a failed policy, or trying to give the President some leverage by saying this body will no longer tolerate all these violations of the Chinese Government in terms of trade, proliferation, and human rights. But on the basis of trade alone, there is sufficient justification, more than sufficient, to revoke most-favored-nation status.

When we first started this debate in the late 1980s, in 1988, the deficit for 1988 was about $3½ billion. For this year, for 1998, the trade deficit, 10 years later, will be $63 billion. And in the Clinton years alone, the trade deficit will be by the end of this year around a quarter of a trillion dollars with China alone. I repeat—in the Clinton years, the trade deficit with China will be about a quarter of a trillion dollars.

How much is enough, and why do we have that deficit? Because as the President went to the Great Wall of China, he should have seen it as a symbol of the great wall around China's markets. China simply does not allow most products made in America into China.

There is some trade: aerospace, some electronics, fertilizer. There are some areas. Certainly not enough from our agricultural community. We should be demanding more, and we are. And this trade deficit of $63 billion does not even include the piracy of our intellectual property, especially software, which continues; the use of transshipments to avoid our quotas; the use of slave labor for exports. And the list goes on.

Yes, China must come into the World Trade Organization in order to play by the rules. But what is more dangerous to our economy is the insistence of China that if we want to sell in a Chinese market, we must manufacture in a Chinese market and we must not only transfer our production, we must transfer our technology.

And so, we have the transfer of technology to China, which will have a dramatic and negative impact on our own economy. As I say, a country that large, an economy that large that does not play by the rules is a danger to our own economy.

On the technology transfer and the production transfer, do not take my word for it. Take the word of the president, the CEO of Boeing, who said, when a Boeing plane flies to China after one of aerospace sales, it is like it is going home so much of it has been manufactured in China.

When President Clinton was at the Terra Cotta Soldiers at Tian, how beautiful they are, if he had gone down the road a piece he would have gone to the Tian Aerospace Company, where 20,000 Chinese workers make $50 to $60 a month making the tailpiece for the Boeing 747, $50 to $60 a month. So if they want to call it normal trade relations, I do not know what their definition of "normalcy" is, but this is certainly not trade which is trade to the American workers.

Our colleagues who support normal trade relations with China will tell us that China's exports to the United States have risen four times in the past 10 years. But do my colleagues know how many times our imports from China have risen? They have grown about 30 times. From 1985 to 1997, China's exports have increased 30 times, while our sales to China have only risen four times.

So let us be fair about how we present this picture. And the news in the paper today is not good. Let me talk about what is new on trade. The trade figures that came out the other day were very damning. The trade deficit for May of this year was 25 percent higher than it was for May of last year and almost 10 percent higher than April of this year. So the trade deficit continues to grow.

Then we get to the subject of proliferation. What is new in that arena? As my colleagues know, the Office of Naval Intelligence last year said that China was the biggest and most dangerous proliferator of weapons of mass destruction technology to the Middle East. That Office of Naval Intelligence is not going to put out a report this year. But the CIA report that was held up until after the President's visit, by the way, but was just released demonstrates a similar and continuing pattern.

In this morning's paper it was announced that while President Clinton was in China pronouncing that nonproliferation was a major part of his agenda, the Chinese were testing a ballistic missile right at that very time, right in the face of the President's visit. How insulting!

While the President was there, the Chinese, on the subject of human rights, were rounding up dissidents and since the President's departure have continued to round up dissidents. Today the Washington Post writes about a continuing pattern of repression since President Clinton left China. So what was accomplished by all that?

We would think, with the hand of friendship that President Clinton had extended to the Chinese, that they would have offered him some level of cooperation. But they handed him the three noes. No, we are not going to sign the Missile Technology Control Regime to stop the proliferation. We will study it. They have been studying it for years. We will sign at some later date the Convention on Civil and Political Rights. Kick that can down the road again. And, no, we are not going to lower our barriers to allow us to become qualified to join the World Trade Organization.

They handed the President the three noes, and the Administration declared that that was a success. When is this House going to face the facts? Why is the House in a state of denial? But I have confidence, my friends, because I truly believe that we all believe in promoting human rights in this country and throughout the world; and I do believe that we associate ourselves with the pillars of our foreign policy, which is to promote our economy through promoting our exports, which is to promote democratic values, and to stop the proliferation of weapons of mass destruction.

So a vote today is not about MFN alone, although that would be a justified vote. It is about a policy that is not in keeping with the pillars of our own foreign policy. Vote no on MFN. Vote yes on the resolution to make the trade fairer, to make the world safer, and to make the people freer.

Madam Speaker, I reserve the balance of my time.

□ 1130

Mr. CRANE. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Madam Speaker, I thank the gentleman for yielding me this time and I want to congratulate him for his leadership on this issue, and for the efforts that he has made through the years to help us maintain normal trade relations with China. He has been a giant in this fight.

Madam Speaker, I also want to respond to the comments that were just made by the gentlewoman from California, my friend and an individual whom I have a lot of respect for. She asked the question at the end, "Are we into denial? When are we going to stop denying reality?" I might turn the question around and say, when instead are we going to get out of the time warp that this body has been in with regard to U.S.-China relations, a time warp that goes back to a deep, dark Cold War era and does not recognize the massive changes that are taking place not just in China and the United States but in the region around it.

On the figures of trade that the gentlewoman pointed to, Madam Speaker, I would note that those trade figures do not include what is generally considered greater China, Hong Kong and Taiwan. We have a very different picture when we look at that. That really is the China that we are talking about as a larger trading China. But even then, I concede there is still a trade deficit with greater China.

And so I would ask the gentlewoman, at what point is the deficit small enought that it is acceptable to trade? When we have a trade deficit of only $10 billion, of $5 billion? Or is it only acceptable to trade with countries with whom we have a trade surplus? That would be unrealistic. And so I do not think that that really should be the criteria for maintaining normal trade relations.

But I want to address my remarks, if I might, Madam Speaker, to some other issues here. We are going to hear a lot—we have already heard—a lot of rhetoric about China and U.S.-Chinese relations. Unfortunately, most of this rhetoric tends to focus not on the larger picture but instead upon 100 little anecdotes. Those who want to cut off relations with China pursue their case here on the House floor with stories of gulags and imports produced by forced labor. They weave stories of Chinese government conspiracies to steal American jobs through unfair competition. They talk about individual stories of forced abortions and political repression. They take these anecdotes, these hundreds of little snapshots, and they lay them side by side until a verbal collage emerges, one which is designed to incite fear and intimidation in the hearts of the American people.

Any picture that emerges makes our hearts ache. We can see the exploited workers. We can visualize each individual story of political or religious repression. We see the tanks in Tiananmen Square. And we find ourselves affirming the tale of a Chinese army using trade with the U.S. to finance a massive military buildup, a buildup which somehow one day will lead to our own demise. Add to this the allegations of Chinese money illegally flowing into our electoral politics and we have all the stuff of a John LaCarre novel. In a Nation attuned to sound bites and slogans, this is a compelling story. But I submit that while these anecdotes may be individually accurate, woven together they tell only part of the story. The real story in China is one of slow and steady progress toward open markets and individual empowerment. Two decades ago virtually every aspect of Chinese society was under state control. Today over half of China's output is generated by private enterprise. Eighty-five percent of China's workers are employed in the private sector. The development of a strong, vibrant private sector, particularly in southern China, continues to draw power away from Beijing.

Economic liberalization, the growth of trade, and economic links with the United States over the past two decades has promoted freedom for the Chinese people. With growing employment opportunities in nonstate enterprises, millions of Chinese have obtained the basic freedom to select their own employment and to change jobs when dissatisfied with working conditions or wages. That is why I am convinced a policy of engagement is working on behalf of the Chinese people as well as in our own national interests.

If we look at the big picture, we will see a policy of engagement that is slowly and steadily working to liberalize China economically and expose the Chinese to Western values.

Madam Speaker, it is time we moved beyond the anecdotes, the rhetoric, and the snapshot mentality of looking at U.S.-China relations. It is time we begin to think about a multi-year renewal of normal trade relations. I urge my colleagues to begin this process today by voting "no" on House Joint Resolution 121.

Mr. CHRISTENSEN. Madam Speaker, I yield 4½ minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Madam Speaker, I rise in strong support of the Solomon resolution disapproving most-favored-nation status for Communist China. Decisions like the one we are making today on this resolution define us as Members and define our Congress and our country as well, what do we hold dear, and for whom do we care and do we have convictions and principles that are transcendent above the monetary personal gain of a few powerful and rich interest groups. And do we have the strength of our convictions and the courage to stand up for our principles. These are all things that will be reflected in the decision we make today on this resolution and debates like the one we are having today.

This debate is not about engagement or even about whether or not there should be trade between the United States and the Communist Chinese regime. We will hear that studded in the arguments against this resolution. It is not about engagement and not about whether there should be trade. Whether or not we have most-favored-nation status, big companies can still go over and trade with Communist China. There will still be engagement.

Ronald Reagan never suggested that the Soviet Union while controlled by the Communist Party should have most-favored-nation status. That is why communism and tyranny disappeared in the former Soviet Union and they are now struggling for freedom. The question is how we should engage the regime, the regime that we must remember is currently the worst human rights abuser on the planet and a dangerous potential enemy for the United States.

The question is what kind of trade rules shall apply. The current rules of engagement with Communist China, this dictatorship with its massive human rights abuses, have made Communist China grow stronger and more powerful and more repressive. A $60 billion annual trade surplus is being used by the Communist Chinese regime to build up its military and build weapons that could someday incinerate the people of the United States and kill, at the very least, kill our defenders.

Today in the Washington Times we see a banner headline saying when President Clinton was in China recently talking about peace, even strategic partnership, reaching out his hand to the Communist Chinese, they were testing a new series of rocket engines that threaten the people of the United States.

This is a farce. We are being played for suckers. Of course that has happened in the past, has it not? But our current policies toward Communist China have been contrary to our principles, our belief in liberty and justice, it has been contrary to our economic interests and contrary to our national security. Human rights abuses which we will hear about today continue and are far worse today than they were 10 years ago, contrary to what the proponents of most-favored-nation status would tell us.

In Tibet, they could incinerate the entire country of Tibet and we would still have big business here trying to tell us we are going to make the Communist Chinese more freedom-loving if

we just trade with them, which means a quick buck for these big businessmen and means an out-of-work pink slip for our own workers here in the United States.

Yes, and they are still arresting dissidents. Right after our President left China, they rounded up a bunch more dissidents, Christians and Muslims and the Buddhists in Tibet still being repressed and thrown into damp prisons while we sit here in this wonderful body and debate in the coolness of this Chamber this issue.

No, our current trade policies have hurt our country. Yes, they have enriched some very major corporations. But this is not about free trade. Again, these companies can still go over there and trade. They can sell their wares. What is most-favored-nation status really about? I believe in free trade. I believe in free trade between free people. Most-favored-nation status is about whether or not these companies will be provided by the American taxpayer guarantees and subsidies for investments that they make in China that will put our own people out of work. Through the Export-Import Bank, through OPIC, the World Bank, IMF and the rest, these companies if we have most most-favored-nation status will put the American taxpayer behind the loans they need to create manufacturing units in China to put our people out of work. That is a betrayal of our own people.

The relationship, the rules of the game with China have worked against our national security, our people's interest as well as the fundamental principles of liberty and justice that America stands for.

Mr. MATSUI. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Madam Speaker, first of all, to clarify the comments of the gentleman who just spoke, it is my understanding while Ronald Reagan never asked for MFN status for the Soviet Union, he did repeatedly ask and receive MFN status, now normal trading relation status, for the People's Republic of China. Apparently that was an oversight in the gentleman's comments.

This is a difficult question. I think everybody on both sides of the issue has strong convictions. I think they are all pretty much courageous, contrary to what the gentleman from California has said. But I think we have to look at this in both the short term and the long term. This year, I think the short term is actually more important than the long term.

I appreciate the concerns regarding Chinese domestic policy, and I agree with just about everything the gentlewoman from California stated regarding human rights, weapons proliferation and labor and trade practices in China. But the reality is that China is now our fourth largest trading partner, and it is a billion-person market which in the long term will become even more important to the U.S. economy if we are going to remain the world's largest economy. I think every Member of the House believes that is in the best interests of the United States.

But in the short term, I think we have to look at the situation as it affects the country. China is part of what is at least a quarter if not more of the U.S. export market. It is an area of the world which is in a severe, or heading into a severe recession. The Chinese have tried to move their economy towards more market rationalization which I think Members on both the left, the right and in the middle would like to see the Chinese do because I think all of us, I certainly am a capitalist, believe is the best economic structure. The Chinese as they have done that, as they have seen their unemployment rate rise in their country in trying to move towards democratization, have also made a point of not devaluing their currency. That is terribly important if we are going to see the Asian economies, the South Korean economy, the Japanese economy, the Indonesian, Malaysian, Thai economies come back on the rise.

Why is that important? Because again that is where we sell at least a quarter to almost a third of U.S. exports. I do not think we want to see that export market go away. But if we impose what this bill would do, if we were to allow that to become law, U.S. companies would not be able to go over there and trade, because there would be a tariff differential which would raise the price of U.S. goods. It would cause serious problems in our economy and it would be using a blunt instrument where a scalpel is needed. Furthermore, in the long term, it would impact our ability to bring the Chinese into the WTO, which I think is also in the best interests of the United States, and bring them in as a developed nation and not a developing nation as they would seek to do.

How are we going to convince them that we want them to come in as a developed nation, not a developing nation, when we turn around and club them in the head as this type of legislation would do? This is a bad idea that will only hurt the American worker and the American economy. I would urge my colleagues to vote against the resolution.

Ms. PELOSI. Madam Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished Democratic whip, a champion of workers rights and human rights throughout the world.

□ 1145

Mr. BONIOR. Madam Speaker, I thank my colleague for yielding me this time and commend her for her leadership on this issue.

Printing up T-shirts should not be a political offense, but it is in China. Zhou Guoquiang, a lawyer and democracy advocate, is in prison today because he printed up a T-shirt that read "labor rights". Maybe that should not surprise us. China is famous for throwing people in prison, even executing them, for the slightest murmur of dissent.

Yet, this Congress is considering rewarding China with most-favored nation status. Supporters say this is good for trade. Most-favored nation? Good for trade? The Commerce Department projects our trade deficit with China this year is growing by more than $1 billion a week and could reach $60 billion this year alone.

Of course, part of the problem is that China pays its workers $2 a day and imposes a unilateral tariff averaging 35 percent on American goods. So we have got low wages, tariffs, deficits. That is not in my estimation free trade. That is not fair trade.

Things are only getting worse. One of our fastest growing exports to China, of course, is our jobs. Electronics assembly, auto parts, toy manufacturing, even high-tech aerospace work, these are the kinds of good American jobs that are rushing to China in a race to the bottom.

When Chinese workers speak out for better wages and better working conditions, when they try to form a union or even just print a T-shirt calling for greater democracy, the government throws them in prison. Should we not here be condemning such behavior instead of rewarding it? Should we not back up our words with action?

If we reward China with MFN status, we are telling them that a unilateral 35 percent tariff is fair. If we reward China with MFN status, we are telling them that a $60 billion trade deficit is acceptable. If we reward China with MFN status, we are telling them that political persecution and forced labor are okay as long as they do not appear on the 6 o'clock news. That is not right, and we need to stand up and take a stand against it.

If we do not fight for fairness and freedom in human rights, it will not happen. If we do not take a stand for people like Zhou Guoquiang, what message are we sending to the rest of the world? China has not earned the status of most-favored nation. Until it demonstrates a commitment to real reform, fair trade, and human rights, I cannot vote to give it that status. I urge my colleagues to vote "no" on MFN.

Mr. CRANE. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. EWING), our good friend and colleague from my home State.

Mr. EWING. Madam Speaker, I want to first thank the gentleman from Illinois (Mr. CRANE) for the outstanding work he does in regard to the trade relations with China.

I rise today in opposition to the motion to reject normal trading relations with China. I realize there are many very deeply held views on this matter. I personally, as a Member of this body, have come to the conclusion that contact and relations and trade is the way to improve life in China. It is also very important to life in this country.

There are only six countries that do not have normal trading relations. Since 1971, China has moved from 15th to fourth among our trading partners in importance. Revoking normal trade relations would take the U.S. out of China's market at a very critical time when the China market development is going our way. It would allow our competitors in Europe and Latin America and Australia to come in and fill the gap.

Agriculture has a unique role in our export portfolio. While the total U.S. trade position has been in deficit, U.S. agricultural exports are in a surplus. More than a million American jobs depend on agricultural exports. China is one of our most important markets.

Both sides are concerned in this body, both sides of the aisle, concerned about the agricultural economy. We are moving bills. We are doing things. We are debating on this floor how we keep agriculture strong in America.

I say there is no time in American history that is more important for good bilateral relations and importance of U.S. China relations. It is time this body quit micromanaging our relationship with China. Not one of our trading partners has anything resembling this annual debate about normal trade relations. The annual fight places American interests in China at an extreme disadvantage. I suggest we reject this resolution.

Mr. CHRISTENSEN. Madam Speaker, I yield 2½ minutes to the gentlewoman from Washington (Mrs. LINDA SMITH).

Mrs. LINDA SMITH of Washington. Madam Speaker, I rise in strong support of this resolution. We do not have a normalized trade relationship with China even if it is written on paper. We must not isolate China. Actually, we need to continue to reach out and build a strong relationship with China. But we cannot reach out and close our eyes and our conscience at the same time and be the America that I grew up in.

I agree with labor on this. Last year, the United States racked up a merchandise trade deficit, a real trade deficit of $50 billion. It was $40 billion the year before. But look back a little bit. In 1980, we did not have a trade deficit with China.

You see, China is enjoying this new global economy, but they are not acting normal. We can change the words to "normal trade" from "most-favored nation status," but it still is not true that it is going to happen. It is obviously on paper.

In Washington State, China today blocks all the wheat, most all of the apples. We hope it will be a market someday, but it is not. We can say it is a market, and it is our biggest market; but if they do not accept our goods, it is not a market.

In the aerospace industry, China is forcing local investment and production at the expense of U.S. jobs. It is as simple as that. They require the technology be transferred and most of the planes be built, and they are building their own planes now. In fact, they plan on having their own production, their own companies run by the Red Army in the near future. What kind of assurance does that give the workers in my State that they will even have a job in 10 years? Not much.

I think that when we turn to our conscience, we have to decide if America does care about freedom around the world or if the almighty dollar is more important than that. I think that we have to start thinking about the conscience of America, because if America loses its conscience, who is America?

I know we are standing here and a lot of us are thinking about the big international corporations. Our districts are going to be really mad if the international market is not left open so they can continue to move their production.

But I want to start you thinking. Hewlett Packard in our State moved 1,000 jobs mostly to China 2 months ago. Those people we are trying to find service jobs for, sales jobs for, but there is no production. How much of that can we have before the families go home, and there is nobody home when the kids go home because mom and dad are both working two jobs?

This is very serious, folks. It goes right to the heart and conscience of America. Let us back up and say no today. But let us reach out and say let us have trade with a conscience, a strong conscience; and that is what America is all about.

Mr. MATSUI. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Madam Speaker, I rise in opposition to H.J. Res. 121, the disapproval of normal trade relations with China.

This debate in this Chamber today is entirely legitimate. There are people here of goodwill who strongly disagree about the manner in which we are about to proceed. But the argument comes down to whether or not we should move forward with some faith or it be turned back by fear.

There is obviously a new twist to this debate this year as we now move to the statement of normal trade relations with China. But that statement is, indeed, a more accurate description of this trade relationship.

Currently the United States holds normal trade relations with all but seven nations. We all acknowledge that the relationship between the United States and China is complex. There are many issues, such as human rights and democracy and nonproliferation and Taiwan and Tibet and trade and intellectual property rights, that make this relationship at times confusing.

But the relationship at the same time is fragile, and we have to carefully strike an intelligent balance. This relationship is like walking on a tight rope, because one misstep on either side could throw the relationship into imbalance permanently.

A sound relationship with China at the end of the day is in our best national interest. China is the world's largest country. We tried isolation for the better part of this century. Is there anybody here who would argue that that policy worked?

We tried it and that policy failed, and we ought not on this occasion to repeat the mistakes of the past. Engagement with China is the best solution. China in this modern age cannot be isolated. We have to continue to engage China in a dialogue that promotes mutual interests and obviously a continued focus on human rights.

President Clinton, in what I think is one of his best moments during the last 6 years, has just returned from a very successful visit to China. That relationship was advanced during Bill Clinton's visit as he offered a nationwide broadcast that offered his views in a candid moment. The broadcast of President Clinton enabled Chinese citizens to see the President of the United States on live TV, and everywhere across this globe people are marching to the drumbeat of democracy or at least embracing its concepts, and that will be true in China shortly as well.

While Bill Clinton was there, he aggressively addressed human rights issues. He spoke to the notion of democracy and he spoke eloquently about religious freedom.

The Dalai Lama, in a New York Times interview, referred to the President's press conferences as, quote, one of the best things that has ever happened for the Tibetan cause. We can build upon what President Clinton started on his visit and continue to engage the Chinese in a dialogue about human rights and freedom.

Normal trade relations go beyond just the trade of goods. It is about exchanges of ideas and democracy and human rights as well.

Ms. PELOSI. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. TRAFICANT).

Mr. CHRISTENSEN. Madam Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. TRAFICANT).

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Ohio (Mr. TRAFICANT) is recognized for three and a half minutes.

Mr. TRAFICANT. Madam Speaker, the American people are fed up. The American worker feels betrayed, and

you cannot blame them. Communist China has a 34 percent tariff on our products. Communist China sells missiles to our enemies, and a recent report says communist China has purchased more intercontinental ballistic missiles with nuclear warheads and is pointing those warheads at every major city in the United States.

Think about it. Intercontinental ballistic missiles with nuclear warheads aimed at every American city, purchased by Chinese communist dictators with American dollars taken from American workers. Unbelievable.

Even as the President recently visited China, listen to the intelligence report of our own government: The Chinese communists test-fired, quote/unquote, test-fired a rocket motor that could propel a nuclear warhead at every American city and could wipe out the capital of the United States in a heartbeat. Beam me up, ladies and gentlemen.

Communist China does not deserve special treatment.

Candidate Clinton said George Bush is soft on China; no MFN. Ronald Reagan, for the record, never granted a special favored treatment to the Soviet Union and they no longer exist. What has happened to us? What has happened to us, ladies and gentlemen? They tried to buy our last presidential election. They are buying our secrets and technology if they can't bribe their way to get them. They are ripping us off in trade to the tune of $60 billion a year, taking $60 billion out of our economy; over one million American jobs lost every year. Are we stupid?

This is not even a debate about trade anymore. Today's debate is about national security and, by God, the Congress, if they do not approve this resolution, will be financing the greatest military threat in the history of the United States.

Quite frankly, I do not understand the White House. I am going to tell it right the way it is. The White House will not wise up until there is a Chinese rocket stuffed right up their assets. They are so dumb on this issue they could collectively throw themselves at the ground and miss.

□ 1200

I support this resolution. I do not want to hear any more mumbo-jumbo about trade. We are getting our clock cleaned. China knows it, and they are taking it all the way to the bank with a smile on their face.

Not for me. Not for me. I will not support one more special favored treatment for Communist China, and advise everybody to do likewise.

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

Madam Speaker, I have a quote here for my friend who was just in the well from President Ronald Reagan while he was President. He said,

The U.S. and China, despite their differences, hold more than enough in common to provide firm ground on which they can work together for the benefit of both. China and America have begun a productive partnership.

Madam Speaker, I yield 4 minutes to the distinguished gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise in opposition to this resolution. While I strongly support efforts to improve human rights in China and to influence their defense and foreign policies, this resolution will only undermine our work in these areas and compromise our national economic interests. U.S. engagement has brought concrete results in human rights, defense and foreign policy areas. We must continue normal trade relations with China to further these and all American interests.

Only continual communication, contact and engagement can bring China into the world community of nations on the basis of the values that unite the world leaders, who share a commitment to market economic principles as the only hope for a prosperous world, who support democratic political principles as the only hope for a peaceful world, and who oppose the proliferation of nuclear weapons.

The pace of change in China is accelerating. The government is accepting a measure of debate in political matters that was unheard of just a few years ago.

Earlier this year, a former Chinese Government official distributed an essay on advocating free elections at the highest level of government without censure. Further, well-regarded economists and professors have also spoken out freely for the first time in favor of democracy. The climate is changing in China, and our engagement is generating results in the important area of human rights.

But trade and investment are bringing constructive change on many fronts in China. United Technology Corporation, Connecticut's second largest employer and one of the most active United States companies in China, has been working with the Chinese equivalent of our EPA to establish the highest world standards for the building of manufacturing plants in China. This not only will help them avoid the mistakes that we made that so polluted our environment, but it also will assure that our companies who build to those standards will not be at a competitive disadvantage, and it begins to lay that foundation of law and principle that we need China to adopt to be part of the World Trading Organization and part of the GATT trading protocol based on universally accepted legal standards.

PPG Industries also participates in joint venture manufacturing in China. Each of their operations require compliance with PPG corporate environmental health and safety programs, which in America are considered the best practices in the United States, and far more demanding and respectful of people's rights than the common practice in China.

PPG summarizes the impact they are having in China by saying "There are roughly 2,000 Chinese citizens who now have some understanding of American ideas, work styles, management methods and commitment to market economies, free information flow, ethics and human values."

My point is that engagement, continual engagement, and contact, people-to-people, is what builds knowledge of the very values that underlie democracy and market economies. Only engagement can create that fundamental foundation, that change in people's beliefs about their own rights and opportunities, on which a modern China depends and on which a strong world community of nations will depend, a community of nations capable of spreading prosperity throughout the world and of keeping the peace.

We must not reject normal trade relations with China. If we do, we abandon the one rational hope for social and political reform in the People's Republic of China, the process of change from within.

I could give examples of how our failure to stand by normal trade relations will cost Americans jobs, examples of products in which we are making the parts and they are assembling them, but I do not have that time. I just say that on every front, engagement will create both a China that can govern with us to create a prosperous world, but also a China that will help create a peaceful world with respect for human rights.

Mr. CHRISTENSEN. Madam Speaker, I yield two minutes to my good friend, the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Madam Speaker, polls show today that the majority of ordinary citizens are alarmed and offended by Chinese policies and are opposed to our Nation's policy of appeasing China. In the debate today, I feel they are being left out in the cold.

The gentleman from Massachusetts talked about we have to walk this very careful walk with China. What are we scared of? I do not quite understand it. Are we so empowered by money that we are willing to compromise? U.S. policy is more concerned about the Chinese than they are of taking them to task, because they are afraid that it will hamper their ability to make these untold profits in the Chinese markets in the indefinite future?

Madam Speaker, the Chinese government controls nearly all the industries and businesses in China. You cannot go over there and own your own business.

The Chinese government will always own 51 percent-plus. China is much more dependent upon access to the U.S. markets. Thirty-three percent of China's exports come to the U.S. Only 1.7 percent of U.S. exports go to China.

China uses, frankly, a trade deficit to purchase advanced military weapons like Russian naval weapons and to develop their own advanced military technology, nuclear submarines, intercontinental ballistic missiles and such. So, frankly, I do not understand what we are scared of today. Why don't we stop this appeasement?

What is the problem here? This is the United States of America. Here the United States is worried about China, and we have this skewed policy. We impose a little 2 percent tariff on Chinese products, while the Chinese propose a whopping 35 percent tariff on our goods.

Again,what are we scared of? Why are we just walking around all the time concerned about hampering our relationship with China? We keep talking about engagement at the expense of appeasement. I say to all Members of Congress, that in China workers attempting to organize unions in China today do not just face opposition from companies, they end up in jail, in forced labor camps. Is that the kind of policy you want to condone by going ahead and appeasing China?

For all of these factors, the record deficits, the tariff gap, the wage disparity and the abuse of workers, that is why I rise in support of House Resolution 121 which disapproves most favored trade status for China.

Mr. MATSUI. Madam Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Speaker, as we enter the next millennium, the gravest national security issue facing our Nation is whether the world's largest country, a country that is more than five times as large as the United States, becomes our most dangerous military threat, or our greatest economic opportunity. Whether China becomes a threat or an opportunity depends upon whether our policy becomes one of isolation or one of engagement. That is the issue that is to be decided by this vote.

A vote to reject normal trade relations sends a signal to China that we consider them an enemy in the same way that we do our avowed enemies like Iraq and Libya. They will then have every reason to continue to proliferate weapons to such enemies and to aim their missiles at the United States, because we will have declared that our policy is not one of engagement, of the building up of mutual trust and respect, but of isolation, and distrust.

If we, though, follow the advice of the many Christian missionaries working in the villages in China that have asked us to establish permanent, normal trade relations with China, we will embark on a path toward peace and prosperity in the next millennium, because what we are talking about goes far beyond dollars and cents here. What we are talking about is the spread of ideas and ideals. Foremost among those ideals is the value of human individualism, an ideal that is inevitable and indomitable in a fare society.

China is a nation with a tremendous work ethic and a rich historic culture. Its historic ethic can enhance the entire world's march toward peace and prosperity. But that destination can only be reached through economic interdependence and mutual respect.

From an American nationalistic standpoint, it is important to keep the 200,000 jobs involved in exports to China. It is important to avoid passing on $500,000,000 more of Chinese tariffs to American consumers. But, far more important is the security and prosperity of our children's children. That is really what is at stake today.

If China wants to compete on the world's market, it will eventually have to be, with a free enterprise economy. If China wants to lead politically, it will have to adopt a democratic system and if it ever wants to realize its full societal potential it will have to be on the basis of respect for human rights and liberties.

I urge my colleagues to vote against disapproving normal trade relations with China. Vote for the peace and prosperity that can be ours if we make the right decisions on these issues.

Ms. PELOSI. Madam Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Maryland (Mr. CARDIN), who has been a champion for human rights and in very tough struggles throughout the world and an expert on trade issues.

Mr. CARDIN. Madam Speaker, let me thank my friend from California for yielding me this time and congratulate her for her leadership in this area.

Madam Speaker, I rise in support of this resolution and against most-favored-nation status for China. Yes, the United States should be engaged in international events and in China, and we should exercise leadership. That is what we have done in the past.

The United States was engaged in South Africa in its apartheid government. It used trade sanctions, it used its leadership to bring about a change in that government without bloodshed. That is engagement. That is leadership.

The United States was engaged in the former Soviet Union that did not enjoy most-favored-nation status, and we brought about a change in that society because we were willing to exercise leadership. That is what the United States should be doing in China.

The record in China is beyond dispute. Its legacy of human rights abuses, predatory trade actions, nuclear proliferation, and the list goes on and on and on, it should not have most-favored-nation status.

I know that we are changing the name of that later today to "normal trade relations," but there is nothing normal about a trading partner that pirates the software of U.S. companies, there is nothing normal about a trade partner that has a huge trade imbalance with us because of the tariffs and barriers that it has to its market, and there is nothing normal about a trading partner that has such a horrible record on human rights that we should not want to be associated with as a partner.

China, with forced abortions and the way that it imprisons its own people because of political expression and the way that it prohibits religious activities, there is nothing normal about that type of country, and it should not enjoy normal trade relations with the United States.

The Chinese philosopher Confucius told the story how when he was traveling with some of his followers in a remote part, he came across a woman who was weeping at a grave, who had just buried her husband who had been killed by a tiger. Confucius, talking to the woman, found out this tiger had also killed her husband's father, and Confucius asked, "Why do you still stay here with this tiger being here?" The woman responded, "There is no oppressive government here." Confucius told his followers, "An oppressive government is worse than a tiger."

□ 1215

Yes, the United States must be engaged in and exercise leadership, and in doing that we should deny Most-Favored-Nation status to China and exercise real leadership and engagement on the issue.

Madam Speaker, I encourage and urge my colleagues to support the resolution before us.

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

I have a quote I would like to share with my colleagues.

> A truly moral position would do two things. First, it would honor those who have fallen by pursuing their lost dreams and helping China reform from within. Second, it would open, not shut, the door to the message of freedom and God's love. Leaving 1 billion people in spiritual darkness punishes not the Chinese government, but the Chinese people. The only way to pursue morality is to engage China fully and openly as a friend.

That quote was from the Reverend Pat Robertson on June 30 of this year.

Madam Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

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

Madam Speaker, I rise today to support normal trade relations for China

and to oppose the resolution. American workers benefit most from normal trading status with China. I think the facts are very clear. If we reject normal trade relations with China, we do not improve the trade deficit, but we will see a substantial loss of exports to China.

Now, in my State of Michigan alone there are some $365 million in exports each year. That supports some 5,000 jobs, not over there; they are here, they are in this country, in Michigan. If we translate that into the U.S. situation, it is approximately 25,000 manufacturing jobs each year that are a part of our trade with China.

China has been reported as the world's third largest economy after the United States and Japan. It has by far the world's highest annual rate of growth of something like 9 percent, and we cannot, we simply cannot exclude America's companies, farmers, workers, goods and services from this very, very large market.

In addition, we must remember that the U.S. trade with China is a way to directly permeate a society which has been closed off to the world for centuries. Increased economic prosperity creates a desire for political freedom among individuals. China's economic reforms which were instituted in the past 20 years have demonstrated that, and I use the word "engage", an engaged China is more conducive to change.

The record is crystal-clear: personal freedom in China is on the rise, people are living better, the principles of democracy are spreading at the grassroots level, and there is an unquestioned relaxation of control over the press and the media. American principles are spreading in China.

Madam Speaker, for the sake of our businesses, our jobs, our workers, not to mention the well-being of the Chinese people, we must reject this resolution. We must not slam the door on one-fourth of the world's population. If we really want to promote human rights and civil rights, and by the way, I do, and we want to plant the seeds of mutual understanding first, then continue normal trade relations. I urge opposition of this resolution.

Mr. CHRISTENSEN. Madam Speaker, I yield 8 minutes to the gentleman from New Jersey (Mr. SMITH), my colleague and good friend and a true champion for the unborn and for human rights all around the world.

Mr. SMITH of New Jersey. Madam Speaker, when the People's Liberation Army massacred, wounded, and incarcerated thousands of peaceful pro-democracy activists in June of 1989, the well-intentioned but wishful thinking and fashionable view of the 1980s that somehow the PRC was turning the page on repression was shattered. The myth was gone.

The brutal crackdown on the reformers, some of whom still today languish in gulags, in laogai, was not the end but was the beginning of a new systematic terror and cruelty campaign which continues to this very hour.

To a significant degree, President Clinton put a happy face on China during his recent trip. While paying some attention to human rights, he minced his words, he heaped praise on Jiang Zemin and painted a largely upbeat, far too optimistic picture of a brutal dictatorship. He made the powerful architects of repression somehow look respectable. I am sure he meant well.

However, Amnesty International testified at the Subcommittee on International Operations and Human Rights, which I chair, on June 26, and Amnesty believed and said that they believed that President Clinton's trip represented his Dunkirk, his human rights Dunkirk. It was.

Stephen Rickard, director of the Washington office of Amnesty said, and I quote, "The history of President Clinton's policies on human rights in China is unfortunately a history of retreat after retreat, until there is no longer any room to retreat."

As a trade and as a public relations trip, the trip was clearly a success. As a human rights mission, it was, I believe, an unmitigated disaster.

Madam Speaker, it is my deeply held conviction that back in 1989 and by the early 1990s the hardliners in Beijing had seen enough of where indigenous popular appeals for democracy, freedom, and human rights can lead. The Communist dictatorships that controlled Eastern and Central Europe and even the Soviet Union had let matters get out of hand, and Beijing took careful note as, one-by-one, tyrants like Nicolae Ceausescu of Romania, Erich Honecker of East Germany, and Wojciech Jeruzelski of Poland were ousted.

Everything Beijing has done since Tiananmen Square and since the President's trip points to a new bottom line that we ignore and that we trivialize at our own peril, and that is, democracy, freedom and respect for human rights will not happen in the PRC any time soon.

This dictatorship is not going to cede power to and respect for the people of China, especially when we fail to employ the tremendous leverage at our disposal. However unwittingly, however unintended, we are today empowering the hardliners. Withholding MFN I believe will spur reform. Where else will the Chinese find markets for their $60 billion worth of exports? They are not going to find it in Europe, they are not going to find it in South America or Central America or anywhere else. They want our market. We have leverage, and we are squandering that leverage.

Madam Speaker, any honest assessment of the true human rights picture on the ground must recognize that torture, beatings, detentions and arrests of dissidents, even during the President's trip and immediately after, increased reliance on the hideous and pervasive practice of forced abortion and coerced sterilization, and new, draconian policies to eradicate religious belief, especially the underground church, the Christianity and the Tibetan Buddhism, all of these are on the rise.

As a matter of fact, if we look at Tibet, there is a genocide taking place, ethnic cleansing. People are escaping, being pushed out; forced abortion is used with greater impunity there, and they are, as we all know, incarcerating monks as well as nuns in Tibet.

Some have argued, Madam Speaker, that conditions have improved, and at times they cite the cultural revolution as a backdrop to measure improvement, but I believe that is a false test. The depths of depravity during that period have few parallels at all in history, and the Chinese leaders knew themselves that such extreme treatment of their people could not be sustained. But the real test is the post-Tiananmen Square reality, and the jury, unfortunately, is in. China has failed miserably in every category of human rights performance since 1989, and it is getting worse, not better.

I would invite Members of this body to come to some of the hearings. We have had over a dozen hearings in my subcommittee, heard from everybody, especially the human rights community, and they speak in one accord, that repression is on the rise.

Madam Speaker, I met with the great democracy wall leader Wei Jingsheng in Beijing before he was thrown back into jail, a man of candor and incredible courage. Both then and now that he is released, he says he is incredulous, he cannot believe how naive and shortsighted the Clinton Administration and the bipartisan majorities are in this Congress who support MFN. He cannot believe how complicit we are willing to be, and again I think he says, and I agree with him, some of it is naivete.

At a recent hearing of the Subcommittee on Human Rights, I asked Wei what practical effects MFN and other concessions to the Chinese government had had for prisoners of conscience. He said that the torturers are usually more cautious in their treatment of political prisoners at times when the U.S. is withholding. I repeat, they are more cautious, this is Wei talking, and he knows, he spent years in the gulag; they are more cautious when we withhold something than when we offer it to them on a silver platter.

He said as soon as there is a turn for the better in Sino-American relationships, like when the U.S. declared its intention to establish a strategic collaborative partnership with China, immediately the prisoners were beaten

and received other abuses. The bully boys are unshackled, they can do with impunity to those human rights and religious prisoners as they wish.

We heard similarly that in Xinjiang province a Muslim Uighur talked about they waited until right after MFN was confirmed again before they executed 7 people, and they killed 9 people as they paraded these people through the marketplace where people were crying for their loved ones who were going to be executed.

Madam Speaker, I am deeply disturbed that the President did not even raise some of the issues that we were led to believe that he would, such as organ harvesting and prison labor, when we met with Jiang Zemin. Harry Wu has implored us, has implored us to cease our appeasement and to speak out boldly and strongly.

Regarding forced abortion, the President disregarded the recent testimony from Mrs. Gao, a former Chinese official charged with administering the PRC's program in Fukien. She said, with tears in her eyes, "I was a monster in the daytime, but in the evening I was like other women and mothers, enjoying life." She talked about how women are routinely forcibly aborted all over China, and she did it herself. She recently escaped China in April, and came to our subcommittee and gave us that information.

Madam Speaker, for the victims of human rights abuses, the policy of comprehensive appeasement has been tried. Madam Speaker, we stood up to the Soviet Union, we said that Soviet Jews mattered, that human rights mattered. We withheld MFN to the Soviet Union, even risking a nuclear power exchange with that country at the height of the Cold War. Why can we not do it with China? The human rights abuses are horrific, they are horrendous. Appeasement does not work. We need to have constructive engagement that says we are willing to risk profits, to put people above profits, because people do matter. Let us stand with the oppressed, not the oppressor.

Mr. MATSUI. Madam Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Madam Speaker, I am opposed to the Solomon resolution. I am deeply concerned about our relationships with China. They need more attention, not less. This is true of trade relations, of human rights, of Tibet, of proliferation issues. And I think the question really is whether denial of MFN or NTR will accomplish that goal in any of these areas, and I think the answer is no, it will not work.

I want to spend my few minutes talking mostly about trade, but I do not view that any more importantly than I do human rights issues—I have worked on them over the years, or Tibet, our family has been deeply involved in that issue, or proliferation issues.

Let me focus for a minute on trade. We have a skyrocketing deficit with China, and one can explain it in various ways. In some respects it is not as large as it seems if we look at the whole region. But look, the point is, denial of MFN will not settle the problem of the trade deficit.

China is a large, burgeoning, controlled economy. They have a very different system than we do. They have State subsidization. They have control of wages and working conditions. And it raises more dramatically than any other country how this country of ours, this beloved Nation with our free market, will relate to nations that control their economies, control their wages, subsidize their industries and the like. And what is true of China is true of other nations, especially in what was once called the Third World.

□ 1230

We need to face these issues in the negotiations over their status with WTO. We need to attack these issues directly. We need a comprehensive policy. Withdrawing MFN is not going to move us one step forward in that direction. In fact, I think it would distract from it. It would distract from it.

Look, I hate the notion of isolation. I am for engagement. But there is something kind of in between. We need engagement but it has to be even more than constructive. It has to be hard-nosed. It has to be part of a comprehensive plan, and this annual discussion over MFN distracts us from arriving at this goal.

So let us in this House, on all these issues, human rights and other issues, let us pledge ourselves from here on in to have a day-to-day involvement with these issues, not the once a year discussion through MFN. I oppose the Solomon resolution.

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

Madam Speaker, I agree with the gentleman from Michigan (Mr. LEVIN). We should have more discussion about this issue until we address the problems that have been caused by the current policy, of which MFN for China is the centerpiece.

Madam Speaker, could you tell us the time remaining?

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Illinois (Mr. CRANE) has 37 minutes; the gentleman from Nebraska (Mr. CHRISTENSEN) has 27½ minutes; the gentleman from California (Mr. MATSUI) has 39 minutes; and the gentlewoman from California (Ms. PELOSI) has 35 minutes remaining.

Ms. PELOSI. Madam Speaker, I yield 2 minutes to the gentlewoman from Georgia (Ms. MCKINNEY), next in our cavalcade of the champions of human rights throughout the world.

Ms. MCKINNEY. Madam Speaker, the emperor has no clothes. The United States has been stripped naked by the Chinese communists, and "the sight ain't a pretty one."

Madam Speaker, our own policies support a regime that is repugnant to the American values we espouse so sincerely, yet we continue down the same dangerous path. First of all, we sell invaluable technology to the Chinese that increases the accuracy of their missiles. And what do they do? Point those very same missiles back at us.

Then President Clinton pays Beijing a courtesy call and at the same time they embark on a building program for ICBMs that shakes Asian stability, China's neighbors, and our friends.

So little respect do the Chinese have for our government that they have led us from one embarrassing event to another. The message we send to the Chinese is that we really do not care about those values we talk about, as long as they keep signing those contracts.

The litany is a long one. China's violation of human rights; her unfair trade practices and obstacles to market access; China's lack of legal and regulatory transparency; her outrageously uncooperative attitude in weapons and nuclear nonproliferation; the large and growing U.S. trade deficit with China; and, more recently, the allegedly illegal Chinese donations.

Candidate Bill Clinton said, "We will link China's trading privileges with its human rights record and its conduct on trade and weapons sales." But Bill Clinton's own State Department has this to say about China: "The government continued to commit widespread and documented human rights abuses in violation of internationally accepted norms."

Maybe the United States is following the bad advice of a fortune cookie, or it is the pressure of too many Gucci-clad lobbyists trying to help corporate America make a fortune at the expense of American values, the Chinese people, and American workers.

Madam Speaker, the Chinese have learned all too well that for the United States money talks and everything else walks.

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

Madam Speaker, I have another quote I would like to share with my colleagues.

> It's critically important to have a broad range of contacts with China. The West should not try to isolate the communist regime . . . Economic change does influence political change. China's economic development will be good for the West, as well as for the Chinese people. China needs Most-Favored-Nation trade status with the United States and it should fully enter the world trading system.

Madam Speaker, that quote is from Wang Dan, student leader, Tiananmen Square, July 6, 1998, and he spent all but 2 of the years since Tiananmen in prison in China.

Madam Speaker, I yield 4 minutes to the distinguished gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Madam Speaker, I thank the gentleman from Illinois (Mr. CRANE) for yielding me this time.

Madam Speaker, as a member of the Subcommittee on Trade, I rise today in strong support of the President's decision to renew normal trade relations with China. I have come before this House many times to talk about how increased trade with Western countries has exposed the people of China to democratic values and practices.

I have Dear Colleague letters which show that spiritual leaders from across the spectrum, from Pat 4Robertson, Billy Graham, to the Dalai Lama support engagement, not isolation. Engagement with China, I believe, is the key to better human rights conditions for the Chinese people.

The people of Hong Kong, Taiwan, and other Asian nations have asked us to renew normal trade relations with China, because not renewing NTR could have a real negative impact on their economies and their people.

Madam Speaker, most profoundly of all I was reminded just yesterday of the importance of the U.S.-China trade relationship when I met with Walter Hanson. Walter is the CEO of Ibberson, Incorporated, in my district, which is an agricultural design, engineering, and construction service company. Mr. Hanson was in town to receive an award from the United States Chamber of Commerce, the "Small Business Success Story Award," for his company's success in China.

This is a great story about an American business, how Ibberson has grown because of its trade not only with China, but other foreign nations. In fact, Ibberson did not even venture into foreign markets until I believe it was 1985. Now the international arm of this company, which employs 182 people, accounts for 50 percent of company sales with one-third of these international operations alone in China.

This is about jobs, Madam Speaker. When questioned about the company's involvement in China, what it has meant to the Chinese, Mr. Hanson explained it very well. He said that the food processing plants that his company designs and builds generate better feed for Chinese livestock which, in turn, improve the nutritional value of food for the Chinese people. The processing plants they design in China meet all U.S. standards for worker and environmental safety. They are setting a great example for the Chinese people.

The Chinese people that Ibberson employs in building and running the operation receive higher pay. After going back and forth to China for over 10 years, Mr. Hanson learned that the Chinese people emulate the West and he saw how they used their higher pay to buy more of our products.

These jobs also, Madam Speaker, are not jobs that have been stolen from Americans, as some of my friends on the other side of this issue will tell us. In fact, according to Mr. Hanson, the opportunities to export to China create jobs back in Minnesota and many other States in our country. If it were not for international sales, Mr. Hanson believes that his small business could have gone down the same path that its 10 leading competitors did. They are gone. They are out of business. Think of what that means to the 182 employees of this company.

Madam Speaker, continuing normal trade relations with China acknowledges the progress that has been made, but it does not disregard the need for further improvements in human rights for Chinese citizens. As a member of the Congressional Human Rights Caucus, I too abhor any and all human rights abuses. But if we are not engaged with the Chinese, how can we influence their policies? How do we stop these abuses? We must be engaged.

Madam Speaker, a normal engaged relationship between our country and China is critical for improving the lives of people in both countries and for job creation and economic growth. I urge my colleagues very, very strongly to oppose this resolution before us today and to support normal trade relations with China. It is the right thing to do.

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

Madam Speaker, I want to correct the record. The Dalai Lama, as of today with the statement that the Dalai Lama has clearly stated he does not support engagement if its primary goal is material enrichment. All decisions, he believes, must be guided by moral and ethical principles, including whether China could benefit from Most-Favored-Nation trading status.

Madam Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. WOLF), a champion of human rights all around the world.

Mr. WOLF. Madam Speaker, I thank the gentleman from Nebraska (Mr. CHRISTENSEN), for yielding me this time.

Madam Speaker, let me stipulate at the beginning, because I feel so passionate about this, I want to stipulate that there are good and decent people on both sides of the issue. I believe that. I mean that. I do not question anybody's position on this issue.

But I believe that the administration's policy is fundamentally immoral and this Congress is ready to ratify a fundamentally immoral policy, a policy that has no morality behind it.

Did my colleagues see today's Washington Times? "China conducted tests as Clinton visited." And then it goes on to say, "China continued to supply missile technology to Iran and Pakistan last year and also sold Iran poison gas equipment," and then tested it when the President was there.

Madam Speaker, did my colleagues also see the story out of the Pentagon yesterday saying that our Special Forces will be training the Chinese People's Liberation Army? Are they going to train them so they can invade Taiwan? Are they going to train them to shoot better when they do whatever they do? Why would the Clinton administration support the training of the Chinese People's Liberation Army by American men and women? That is immoral. That is immoral.

Nuclear proliferation. China gave the technology to Pakistan, which then triggered India to test their nuclear weapons, which then triggered Pakistan to test their nuclear weapons, which has brought disorder and made it a dangerous subcontinent. China did that. No one else.

We are not going to take away MFN. This vote is not to take away MFN. This vote is to send a message to the Chinese government. We know the Senate will not do it. We know the President would never sign it. So this is not a vote for engagement or disengagement or taking away MFN. It is a vote to send a message.

Human rights. There is no progress. Bishop McCarrick, who is one of the three people the President sent to China, sent a letter up yesterday asking us to take away MFN to send a message. There is no progress on human rights in China.

There are more people in jail today in China than there were when the President landed in China. Catholic priests are in jail. Bishops are in jail. I was in Beijing Prison Number 1 with the gentleman from New Jersey (Mr. SMITH); 240 prisoners that we saw working on socks to export to the United States are still in jail. Protestant pastors are being persecuted.

Tibet. I visited Tibet last year. China has plundered Tibet. For those who care about culture and history, China has destroyed the buildings. There are TV cameras monitoring the streets. The public security police are all over. They have destroyed 4,000 monasteries. Lhasa is nothing more than basically a dirty Chinese city because of what they have done. So in human rights, there is no progress. There is regress. We are going back with regard to weapons proliferation, with regard to trade. We have a $50 billion trade imbalance and it's going up 20 percent a year. They send us 30 to 40 percent of their goods, which could be made by American workers. We send them .02 percent of our goods.

Slave labor camps. Remember Solzhenitsyn's book "Gulag Archipelago"? There are more slave labor camps in China today than there were when Solzhenitsyn wrote the book "Gulag Archipelago" about the former Soviet Union.

We are sending a message. The message is that we care. The American people are not where the administration is and the American people are not where this Congress is. The policy of this administration is fundamentally immoral and MFN for China will ratify a fundamentally immoral policy.

Now, I am all for jobs. I have got a 90 percent Chamber of Commerce voting record. But jobs, jobs, jobs. It says in the Bible that "man does not live by bread alone." What about the monks in Dracphi Prison? What about the Buddhist nuns that have been tortured? What about the Catholic priests, some persecuted for 30 years? We've heard very little talk about that.

Madam Speaker, I strongly rise and urge those who are searching, those who are thinking, those who are undecided, we are not voting on MFN today. We are really voting on whether or not we want to send a message. Do we want to send a message of hope, a message to the Catholic bishop who was there because he gave Holy Communion? Do we want to send a message of hope to the Dracphi Prison, which I went by in Tibet where the man who took me by was even afraid, because he risked his life to take me by so I could take a picture of it.

□ 1245

Or do we want to send a message that all we care about is the policy of business, and we will train the Chinese People's Liberation Army, and we will allow them to test their missiles when our President is there, because fundamentally all we care about in this country is business and we do not care about human rights. That is the issue.

I urge support of the Solomon amendment, whereby we will not be denying MFN but we will be sending a message of hope to the Chinese people and those who are being tortured in the prisons.

Madam Speaker, I rise in strong support of H.J. Res. 121, to revoke Most-Favored-Nation (MFN) status from China. I do so because since current U.S. policy has been in place—a policy of so-called "constructive engagement"—there has been no progress on human rights in China. No progress on weapons proliferation. And no progress on trade. It is a failed policy and this House should vote to put some backbone into this policy of appeasement.

Year after year we debate this issue. Year after year the House votes to continue MFN to China. Year after year, the Chinese Communists in Beijing continue to harshly control religious practice; imprison religious leaders and dissidents; plunder Tibet; sell weapons to Iran, Pakistan and other rogue or unsafeguarded countries and engage in unfair trading practices. Congress must send a message to Beijing that we are serious about our values, our national security and our commitment to fair trade.

Our policy on China is amoral—and I would argue that it borders on being immoral—because it is focused on preserving good relations with a brutal regime in order to help American companies get business deals. It is a one-sided policy that ignores the most fundamental values of the United States.

First, on the issue of human rights. There has been absolutely no progress since President Clinton de-linked trade from human rights in 1994 and no progress since the President's recent trip to China. In fact, more dissidents are in jail today than before the President's trip. As Air Force One was landing, Chinese democracy activists and religious leaders were being harassed and detained.

The Washington Post reports today that yet another dissident has been given a three-year jail sentence—part of a continuing pattern of tightening repression in the weeks following the President's trip.

Just days after the President left China, 11 dissidents who tried to register a political party advocating democracy were detained by the Public Security Bureau. Five remain in detention. Last week, some 100 dissidents released an open letter calling for their release. Most of them are under surveillance or house arrest.

Religious persecution persists. Christians are still being put in jail for holding Bible studies in their homes, meeting with other believers, conducting Catholic mass and distributing Bibles. Leaders in China's underground church are constantly under surveillance, placed under house arrest, interrogated and pressured to close down "house" churches. Many are arrested or sent to labor camps. Over the past year, the number has gone up.

There are still a number of Catholic bishops in jail on account of their religious activity. None have gained their freedom. More have been arrested. Mercifully, the Chinese released 78-year-old Bishop Zeng from prison several months ago because his health was failing, but he is still under house arrest. The Chinese government also revoked the passport of a 96-year-old Cardinal, Cardinal Kung, who lives in the United States in exile.

A large number of Protestant house church leaders are in jail. Not one of the 30 religious prisoners on the list presented to the Chinese government during the President's visit or the visit by the 3-person religious delegation in February has been released.

There has been absolutely no progress.

In Tibet, the Chinese government continues to destroy the Tibetan culture, imprison dissidents including a large number of monks and nuns, restrict religious activity, monitor monasteries, denigrate the Dalai Lama, and leave millions of Tibetan people without hope for a better future.

Since the debate on MFN last year, I have visited Tibet. I saw first-hand the repression taking place. Absolutely nothing has improved for those people. Lhasa is no longer a Tibetan city. Surveillance cameras are all over. So are Chinese security officials. I heard story after story of harsh repression. Prisons are a growth industry.

Tibetans are sinking further and further into despair as Chinese immigrants rush to settle Tibetan lands. Chinese karaoke bars and prostitutes line the streets, many across from the Potala Palace, the historic home of the Dalai Lama. Young Tibetan men, denied a meaningful role in society, are idle and increasingly alcoholic. They are without hope.

China is sinking millions of dollars into Tibet—for roads, factories and telecommunications, energy, housing and so on. Lots of people are getting rich, but very few of them are Tibetans. Most are Chinese. China's constitution allows the state to claim all natural resources for its own, and Beijing is making millions on Tibetan virgin lumber and minerals.

At the same time, Tibetans are being robbed of their language and their culture. They are told it is inferior. Chinese propaganda spews out of the public address system and public security cameras record private conversations. Monks and nuns are forced to choose between undergoing "patriotic re-education campaign" and denouncing the Dalai Lama or being expelled from the monastery and sent to prison.

Tibetan refugees—monks and nuns forced out of their monastery, children sent out by their parents to be schooled, the young seeking an opportunity simply to live as Tibetans, and the elderly hoping the see the Dalai Lama before they die—continue to risk their lives to flee over the highest mountain passes in the world into freedom

There has been no progress in Tibet. Absolutely none.

Uighurs in Northwest China—who are predominately Muslim—are also being persecuted. They are deprived of their right to religious freedom and having their culture destroyed. Nothing has improved for them either.

So on the issue of human rights—there has been absolutely no progress. In fact, things are getting worse.

Second is the issue of weapons proliferation. So maybe human rights has not improved, but haven't we at least been able to work with the Chinese to get them to stop proliferating weapons of mass destruction and make America safer? No. There has been no progress here either.

Thanks to China, the world is a more dangerous place today. China has continued to sell missiles and missile technology to Pakistan, despite continuous pledges not to do so. Because China helped advance Pakistan's nuclear program, India decided to resume nuclear testing. Several days later, Pakistan conducted its own nuclear tests. Now we have an arms race in Southeast Asia.

We put sanctions on Pakistan and sanctions on India. But we continue to kowtow to the Chinese government.

China also sells nuclear technology to Iran and helps Iran's missile program. China is helping the Khartoum government build a pipeline to pump oil out of Sudan—a country that sponsors terrorism and engages in genocide against its Christian population. China is helping the junta in Burma. China's friends are this world's most ardent enemies of democracy.

So sadly, there has been no progress on preventing China's proliferation of weapons and weapons technology.

I should also note that China is also modernizing its military and building ICBM missiles capable of hitting the United States. The Washington Times revealed yesterday that six more were built in the first four months of this year. A secret Air Force intelligence report released recently said China's new mobile ICBM's "will be a significant threat not only to

U.S. forces deployed in the Pacific theater, but to portions of the continental United States." China is the only country with missiles currently pointed at the United States, in spite of claims otherwise by some in our government.

Third, fair trade. Our policy has not helped open China's market to U.S. goods. Today, China's trade surplus with the United States is almost $50 billion. In May, it was up 24 percent over April. While China's trade surplus with the U.S. continues to skyrocket, American goods are being kept out of the Chinese market. China sends 30–40 percent of its merchandise exports to the U.S. In contrast, the U.S. sends only .02 percent of its merchandise exports to China.

What about the huge Chinese market? The real story is that 80 percent of China's total imports are re-exported to the rest of the world.

Harry Wu—who spent 19 years in China's gulag on account of his beliefs—advocates revocation of MFN to send a message. He says "the undoubted primary beneficiary of foreign trade in China is the Chinese Communist Party. . . . As the Chinese economy grows so does the power of the Chinese Communist Party."

China forces American companies to turn over technology and transfer production to China in exchange for doing business there. China not only uses this technology to modernize its military, but also to compete with American companies and American workers. America is losing jobs to China.

So the current policy has resulted in no progress toward promoting more fair trade with China either.

No progress on human rights. No progress on proliferation. No progress on trade. The sign of a failed policy.

The Clinton administration says the way to achieve progress in these three areas—human rights, proliferation and trade—is to continue our policy of "constructive engagement." The same administration confirmed yesterday that U.S. special forces will begin training Chinese PLA troops to "develop rapport and understanding." It is also the same administration that allowed two American companies to export sensitive satellite technology to China—which proliferation experts say significantly improved China's missile program—allegedly in exchange for campaign donations.

In my view, this administration doesn't have much credibility on this issue. They have achieved nothing with their current policy besides some good soundbites and photo-ops. It is a failed policy.

I'd rather listen to the advice of Wei Jingsheng, one of China's most noted dissidents. He has spent 18 years in prison for his outspoken views on democracy.

He says that voting to revoke MFN for China is the "most concrete and most effective means available to address Chinese human rights and political reforms and gives President Clinton real power to represent the American people in his discussions with the Chinese communists over the questions of trade conditions, human rights, regional and global security and other issues." I submit his entire statement for the RECORD.

He also says his conditions in prison improved when the Chinese really believed that MFN would be taken away.

Archbishop McCarrick, one of the religious leaders who went to China earlier this year as part of a religious delegation, also believes the House of Representatives should send a message to Beijing by voting to revoke MFN. He urges a strong vote in favor of H.J. Res. 121. He says "A strong vote to deny MFN status to China should strengthen the Administration's commitment to putting human rights at the top of the China agenda and send a strong signal that the status quo is not acceptable." I also submit his letter for the RECORD.

There are many reasons to revoke China's MFN status. But, there are good people on both sides of the issue.

I want to end by addressing those who think revoking MFN is a blunt instrument. Remember, that at the end of the day, Congress will not take away China's MFN. The vote today is not really about revoking MFN, it's about sending a message.

A message of hope to the Christians, Muslims and Tibetan Buddhists suffering for their faith. A message of hope to the political dissidents who still bravely speak out for justice and freedom despite the risk of going to prison. A message of hope to these men and women being beaten, tortured, raped, imprisoned and killed for their beliefs.

This vote is also about sending a message to the regime in Beijing. A message that we are serious about our values, our national security and our commitment to fair (not just free) trade.

If you vote in favor of H.J. Res. 121, you will be sending a message, not taking away MFN. I urge you to send this message.

How long will we continue to rubber stamp our current policy—a policy of appeasement? A policy that is amoral and not in line with the values of the American people.

Let's put some strength back into our China policy. Let's put some morality back into our China policy.

Vote YES on H.J. Res. 121.

Madam Speaker, I also include for the RECORD newspaper articles and letters from various organizations discussing the current situation in China with regard to many of the areas I have spoken on:

[From the Washington Times, July 22, 1998]

CHINA CONDUCTED TEST AS CLINTON VISITED

(By Bill Gertz)

China test-fired a rocket motor for its newest long-range missile during President Clinton's recent visit to China, Pentagon officials said yesterday.

The July 1 motor test for the DF–31 missile was part of China's ongoing strategic weapons modernization effort, which included producing six new long-range missiles in the first four months of the year.

In commenting on a report in The Washington Times about the surge in ICBM production, the State Department said yesterday that China's strategic nuclear modernization will not affect efforts to develop a cooperative security relationship with Beijing.

"The U.S. and China are building a cooperative security relationship, as symbolized by the agreement of the two presidents not to target strategic nuclear missiles at each other," State Department spokesman James P. Rubin said, referring to last month's summit.

"At the same time, we are aware that China continues its limited efforts to modernize its nuclear forces," he said.

Asked about The Times' report, Defense Secretary William S. Cohen declined to comment. "If it's an intelligence report, I wouldn't comment," he told reporters at the Pentagon.

Pentagon officials with access to intelligence reports told The Times that the test-firing of the new solid-fuel rocket motor is part of efforts to develop Beijing's newest ICBM, the DF–31 road-mobile missile. When deployed in the next several years, the missile will be the second mobile ICBM in the world. Russia's SS–25 is now the only mobile ICBM in service.

The officials said the test was unusual because it came during Mr. Clinton's June 27–July 3 visit.

A U.S. official who is an expert on missiles said he believes the Chinese intentionally timed the test to coincide with Mr. Clinton's visit.

The official noted that Secretary of State Warren Christopher traveled to China several years ago to discuss human rights and the Chinese responded by arresting dissidents before, during and after the visit.

"President Clinton said proliferation would be high on his agenda [during the summit], and by testing this key component for a new long-range missile when they did, the Chinese have made clear their lack of respect for both the president and his message," the official said.

This official does not believe China has "de-targeted" its long-range missiles away from U.S. cities despite its recent pledge. The CIA reported earlier this year that 13 of 18 CSS–4 missiles are targeted on U.S. cities.

The Chinese apparently knew the rocket motor test would be detected by U.S. spy satellites or other electronic listeners, Pentagon officials said. The test was carried out at the Wuzhai Missile and Space Test Center, located about 250 miles southwest of Beijing, they said.

Highly classified intelligence reports on the test were sent to Secretary of State Madeleine K. Albright in China as she accompanied the president, the officials said.

According to reports by the Air Force's National Air Intelligence Center (NAIC) the DF–31 is a single-warhead missile with a range of more than 4,500 miles in the "late stages" of development. Its solid-fuel propulsion is a major improvement over liquid-fuel CSS–4s, the current mainstay of the Chinese ICBM force.

"The DF–31 ICBM will give China a major strike capability that will be difficult to counterattack at any stage of its operation," said a December 1996 NAIC report labeled "secret." "It will be a significant threat not only to U.S. forces deployed in the Pacific theater, but to portions of the continental United States and to many of our allies."

A map accompanying the report showed that the DF–31 could hit targets throughout the western United States along a line running southwest from Wisconsin through California.

The DF–31 will give China a strategic missile design "similar to those of current generation Russian missiles," the report said, noting that the missile will probably be fitted with decoys and chaff to defeat missile defenses.

Deployment of the DF–31 is expected within the next year and a half at the earliest, the report said.

China also is building a second mobile ICBM, the DF–41, that will have a range of

more than 7,000 miles. It will be deployed soon after the DF–31.

Regarding the new CSS–4s, Pentagon officials told The Times that China delivered six of the ICBMs to the People's Liberation Army nuclear forces between January and April. The surge in production, which was spotted by U.S. spy satellites and other electronic monitors, is part of a defense industry restructuring that will result in the closing of Beijing's sole ICBM production facility, at Wanyuan, in central China, within the next several months.

Two more CSS–4s will be produced before the shutdown, they said.

The underground production facility at Wanyuan is being relocated to a missile production center near the industrial city of Chengdu in central China, the officials said.

The CIA estimates China has 18 CSS–4s. The new missiles are the "Mod 2" version of the systems.

"This is a very serious problem," said House Majority Leader Dick Armey.

The majority leader said he has many questions about the Chinese missile program, including why the United States did not learn earlier about Beijing's weapons proliferation efforts, which he called "frightening," and how China acquired the technology to build missiles.

"We have a lot of serious, very serious, questions," he said.

The biggest question: "Does my grandson have to learn to duck and cover like I did when I was a boy?" Mr. Armey asked, referring to nuclear air-raid drills common in schools during the 1960s.

BEIJING CONTINUED ARMS SALES TO PAKISTAN, IRAN LAST YEAR

(By Bill Gertz)

China continued to supply missile technology to Iran and Pakistan last year and also sold Iran poison gas equipment and advanced conventional arms, according to a CIA report to Congress made public yesterday.

The report identified China, Russia and North Korea as major suppliers of weapons of mass destruction and delivery systems to "countries of concern"—the CIA's term for rogue states seeking unconventional arms and missiles.

"During 1997, Chinese entities provided a variety of missile-related items and assistance to countries of proliferation concern," the CIA said in its semiannual report to Congress on activities during 1997.

"China was an important supplier of advanced conventional weapons to Iran," it stated, noting that Beijing apparently has halted sales of C–801/C–802 antiship cruise missile as promised in late 1997.

The report also said that "Chinese and North Korean entities continued to provide assistance to Pakistan's ballistic missile program in 1997," and that Beijing gave "extensive support" to Pakistan's program to develop weapons of mass destruction.

Pakistan test-fired its 925-mile-range Ghauri missile for the first time in April.

An eight-page unclassified section of the report was released by the Senate Intelligence Committee. Its findings contrast sharply with recent Clinton administration assertions that China is curbing dangerous weapons proliferation activities.

Sen. Richard C. Shelby, Alabama Republican and chairman of the committee, said the report was disturbing.

"The report shows a high level of activity about the ongoing sale of missile technology and weapons of mass destruction by China, Russia and North Korea, who are the worst offenders," Mr. Shelby said in an interview. "It also shows that Iran, Iraq and Pakistan are the greatest benefactors."

A review of the policies should be carried out by Congress and the administration to see what can be done to solve the problem, he said.

It is the second report to Congress by the CIA and was required by a section of the 1997 Intelligence Authorization Act. The law requires a report every six months. Release of the report was overdue by a year and was doubled to cover the entire 12-month period of last year.

It also was delayed from release until after President Clinton's visit to China last month in an apparent effort to avoid offending Beijing, according to congressional sources.

The CIA report on global weapons proliferation activities during 1997 discloses these key findings:

Russia, China and North Korea continued to supply missile-related goods and technology to Iran.

"Iran is using these goods and technologies to achieve its goal of becoming self-sufficient in the production of medium-range missiles," the report said.

China provided Iran with chemical warfare material to supplement its stocks of blister, blood and choking agents and bombs and artillery shells. Iran is seeking "a more advanced and self-sufficient chemical weapons infrastructure," it said.

Egypt is working with North Korea on a joint missile development project, according to a North Korean army defector.

China also continued to supply nuclear technology to projects under International Atomic Energy Agency monitoring but appeared to be abiding by a pledge not to engage in new nuclear projects in Iran and halted its support for a uranium conversion plant.

Iraq is developing "dual-use" items that could boost its chemical weapons production capabilities and has purchased vaccines, growth media and thousands of pesticide sprayers in 1997 with potential biological weapons applications.

On Russian weapons proliferation efforts, the CIA said "Russian firms" supplied a variety of missile-related goods to rogue nations seeking missile delivery systems. Russian help to Iran "means that Iran could have a medium-range ballistic missile much sooner than otherwise expected," it said.

Russia also supplied India with extensive technology that could be used for nuclear weapons, and provided conventional weapons and spare parts to countries in the Middle East, including Iran and Syria.

North Korea continued to export missile equipment and components to rogue states in what the CIA said was an effort to obtain hard currency for the cash-strapped Pyongyang government.

Western nations such as the United States, Germany, Britain, Italy and France were major targets of weapons acquisition efforts by states seeking nuclear, chemical and biological weapons and missile systems, the report said.

WEI JINGSHENG FOUNDATION,
New York, NY, July 15, 1998.

To All Honorable Members of the House of Representatives.

DEAR LADIES AND GENTLEMEN, Some people are saying that President Clinton's visit to China was extremely successful, while others say it was not. My own view is that he only half succeeded, or, to put in another way, it wasn't a total failure. Mr. Clinton did in fact exert greater efforts in Beijing, but his efforts on behalf of America demands did not achieve tangible results. Why? Because Mr. Clinton didn't build up adequate pressures to back his demands.

When I was still in prison, I clearly felt that if Most Favored Nation trade status passed the Congress with ease, various "instructions" from the Chinese community judiciary organs made treatment for political prisoners much worse. When there were reports in the People's Daily that talked of "hostile forces' inside the American Congress who plotted to revoke China's most favored nation status, the prison guards received less "instruction" and the treatment of political prisoners improved accordingly. During eighteen years in prison, I never stopped making demands for improved treatment so I was sensitive to any change in the treatment of prisoners.

Perhaps because of the daily flow of so many resolutions in the Congress, many friends have grown somewhat weary of the burden of the MFN vote. They may not fully recognize the importance of the vote in their hands. In fact, on the question of Chinese relations, legislatures control all the initiative. To put it more bluntly, only the U.S. Congress controls the real initiative.

During his trip to Beijing, Clinton needed to make some demands. Otherwise he would have no way to account for his trip to the American people and Congress. Yet he did not intend to do things too boldly, because without adequate pressure from the Congress and public commentary, he lacked the means to persuade Jiang Zemin or Zhu Rongji to make further concessions. Meanwhile, the pressure put on Clinton from both Jiang and Zhu could not be small, so he didn't want to offend anyone.

Jiang and Zhu had no choice but to accept the inconsequential demands of Clinton; at the same time, they also had no choice but to resist making substantive results. Cognizant of the pressure from the Congress and public opinion, both Jiang Zemin and Zhu Rongji felt they needed to give Clinton some face. Otherwise they might lose any chance to get collaboration on the larger issue: the need for President Clinton's cooperation to maintain their shaky dictatorship. But there remain great pressures from Communist Party hardliners that continue to influence Jiang and Zhu and their positions within the party. This battle line is determined by the amount of pressure exerted by the U.S. Congress. It can be said that both Clinton and Jiang Zemin accurately assessed the prevailing strength of the two sides. There were no great mistakes. (This conclusion is only limited to their behavior in Beijing and Shanghai.)

Now, there is only one key variant that Clinton could use to persuade Jiang and Zhu; Jiang and Zhu could then use this excuse to persuade the hardliners in the CCP. This is precisely pressure from the American congress. If the Congress is not able to make the Chinese communist realize that the loss of MFN is possible, then the more enlightened wing of the CCP cannot pass this pressure on to persuade the hardliners. Therefore, in considering the temporary cancellation of MFN for China, we can see it not only as the most concrete and most effective means available to addressing Chinese human rights and political reforms, but also gives President Clinton real power to represent the American people in his discussions with the Chinese communists over the questions of trade conditions, human rights, regional and global

security and other issues. This is the best means to gain more achievements.

Your eternal friend,

WEI JINGSHENG.

THE LAOGAI RESEARCH FOUNDATION,
Mitpitos, CA, July 13, 1998.

United States House of Representatives.

TO THE HONORABLE MEMBERS OF THE HOUSE OF REPRESENTATIVES: As we approach this year's vote, I wish to voice again my support for the revocation of Most Favored Nation trading status for the People's Republic of China. Some may wish to call this degree of involvement "Normal Trade Relations" but under any name, I must oppose treating this oppressive regime as a worthy trading partner for the United States.

China serves as the single exception in the history of the United States' stance towards communist countries. The United States refused to grant MFN status to the Soviet Union, and has maintained its position against the repressive regimes in Cuba and North Korea. Why do we grant this totalitarian regime a privileged position when it comes to trade relations?

The question remains: who benefits from China's MFN status? While some of the Chinese people have experienced an increased standard of living, the undoubted primary beneficiary of foreign trade in China is the Chinese Communist Party. In other words, as the Chinese economy grows, so does the power of the Chinese Communist Party. This is the same Chinese Communist Part that remains guilty of systematic, egregious human rights violations; the same Party that uses the technology it acquires from the United States to modernize its military; the same Party that unequivocally refuses to undergo political reform, or even to tolerate calls for political reform.

The Party continues to enforce, with severe measures, its planned birth policy. Recent testimony has shed light on the use of forced abortions and sterilizations. Additionally, in one of the most barbaric violations of human rights, the CCP sanctions the harvesting of organs from executed prisoners, some of whom may be facing the barrel of a gun because they expressed their political beliefs. This same party runs the prisons which house the Laogai, China's forced labor system, where Chinese prisoners labor to produce goods to be sold on the international market. Religious persecution persists in China, ads do the repressive policies towards the people of Tibet. Each of these acts is intended to sustain the Party's stronghold of power.

Some have argued that granting Most Favored Nation status could lead to progress in human rights and other issues, including nuclear proliferation, in which China remains outside the international norm. This argument was never used in reference to the Soviet Union, North Korea, or Cuba. We know that bolstering those nations' economies would only strengthen their political power. Despite arguments to the contrary, mere economic contact with democratic nations would not suffice to bring the Chinese leadership in line with international standards of behavior. The Chinese Communist Party is well aware of those standards, and continually chooses to flaunt them.

I urge each of you to recognize the importance of your individual vote on Most Favored Nation trading status for China.

Sincerely,

HARRY WU.

[From the China Reform Monitor, July 20, 1998]

PENTAGON: ELITE U.S. SPECIAL FORCES SEEK TO TRAIN CHINESE COMMANDO FORCES

(By Al Santoli)

Pentagon spokesman Kenneth Bacon confirmed an AP dispatch that elite Special Forces soldiers will train Chinese PLA troops under a plan being considered in Washington, the South China Morning Post reports. "You need to engage, so you develop rapport and understanding," says U.S. Special Operations commander, General Peter Schoomaker. "What we encourage is low-level contact at the small-unit level. . . To develop trust and confidence that then brings in higher level people to the point where you establish the kind of relationship where you can have different types of dialogue." Military collaboration with the PLA is endorsed by U.S. Pacific Command chief, Admiral Joseph Prueher.

Talking with reporters, Bacon also confirmed the conclusions of a Congress-sponsored panel on ballistic missile threat to the U.S. chaired by former Defense Secretary Donald Rumsfeld, that China is a major exporter of ballistic missile to Iran and other states. "It's true, and it's unfortunate," Bacon said.

The Rumsfeld panel's final report identified China as a threat to U.S. national security, "as a significant proliferator of ballistic missiles, weapons of mass destruction and enabling technologies."

U.S. CATHOLIC CONFERENCE, DEPARTMENT OF SOCIAL DEVELOPMENT AND WORLD PEACE,
Washington, DC, July 20, 1998.

DEAR REPRESENTATIVE, As the Congress again takes up the matter of accepting or rejecting the President's waiver regarding the extension of favored trade relations to the People's Republic of China, I write to express the views of the United States Catholic Conference in this regard.

Each time over the past several years when the issue has arisen, it has been our conviction that the Administration—both present and previous—has been insufficiently committed to pressing the Chinese authorities on their systemic violations of certain fundamental human rights. We have cited the persecution of religious groups, such as the unregistered Protestant and Catholic churches, the Buddhists of Tibet and others. We have raised the questions of the one-child policy and of coerced abortion, and have noted the widespread practice of using conscript labor for many of China's manufactured products, among other well-documented charges.

We acknowledge that President Clinton made a significant effort to raise these issues during his recent state visit to China, and we applaud that. But little, if anything, has changed on the human rights front since the visit. Indeed, the continued arrest and detention of democracy advocates there only point up the necessity for unrelenting official U.S. firmness on issues of human rights and religious freedom.

The Most Favored Nation debate may not be the best forum, but it does offer the Congress an important opportunity to raise the priority of human rights and religious liberty. Therefore, we urge the Congress to send the Administration as clear a message as possible by voting in large numbers to overturn the President's waiver of applying the relevant sanctions of the Trade Act of 1974. A strong vote to deny MFN status to China should strengthen the Administration's commitment to putting human rights at the top of the China agenda and send a strong signal that the status quo is not acceptable.

Sincerely yours,

MOST REVEREND
THEODORE E. MCCARRICK,
Archbishop of Newark, Chairman, Committee on International Policy.

Mr. MATSUI. Madam Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. Madam Speaker, I thank the gentleman for yielding me this time. I rise today to discuss the issue of normal trade relations status for China.

We know that MFN tariff treatment is not a privileged trading status, but the normal tariff treatment we extend to most nations, including many with whom we have substantial disagreements. MFN has been supported by every administration that has confronted the issue since 1980. China should be afforded MFN status again this year.

I think we all agree that China has not done enough on human rights, enough on intellectual property rights, and enough on proliferation issues. Encouraging improvement in China's records in these areas is an important goal for U.S. policy, and I commend and support many of my colleagues for continuing to press the administration to address these issues with China, as do I.

However, I would like to focus on one part of the critics' argument that we should not grant MFN for China because we have a large trade deficit with it. While it is true China is the second largest trading deficit partner of the United States, this should not preclude our continuing trade with this Nation, nor should it cloud the fact that the U.S. economy benefits substantially from trade with China despite the deficit.

Japan is our number one deficit trading partner and there is no call today to terminate our trading relationship with Japan. In fact, the calls are to strengthen Japan's economy so that it will not fail, because Japan's importance to our economy dictates that if it fails, it has important consequences for the U.S. economy despite the Japanese deficit with us.

I know that there has been heavy debate on whether a higher trade deficit is evidence of a trade policy failure. Actually, the trade deficit is evidence that our strong economy enhances consumer purchasing power, which draws imports, giving U.S. consumers a wide selection of goods to choose from at the most competitive prices.

Indeed, withdrawal of China's MFN status would result in U.S. consumers paying approximately $390 million more a year for goods such as shoes, clothing, toys and small appliances. For manufacturers the cost of goods

made with Chinese components would increase, reducing the competitiveness of their finished goods in domestic and international markets.

Recently Secretary Rubin and others in the administration have echoed this argument that the rise in our trade deficit reflects the strength, not the weakness of the U.S. economy. We must evaluate the trade deficit in this larger context. Look at the facts: We have not seen the trade deficit undermine our strong economic performance. The U.S. economy remains on a track of sustained growth, low inflation and low unemployment.

Revoking China's normal trading status will only serve to hurt U.S. exporters and manufacturers, not close the trade deficit. We have an important decision before us, Madam Speaker. Will we engage China so that other nations will not gain a competitive edge in developing Chinese markets over us? Or will this Congress choose to encourage China to improve its records on human rights, on weapons proliferation, and other issues?

I would urge my colleagues to choose both courses, and that extending NTR to China is a step in the process of doing just that.

Ms. PELOSI. Madam Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), who has been an active participant in the fight for human rights and workers' rights throughout the world.

Mr. DEFAZIO. Madam Speaker, I thank the gentlewoman for yielding me this time.

We can change the name of the debate to normal trade relations, but we cannot change the issues that are before the Members of this Congress. We can say it is only a debate about trade relations; we must discard our concerns about human rights; we must discard our concerns about Chinese involvement in the proliferation of high-technology to terrorist nations; we must discard other principal concerns of our Nation, this is only about trade. But even the United States Trade Representative and their spin doctors cannot make China's trade policy look good or normal by anybody's means.

Sixteen single-spaced pages replete with special tariffs, taxes, written and even, yes, unwritten rules and restrictions against U.S. goods. The goods they want in, the high-technology goods to foster their military or their future economic superiority, they get in, and they do profit a few U.S. corporations. But the goods they want to produce, the industries they want to nurture, the areas where they want to employ their people, those U.S. goods, no matter how much better, no matter how much cheaper, they cannot get in. If they cannot stop them with the tariffs or they cannot stop them with the taxes, or the written rules, they stop them with the unwritten rules, the corruption and the bribery. China is the most unfair trading nation on earth.

Now, the proponents say the choice is isolation or engagement. What about reciprocity? What about reciprocity, the American principle, the ideal of a level playing field? No, the proponents of normal trade relations, well, they prefer the doormat policy. We have a doormat trade policy.

Anything and everything produced anywhere in the world, no matter how unfairly, no matter by prison labor, child labor, whatever else, it is welcome here. And if we do that, someday, someday those nations might reciprocate and allow our goods into their countries.

It is not working too well, folks, and we have to start somewhere. China is the most egregious example. Let us start there. This is the last 3 years of unfair trade policies against U.S. goods. Look, the book is getting thicker every year. It is time to act.

Mr. CRANE. Madam Speaker, I yield myself such time as I may consume to share another quote with my colleagues.

> It is in the vital interest of the United States that China continue to open and reform its economy and improve the quality of life of its citizens. We can advance that vital interest by continuing to extend normal trading relations to China.

That was on June of this year by former Presidents Ford, Carter, Bush and 17 former U.S. Secretaries of State, Defense and National Security Advisers.

Madam Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Madam Speaker, I thank the gentleman for yielding me this time.

Today, Madam Speaker, we take up legislation that is freighted with more emotion and ideology than almost any other that this Congress may consider this year. Yet the outcome of this debate will shape our relations with one of the great nations of the world and our opportunities in the world's greatest emerging market. It will play a major role in shaping the economic and strategic geography of the next century, a century which, I believe, will be dominated by American ideals, American innovation and American culture, but only through engagement.

Our relationship with China is, obviously, in a difficult phase. We have disagreements of the most fundamental sort over trade, human rights and arms proliferation, and the Chinese Government has been justly criticized for their abominable record in each of these areas. But the proponents of this resolution offer as a blanket solution to these disputes the disruption of normal trade relations with China; in effect, cutting off our growing trade opportunities in the vast emerging market of mainland China, while treating the People's Republic as a pariah on a par with a few rogue nations.

Not one of the proponents of isolating China has answered the fundamental question: How will ending normal trade relations address the problems facing Sino-American relations? It will not address the problem of marketing access. Clearly, that is a problem. But the solution to opening up Chinese markets is to negotiate their entry into the World Trade Organization on a liberal basis; it is not ending normal trade relations.

Clearly, there is a problem with intellectual property rights. It is intolerable that in the past the Chinese have tolerated piracy within their borders of American products and American technology. But the solution is selective pressure, which has worked recently; it is not ending normal trade relations.

Clearly, there is a problem with human rights, and I do not want to minimize this, including political rights and religious freedom. The solution is to promote reform from within China, promoted by contact; not by ending contact.

And here I want to quote Wang Dan, the eloquent veteran of Tiananmen Square and of the gulag, who wrote recently in Newsweek that, "Economic change does influence political change. China's economic development will be good for the West as well as for the Chinese people. China needs Most Favored Nation trade status with the United States, and it should fully enter the world trading system. The terms of that entry must be negotiated, of course, but in any case the rest of the world must not break its contact with China."

Madam Speaker, in my view, American ideals are infectious. Through engagement we can introduce them decisively to the largest and most important developing nation. I urge my colleagues to look at this issue dispassionately and to vote to continue the engagement that is the sole catalyst for Chinese reform, that will strengthen human rights and build a durable market economy that American products can enter and compete in.

Oppose this ill-conceived resolution and ill-conceived policy, not for their sake but for our sake.

Mr. CHRISTENSEN. Mr. Speaker, may I inquire as to the time remaining on all sides?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Illinois (Mr. CRANE) has 27½ minutes remaining; the gentleman from Nebraska (Mr. CHRISTENSEN) has 22¼ minutes remaining; the gentleman from California (Mr. MATSUI) has 36 minutes remaining; and the gentlewoman from California (Ms. PELOSI) has 31 minutes remaining.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. KENNELLY), the distinguished member of the Committee on Ways and Means.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time.

There is no doubt we should have normal trade relations with China. It is very important to the future of the United States of America, and we come here today to vote on this issue again. The stakes are high. So often this is the case in important legislation. And the rhetoric is heated. And this also happens when people feel very strongly on a subject. But, for once, claims that this issue is critical to our future are fully justified.

Understanding that this is a difficult vote for many Members of this body; it, in fact, is one of the most difficult votes that we cast on China. On the one hand there is the China of opportunity: vast, populous, an almost infinite market, with its growing production, and bustling economy. And on the other hand there is the China of reality, where democracy is not a reality, a place where 2,000 languish in labor camps, a place that welcomes an American President but arrests others who might be dissidents if they disagree.

For me, the question is not whether to accept China as it is, it is how to best move China toward what we want in America, and I think the majority of the Chinese people would wish for, a place of additional hope and opportunity.

For me, the best path is that of engagement, not retreat. Normal trade relations cannot make China a worse place for democracy than it already is. Normal trade relations cannot decrease the freedoms available to the Chinese people at this very moment. And normal trade relations cannot limit our opportunities to shape the future of China.

We really have an opportunity today to do what we called the new legislation "normal trade relations" with China. I urge my colleagues to vote for normal trade relations and get on with the business of the United States of America and China.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume to say that it is wonderful to have this debate because we have big problems with China, and they are the result of this policy, of which MFN for China has been the centerpiece.

All this quoting from letters of former Presidents and Secretaries of State, et cetera, they are the people that got us in the spot we are in right now. It is no wonder they support their own position. But we are here today to change that.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN), one of the agents of change.

□ 1300

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentlewoman from California (Ms. PELOSI) for yielding.

Every day we see more and more Chinese products on American shelves, products made by child labor, products made in terrible working conditions, products made by prison labor, products made by grossly underpaid workers.

Chinese workers and slave labor conditions make dolls like this for America's children; 14-year-old children in China make softballs like this for 14-year-old children in America to play with on playgrounds. Every year we buy $75 billion of goods from China, a nation of slave labor and child labor and a nation which sells nuclear weapons to our enemies and shoots missiles at Taiwan, a regime that terrorizes political dissidents and brutalizes Tibet.

Is that what we stand for as a nation? Are these values our values? Are these the values that we want to teach our children? Is this the legacy we want to leave our children?

I ask Members of the House to vote no on MFN, to vote yes on H.R. 121.

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

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

I would like to share one other quote with our colleagues here:

> I am optimistic about China, and the reason is because I believe China will meet the challenges it faces. I think it will add many new chapters to its modern success story. And in this, let me say, I hope the United States plays a positive role.

This was former President George Bush in June of this year.

Mr. Speaker, I yield 3 minutes to our distinguished colleague, the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, I rise today in opposition to this resolution and in support of normal trade relations with China.

The open exchange of goods and services has been a critical component of fostering understanding between nations for centuries and has helped bring about regional economic and diplomatic stability.

As Reverend Pat Robertson stated so eloquently in a piece in the Wall Street Journal last month,"Leaving a billion people in spiritual darkness punishes not the Chinese but the Chinese people. The only way to pursue morality is to engage China fully and openly as a friend."

And the best policy, Mr. Speaker, continues to be engagement. The same can be said about Congress' obligation to protect our national security. Will cutting off trade with China help us maintain adequate intelligence and diplomatic ties with a growing superpower? The answer, of course, is no.

While presidential summits occur only once in a great while, the day-to-day act of engaging in commerce continues unabated. It is the majesty of free trade that brings together businessmen and women in a ritual that has solidified relationships and fostered goodwill among the people of nations, not just their governments.

Make no mistake about it, denying normal trade relation status to China will drive U.S. tariffs into the 50-percent range and destroy our trading relationship. It is the equivalent of a declaration of economic war. Is this the signal we want to send to the Chinese people?

United States Government indicators already suggest that the Asian economic crises is beginning to affect the domestic production of goods in the United States. As a result, this debate takes on added significance.

China's resolve in holding firm in their commitment not to devalue their currency has helped to keep that region from slipping even further into an economic abyss. Any sudden and drastic shift in trade policy will only cause further harm to our economy and cause greater instability in a region already struggling with economic and nuclear proliferation problems. Free trade brings both economic and diplomatic benefits. Now, more than ever, we must continue our normal trade relations with China.

I urge my colleagues to reject the Solomon resolution. By doing so, we will allow American businessmen and women, religious leaders, and human rights advocates the ability to share their products, their philosophies, and their ideas with this rapidly-changing country.

Mr. Speaker, I include for the RECORD documents endorsing this vote against this resolution by the United States Chamber of Commerce.

THE VOICE OF BUSINESS—PRESERVE NORMAL TRADING STATUS WITH CHINA

(By Thomas J. Donohue)

WASHINGTON.—The President's recent trip to China highlighted an important annual debate in Washington: Should Congress renew China's Most Favored Nation trading status with the United States?

Some believe that Congress ought to restrict trade with China pending further human rights reforms and democratic changes in that country. But others recognize that cutting off trade will backfire—it could actually work to the detriment of those well-meaning goals, while hurting American businesses, workers, and consumers.

To begin with. Most Favored Nation (or "MFN") trading status is not special in any way—it's a term for the normal trading relationships that the United States has with the rest of the world. Just six nations are without MFN status—North Korea, Cuba, Serbia/Montenegro, Laos, Vietnam, and Afghanistan—and they face either extremely high tariffs or embargoes on their goods. By granting MFN status, we are not doing any country a favor—we are simply treating that country as a normal trading partner.

And not doing so with China would be an enormous economic and strategic mistake.

China is a vitally important trading partner of ours. In 1977, two-way trade was $400 million. By 1997, this figure had exploded to more than $75 billion—and it's still growing.

US-China trade supports over 200,000 export-related American jobs, as well as tens of thousands of jobs in US retail, financial services, consumer goods and transportation companies—not to mention American companies that rely on imported Chinese components to make their finished goods. Restricting trade with China would hurt a range of American companies—from large, globally competitive corporations, to tens of thousands of small enterprises.

Ironically, destroying the opportunities of thousands of American entrepreneurs is being touted as a moral and just policy. Indeed, some believe that refusing to grant MFN status is the best way to express distaste with China's domestic policies. This is wrong, too. Trade allows us the best opportunity to set the example and create the necessary relationships to effect change in China. Foreign companies there set the tone for democracy by reducing area poverty, helping to increase the standard of living, and teaching the values and behaviors necessary for open trade and democracy.

Trade helps to strengthen China's growing civil sector, creating independent pockets of wealth that allow people to reduce their dependence on the state. And by engaging China on the economic front, it has gradually become more open and tolerant. In fact, missionaries working in China have asked Congress to continue to grant China MFN trading status—they believe that it is having a positive effect. Commercial engagement naturally won't solve all the problems of the world—but it sure goes a long way.

Finally, refusing MFN status in order to forward one political goal—expressing disapproval of China's human rights record—would make achieving other political goals much harder. As a nuclear power with the largest population in the world. China is crucial to the stability of the Asian region. China is also taking steps to become a part of the world economic community. And China's cautious and helpful reaction to the Asian financial crisis has helped contain the problem.

As the door to China has opened wider, ideas of freedom are flooding in. It is in the U.S.'s enlightened self-interest to trade and work with China—creating an economic and national security ally in an area of the world that demands it.

ENGAGEMENT WITH CHINA HAS LED TO CONCRETE BENEFITS

TRADE

In 1977, two-way U.S.-China trade was $400 million. By 1997, two-way trade had grown to $75.3 billion.

U.S. exports to China grew to $12.8 billion in 1997.

U.S.-China trade supports over 200,000 export-related American jobs, as well as tens of thousands of jobs in U.S. retail, financial services, consumer goods, and transportation companies.

China is the 6th largest export market in the world for U.S. farmers. In 1997, the United States exported $1.6 billion in agricultural products to China. The American Farm Bureau called China "the most important growth market for U.S. agriculture into the 21st century."

The World Bank estimates that China's infrastructure needs over the next decade are in the neighborhood of $750 billion. U.S. companies in the power generation, telecommunications, petroleum and other industries are well poised to meet these needs.

SECURITY

China helped broker a United Nations (U.N.) peace accord in Cambodia.

During the Persian Gulf War, China acceded to U.S. military action against Iraq by not exercising its U.N. Security Council veto.

In 1994, Chinese pressure helped defuse a crisis over North Korea's efforts to obtain nuclear weapons, and more recently China has played an important role in the Four-Party Talks between the United States, China, and North and South Korea.

China and the United States have made concrete progress on nuclear cooperation and nonproliferation goals. China joined the Nuclear Non-Proliferation Treaty in 1992; signed the Chemical Weapons Convention in 1993; and signed the Comprehensive Nuclear Test Ban Treaty in 1996.

HUMAN RIGHTS DEMOCRACY

The best way for the United States to see a prosperous, free China is for U.S. companies to stay commercially engaged. Commercial engagement is not a panacea that will solve all the problems of the world, but the human impact is clearly positive.

A June 8, 1998 Asian Wall Street Journal commentary noted that foreign companies in China set the tone for democracy by (1) reducing poverty; (2) teaching the values and behaviors of democracy (open communication, receptivity to change, teamwork, information sharing, and initiative); (3) supporting the rights of the individual, and (4) hiring on the basis of merit.

Trade is helping to strengthen China's growing civil sector, creating independent pockets of wealth that allow people to reduce their dependence on the state. Economic freedom is an essential dimension of other freedoms.

The lives and freedoms of ordinary Chinese have improved dramatically in the last twenty years. Access to outside sources of information, such as foreign television programs, books, and magazines, has expanded dramatically.

On June 14, The Washington Post reported that genuine elections have become commonplace in roughly half of China's 928,000 villages.

While China must further improve its human rights climate, sustained senior-level U.S.-China dialogue will mean continued attention to U.S. concerns in this area.

INTERNATIONAL FINANCIAL COOPERATION

China has received a great deal of international praise for the responsible role it has played to date in the Asian Financial Crisis. China has not devalued its currency in spite of the very damaging effect the crisis has had on its exports. Senior U.S. and Chinese officials have had ongoing consultations about how to address the crisis.

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

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, this is a very important issue for all of us, something we need to consider seriously. Are we or are we not going to trade with China? Are we or are we not going to have normal trade relations with China? Are we going to say that 1.2 billion people we ought to totally ignore and isolate?

Do we want to go back to the Cold War? Do we want the Germans and the French and the Russians and every other country on the face of the Earth to do business in China but yet the United States of America is not going to do business anymore? That is the question we are asking ourselves today.

I have come to the conclusion that we should have normal trade relations with China. I think it is in the United States' best interest to trade with China. I firmly believe that the best way we can continue to influence and impact change in China is through engagement, not estrangement.

Certainly, the Chinese government must take serious legitimate steps to reverse its record of human rights violations and it must incorporate democratic reforms to promote liberty, freedom, and justice for the Chinese people. We want that to happen.

As a matter of fact, when President Clinton visited China recently, and I thought it was a tremendous success, even though we had many critics even here in the House of Representatives that said, Oh, Mr. President, do not go to China. You should not go to China. You should not go to China at all for any purpose, even though it might improve relations and solve a lot of problems that exist today. Well, I say to all of them, those of them that believe strongly in freedom and rights and human rights, this is the opportunity we have in the United States of America to make sure that we continue to move forward.

China has a population of 1.2 billion people. Shanghai alone, one city in China, has 17 percent of all the building cranes in the world just in that one city. The Minister of Education in China said not long ago that "we are teaching more Chinese English than you have in population." I say that not to raise fears or concerns. I am saying that they are on the move.

And there is no doubt we will see sometime in the 21st century that China will be a superpower. Yes, it is just a developing nation today. It will be a superpower. I want a friend, not a foe. I ask my colleagues to vote no on H.J. Res. 121 and support normal trade relations with China.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from New Jersey (Mr. PASCRELL). While only a freshman, it is impossible to believe he is only a freshman, with all the work that he has done on this issue so successfully.

Mr. PASCRELL. Mr. Speaker, I hold up an ad that was in The Hill today, which cost $3,885 for the record. It is a part of the democracy we live in. I will not name the firm, but the firm writes this: "This firm is committed to helping China develop sustainable economic growth."

And I find that to be very, very laudable. But what about us in this country? That is what this is all about. And to answer the last speaker who spoke eloquently here, we are all for freedom. The question is, what does that freedom mean?

We have seen what has happened to the textile industry in this Nation over the last 30 years. If that was not bad enough, China is currently the third largest source of U.S. textile and apparel imports. Chinese textile and apparel exports to the United States are limited by U.S. quotas established under a bilateral agreement with China. The most current agreement was reached in February of 1997.

The U.S. Customs Service, that is us, has found evidence that China has attempted to circumvent the U.S. textile quotas by transshipping Chinese products through other countries to the United States using false country-of-origin labels. This is a very common problem. I ask the opposition to this resolution to respond to this illegal trafficking of goods into this country.

We talk about the sliding Asian economy. As it gets worse, there will be a propensity to produce more cheap goods to flood our markets. That is what this is all about. We cannot have normal relationships with the Chinese government. Our fight is not with the Chinese people. God, they have been treated horribly. Our argument is with the Chinese government.

Instead of thinking about what kind of message will we send them if we put sanctions, if we do this or that, my question is, when are they going to start sending us messages that are not confusing messages, that speak to this very one-sided ad in The Hill newspaper this morning? When are they going to begin following the law of the land and of the world? When are they going to be treating their workers as human beings? When are they going to stop trading nuclear weaponry equipment to countries that are our enemies? That is a very serious question.

We believe in freedom in America, and we cannot wish it through a trade agreement that is not reciprocal.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. DREIER) will control the time allocated to the gentleman from Illinois (Mr. CRANE).

There was no objection.

Mr. DREIER. Mr. Speaker, I am very happy to yield 2 minutes to the gentleman from Morristown, New Jersey (Mr. FRELINGHUYSEN), a very hard-working member of the Committee on Appropriations, one of the leaders in the cause of our strategy of engagement.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of normalizing trade relations with China and against the resolution.

As a Member of Congress who supports increasing our trading exports and increasing American jobs, the only way we can accomplish this is by continuing normal trading relations with China.

While there has been much heated rhetoric over this annual decision, the fact is that a vote against extending trade relations with China will indeed cast a serious doubt in the United States and abroad on Congress' capacity to deal constructively with many of the serious issues facing our relationship with China and, for that matter, other nations.

The U.S. must send a signal that we will continue to be engaged with China. Engagement has worked and continues to work. Without engagement, we cannot expect any constructive movement towards our mutual goal of protecting human rights or dealing with the Asian financial crisis.

Our policy of engagement allows us to press human rights directly with Chinese leaders. Normal trade and economic engagement has continued the process of opening China, exposing Chinese citizens to our politics, our ideas of freedom, and all the things that we hold dear in our country.

In addition, China has played an important role in responding to the Asian financial crisis, in part by maintaining its exchange rate. Would these things have happened if we would not have pursued continuing engagement with China? Probably not.

An estimated 400,000 jobs depend on exports to China and Hong Kong. In my home State of New Jersey, approximately 5,000 to 8,000 jobs depend upon our continuing trading with China. Our national exports to China have more than tripled.

I rise against the resolution and for normal trading relations.

China is now our fifth largest trading partner. In New Jersey exports to China amount to $350 million and range from manufacturing products such as electric and electronic equipment to various food and paper products. Revocation of trading status with China would invite retaliation against U.S. exporters and investors, giving a huge edge to other nations, thus hurting U.S. consumers, who pay upwards of half a billion dollars more per year on products because of higher tariffs.

Mr. Speaker, I support trade relations with China and improving human rights in China and urge my colleagues to vote against this resolution.

While there has been much heated rhetoric over this annual decision, the fact is that a vote against extending trade relations with China will cast a serious doubt in the U.S. and abroad on Congress' capacity to deal constructively with many of the serious issues facing our relationship with China and the nations! The U.S. must send a signal that we will continue to be engaged with China. Engagement has worked and continues to work. Without engagement we cannot expect any constructive movement towards our goal of protecting human rights or in dealing with the Asian financial crisis. Our policy of engagement allows us to press human rights directly with China's leaders. Normal trade and economic engagement has continued the process of opening China, exposing Chinese citizens to our politics, ideas and personal freedoms.

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

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the gentleman from California (Mr. MATSUI) for yielding me time.

Mr. Speaker, I rise today to support trade with China. It is absolutely essential for America's farmers. We can face the challenges with trade that China represents, or we can turn our back and face the consequences: lost markets for American farmers and the possibility of food shortages in China.

China cannot produce enough food. They have 25 percent of the world's population, 7 percent of the world's arable land.

□ 1315

In 1997, U.S. ag sales to China totaled $4 billion. Huge trade surplus in agriculture, almost 250 percent in our favor. One of our largest wheat importers.

China is increasing its food imports. Normal trade relations with China is absolutely critical to continued market access. As the China economy improves, more value-added goods will be bought by China.

China will have to play fair to enter the World Trade Organization. China must show improved access for U.S. ag products to enter the World Trade Organization. Revoking normal trade relations will derail this progress.

Engagement results in improvements. We want a peaceful, prosperous China. A billion hungry Chinese does not lead to a stable democracy. The U.S. is well positioned to help feed their people while maintaining positive relations. Turning our back on China today would be a huge mistake. We must recognize we are in a global economy.

Human rights is a great concern. But just recently in my home State of Arkansas we found that the governor had ignored torture and abuse of children in our State in juvenile detention centers. That is a terrible thing. None of us approve of that. But we did not stop trading with the State of Arkansas because that happened. We must continue an effort to have constructive engagement. I urge a "no" vote on H.J. Res. 121.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume. Before I yield, I want to comment on the gentleman's statement about agriculture. I think it is absolutely true that our agricultural products should have access to China. Unfortunately,

they do not. Just over 2 percent of U.S. agricultural exports are allowed into China. A witness before the committee on Ways and Means in favor of MFN for China, nonetheless his testimony, Mr. Micek's testimony said:

Our ability to participate in some of China's agricultural markets remains restricted. The Chinese central government controls grain production, pricing and distribution. The government also controls how much fertilizer and agricultural chemicals are imported, what prices will be paid for grain and cotton, and how much of these commodities can be exported. The government maintains monopolies on grain and fiber purchases, as well as on the main distribution channels for agricultural inputs. We have had difficulty collecting on contract obligations, even from branches of the government.

I do not understand why the agricultural community in this country is not demanding more in terms of access to Chinese markets instead of following down this path of just keep waiting another 10 years and maybe we will be able to increase our exports to China above 2 percent.

Mr. Speaker, I also want to quote Senator KENT CONRAD from the Senate Finance Committee hearing on July 9, 1998 when he said China has reduced imports of American wheat from 3 million tons a year to 400,000 tons in the past 4 years while wheat farmers in North Dakota were facing disaster.

In agriculture as in other trade sectors, and these are my words, the administration's policy is not working. Let us change that. Let us change the status quo.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Vermont (Mr. SANDERS), a champion of human rights in this Congress.

Mr. SANDERS. Mr. Speaker, I rise in strong opposition to most-favored-nation trade status with China, or whatever it may be called today.

Yes, I know that all of corporate America wants us to pass MFN. I know that companies who contribute tens of millions of dollars to both political parties want us to pass MFN. I know that the corporate media wants us to pass MFN. But nonetheless, we should do the right thing, protect American workers, protect decent-paying jobs, and we should oppose MFN.

Mr. Speaker, our current trade policy is a disaster. This year we will have a record-breaking trade deficit of some $200 billion. That means that we are importing $200 billion more in goods and services than we are exporting, with the loss of some 4 million jobs, many of them decent-paying jobs. Our trade deficit with China this year is exploding, and this year will reach some $60 billion.

Mr. Speaker, American workers should not be asked to compete with the desperate people of China who are forced to work at wages of 15 cents an hour, 20 cents an hour, 30 cents an hour, and who are unable to form free trade unions, elect their own government or speak out for their rights. That is not fair competition or a level playing field. We should not continue through MFN to encourage our corporations to throw American workers out on the street while they invest tens of billions of dollars in China in search of cheap labor. Let us not forget, Mr. Speaker, that over the last 20 years, while trade with China has increased and our deficits with them have soared that the standard of living of American workers has gone down and people are working longer hours for lower wages.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my very good friend and classmate from Findlay, OH (Mr. OXLEY) the chairman of the Subcommittee on Finance and Hazardous Materials of the Committee on Commerce.

Mr. OXLEY. Mr. Speaker, I rise in opposition to the resolution of disapproval.

Mr. Speaker, before I get into the thrust of my comments, I think most of all we need to be reminded that this debate is really all about extending normal trading relations with China, something that we do with 223 other countries and we finally got around to changing that nomer and I am glad that we did.

We have got to consider how far our relationship has gone with China in the last 20 years. In 1978, China was trying to recover from the results of the cultural revolution. The little economic activity that did take place was completely controlled by the government in a traditional, centrally-planned system. The Chinese people were lucky to have rice on the table. There was no religious or political freedoms whatsoever.

Mr. Speaker, 20 years of economic freedom have created a thriving middle class of 350 million people. Freedom of religious expression, while certainly limited, has returned and churches of all faiths are active across the country. Finally, local elections are now free and competitive. People are beginning to have a say in politics.

Mr. Speaker, a few years ago, I had the opportunity to visit China with several other members. We were pleased to participate in a luncheon that was hosted by AT&T, one of our major telecommunications companies that are opening markets within China. I was seated beside a young lady who was working at that time for AT&T. We discussed her past and her future and she told me that she had been a student at Brown University, one of 20,000 college students from China who study in the United States every year, most of whom return to China to build a new China. That is what she said she was all about, that she wanted to return to her home country, build a new China, and she said, I realized my utmost dream, and that was I had a chance to be educated in the United States and work for an American company in my home country.

China is changing. We have to recognize that fact. I ask that the resolution be defeated.

Mr. CHRISTENSEN. Mr. Speaker, I yield 5½ minutes to the gentleman from Pensacola, FL (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman for yielding me this time and I rise in support of this resolution. I love these debates just because of the things that we hear. I heard earlier the human rights conditions in Arkansas being compared to the human rights conditions in China. Just 5 minutes ago we heard it. How desperate can you be to pass this thing?

In Arkansas you were not drug off away from your family for holding a religious service in your home for 2 years. That happens in China. There are not 1.2 million people from Arkansas who have had to flee their country or their State simply because they believe in Buddhism as has happened in Tibet. In Arkansas you are not taken out and killed if you disagree with the government. That still happens in China. In Arkansas, 60 million people have not been killed over the past 50 years. That has happened in China. Ten times the number of people killed in the Holocaust by Adolf Hitler during World War II, 10 times that amount of people have been killed in China since 1949. Yet the human rights condition in the State of Arkansas is compared to the human rights condition in China. How desperate.

I also hear, "I want a friend, not a foe." I think that is a sweet sentiment. I also want a friend, not a foe. But does a friend just 2 years ago threaten nuclear annihilation of Los Angeles, California? Now, maybe you do not like Hollywood or the Dodgers, but this is a dangerous thing. You do not threaten nuclear annihilation of Los Angeles.

Also, we are constantly being given false choices. We have to be told, you are either a friend or a foe of China. We will either engage in China or be knuckle-dragging isolationists. That is a false choice. We all recognize that the 21st century will be the American and Asian century. We all recognize that 7 out of 10 countries in the Pacific rim will be the largest economic powerhouses in the world in the next 50 to 60 years. We all recognize we will once again face a bipolar world that we will be sharing with China. The question is, when we are negotiating in this bipolar world, will China receive the message that we are going to be negotiating every time by Chinese values, or by normal, human issues and values?

I think it is essential that at the beginning of this new century, we have to

lay down markers and say this is what we believe in, this is what we stand for, these are principles that we will not negotiate. I thought that is what we did in 1995 when we said we will extend MFN, the good old days, when it was called MFN, we will extend it under three conditions: Number one, do not abuse human rights; number two, do not export nuclear weapons; number three, stop stealing our intellectual properties.

The past 3 years have only shown things have gotten worse. In human rights, ask Wei. He was at a press conference yesterday saying things are no better today than they were 3 years ago. Tibetans are still being crushed. Christians are still being crushed. Human rights are not respected in China today any more than they were in 1995.

As far as their nuclear export business, let us look and see what has happened in India and in Pakistan. Let us see what has happened in Iran. Let us see what has happened in Iraq. They continue to export weapons technology that place my children and your children and everybody else's children under a graver threat of nuclear annihilation today than we were in in 1995. Yet we just blow it off. We lay down these markers, the Chinese scoff at us, and we pass it in 1996 and 1997.

The Chinese say they are going to cooperate with the President more, and they fire missiles, they conduct weapons tests while the President is in Beijing. The Chinese have a word for it. The word is kowtow, and it is what many people in this Congress, many people in this administration, and many of these people on Wall Street have been doing for years. The question is why? The question is why are we doing this? Why are we negotiating away what we stand for? Why have we turned our back on Jeffersonian democracy? Two reasons. They are the next great export market. Well, God bless the next great export market. And also it is cheap labor. Let us face it, this is the dirty truth. Cheap American products are fueled by what we would consider slave labor in China.

I believe, like the gentleman from Nebraska, like the gentlewoman from California and like many others in this fight that no matter how cheap goods are that we import from China, cheap goods, paid with the blood of fellow human beings, are too expensive. I say support this resolution, and for once send a message to China that we will not continue to kowtow to them, and once they understand that, then we can begin the next century which we will share with Asia and together we will work together to fight for the things that should matter to both of us.

□ 1330

Mr. MATSUI. Mr. Speaker, I yield 4½ minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my good friend from California (Mr. MATSUI) for yielding to me. I want, first of all, to salute him and the gentleman from Indiana (Mr. HAMILTON) on our side for their hard work on this issue, as well as recognizing the gentleman from Arizona (Mr. KOLBE) and the gentleman from California (Mr. DREIER) on the Republican side for their bipartisan effort on this very, very critical issue. I also want to congratulate the President on his recent trip to China and the success of that recent trip.

As I get into my remarks, I want to be very clear about what this debate is about and what it is not about. It seems to be more and more that we have a number of myths about this debate.

The first myth is that this debate is about MFN, most-favored nation status, or it is about normal trade relations, or it is about isolationism. It is not about any of those terms. It is about constructive engagement with maybe the most important bilateral relationship that the United States will have over the next 50 or 100 years.

Will we constructively engage, cajole, criticize, beat up a power that we do not agree with on some fundamental issues? I believe in the President's policy of constructive engagement. This is a nation that is accelerating in power around the world. The Russian relationship is declining. The Chinese relationship is quickly accelerating.

China has 1.2 billion people, the fastest growing economy in the world, growing at 9 to 13 percent a year, and plays a critical role in this Asian crisis going on right now for our exports and for the strength of our economy. This is a vitally important relationship.

Many people get up and argue the second myth: This is in the Chinese people's interests for us to engage China. No, it is in the United States' interest to do this. It is in our interest to do this for trade.

I am not happy with the $63 billion trade deficit. I wish the President would have had some more success on this issue, quite frankly. But the income level of the average Chinese citizen is growing rapidly. Hopefully, in the not too distant future, this citizen in China is going to be more and more free, religiously free, politically free, and economically capable of buying more and more U.S. products.

It is in the American interests for us not to isolate China on defense than for us to spend more and more money on our defense budget. It is in our interests in international competition. It is in our interest on international cooperation, where China has been very, very helpful with issues of concern and sensitivity to North Korea.

Finally, the last myth is, that those who support constructive engagement are not in favor of human rights. I want to dismiss that myth very forcefully. Nobody is more sensitive to what happened in Tiananmen Square than, I think, President Clinton. He has taken on Jiang Zemin in Washington face to face, he has taken on Jiang Zemin in China face to face, and he has done it on TV.

Many of the supporters of constructive engagement recently voted for the Political Freedom in China Act, the enforcement ban on slave labor products, enforcing restrictions on Chinese missile exports, and so forth.

If we want to truly move China in the right direction, if we want to make them more sensitive to human rights, open up religious freedoms, make them eventually sign the missile technology control regime, let us, in a bipartisan way, vote for constructive engagement today.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR), who is a nationally recognized leader on human rights throughout the world.

Ms. KAPTUR. Mr. Speaker, I thank the gentlewoman for yielding and for her tremendous international as well as national leadership on this issue.

I urge my colleagues to vote "yes" on H.R. 121 and, therefore, vote "no" on extending most-favored-nation to China. Why do I say so? Mainly because the policy is not working. It is one way. Most-favored nation is not normal. It is abnormal. It is preferential.

How can you say, when China keeps 40 percent tariffs up against our goods, and we allow their goods to come in here at 2 percent, that kind of differential, how can that be normal? It is preferential. It is defective. It is not reciprocal. It is not normal.

Why should we reward, therefore, a growing trade deficit to our country that results from that system? Over $50 billion now, a 350 percent increase during the last decade, knocking off a quarter point off our GDP. People say, well, what does that really matter? It matters because it erodes productive power inside this society as we cash out our middle class jobs and working class jobs across the Pacific.

We have had to raise the minimum wage here. We have to save health benefits for our people. We have to try to somehow retain pension benefits at the level they existed in the past decades. And this begs the question of the other issues that should concern us on China—nuclear weapons proliferation, the kind of religious and human rights abuses China is famous for, the brutality toward Tibet.

If you look at agriculture, even in this so-called era where we are supposed to have a beachhead with China, we actually reached our little teeny weeny blip in exports in 1996 and have had a 23 percent decrease since that time.

They keep their tariffs up on our soybean oil. They do not let in our citrus.

They keep their state-run monopolies on fiber and wheat. What are we to do?

In this post-Berlin Wall era, what is it that the United States stands for? Are we using our moral, political, and economic power to build democracy in developing nations of the world? Or are we, as Nelson Mandela reminded us during President Clinton's visit there in Africa, part of a web of forces that exploits ordinary people on behalf of repressive regimes and transnational corporations who hold a disdain for democratic principles themselves?

I can tell which side of the question the passion in this debate is on. Vote "yes" on H.R. 121. Let us represent the voices of millions of people in this country and in China who feel they are held in bondage by those who fundamentally do not respect and will not tolerate the very idea of democracy for all.

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

Mr. Speaker, I have another quote I want to share with my colleagues: If each person in China were to eat one more slice of bread every day, they would need 400 million bushels more. That is about what Kansas' entire output was last year.

Mr. Speaker, I yield 1 minute to our distinguished colleague, the gentleman from Kansas (Mr. RYUN).

Mr. RYUN. Mr. Speaker, I rise today to address a very contentious issue that deserves debate. This is a debate between religious freedom and human rights in China as well as about how to promote democracy and economic freedom throughout the world.

As a supporter of freedom as well as free trade, I wish trade relations with China were a much easier issue. However, the actions of the Chinese leadership in Beijing make this a very, very complicated issue.

As a member of the House Committee on National Security, I am very concerned about China's role as a proliferator of weapons of mass destruction and for fueling the nuclear arms race between India and Pakistan. As a Christian, I am concerned about the slowness of China's progress in the area of human rights and religious liberty.

However, after much prayerful thought, I continue to believe that the best way to affect China morally, economically, and politically is through interaction with the Chinese. We should demonstrate the American way of integrity, honesty, and openness.

During last year's debate I quoted this editorial from the Economist which stated: "If you hear your neighbor beating up his children, do you give a shrug and say it is none of your business?"

I answered absolutely no last year and I do so again this year. We should not shirk our duty to go next door and try to stop the abuse.

I urge my colleagues to support normal trade relations with China in hopes of continuing our influence of religious and economic freedom.

Mr. CHRISTENSEN. Mr. Speaker, I yield 2 minutes to my colleague and friend, the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Speaker, I rise in support of this resolution and to oppose granting China normal trade relations status.

China continues to sell weapons of mass destruction and missile technologies to rogue states. Approval of normal trade relations status, formerly known as MFN, will not persuade China to act more responsibly.

Last year the Director of Central Intelligence reported that China was a most significant supplier of weapons of mass destruction-related goods and technology to foreign countries, end of quote. China has provided key technologies for Pakistan's nuclear and missile programs, and has driven India's programs. It continues to provide weapons of mass destruction and missile technologies to Iran. Last January, a Chinese state firm agreed to provide Iran with hundreds of tons of hydrofluoric acid, used for making nuclear weapons, and Sarin poison gas under falsified documents.

On top of this, China only this year increased its ICBM arsenal by one-third, weapons that can target the United States.

I urge my colleagues to tell China's leaders they must change course. Support this resolution.

Mr. MATSUI. Mr. Speaker, I yield 4½ minutes to the gentlewoman from Missouri (Ms. MCCARTHY).

Ms. MCCARTHY of Missouri. Mr. Speaker, I thank the gentleman from California (Mr. MATSUI) for the time.

Mr. Speaker, I rise today to speak in favor of extending normal trade relations to China for the coming year and against House Joint Resolution 121.

Extending normal trade relations is in the best interest of the United States. It will strengthen our presence in Asia and allow us to remain engaged on such questions as human rights and protecting the global environment.

Further, it will help to integrate China with the rest of the world and expose China to American values of individuality, freedom and democracy. Our engagement with China has resulted in the release of Wei Jingsheng and Wang Dan and the signing of an international covenant on economic, social and cultural rights.

Extending normal trade relations to China does not endorse their disregard for human rights. Instead, it provides the United States with an opportunity to speak against China's human rights violations, as the President did on his recent visit.

Our relationship with China has made it possible for organizations such as China's Children to facilitate the adoption of 154 baby girls in my district alone. Next week's Children's Hope International, of which China's Children is a member, will be meeting right here in our Nation's Capital to discuss and determine how this new engagement will facilitate even further progress.

One quarter of the world's people live in China, Mr. Speaker, and it is one of the fastest growing economies in the world. It is estimated that China's energy demand will double within 10 years. It is already the world's largest producer of ozone-depleting substances and the second largest emitter of greenhouse gases. Building trade relations with China will open the door for the United States to work with China to protect the global environment we are all concerned about.

Trade relations will also provide opportunities for cultural exchange. The United States and China have agreed to implement cultural and educational programs to increase the interaction between the two societies, including high school student exchanges, scholar exchanges for the Fulbright program, and book donations of 550 American volumes to Chinese educational institutions. These exchanges are the key to promoting American ideas of individual freedom and democracy in China.

Finally, approximately 400,000 American jobs depend on export to China and Hong Kong, and export to these countries have more than tripled over the past decade. China is our fifth largest trading partner and it is crucial that we continue our relationship with China.

In 1997, my State of Missouri exported $296 million in goods to China, and from 1995 to 1996 our exports to China grew by 631 percent. China is in Kansas City's eighth largest export destination, with $61 million in merchandise and export in 1996 alone. My district exports plastic materials and resins, automotive parts, telecommunications equipment, building materials, food and dairy products, agricultural machinery and pollution control equipment to China.

Since 1988, 51 percent of all new manufacturing jobs in Missouri have been as a result of foreign investment in China, and these new positions have been higher paying than traditional manufacturing jobs. The average monthly wage for Missouri employees who work for a foreign subsidiary is 13 percent higher than all Missouri businesses.

For example, Blackwell Sanders Peper Martin, one of Missouri's leading law firms and the Nation's fastest growing firm, employs more than 320 attorneys and 500 staff members, and many of their clients transact business with China and anticipate growth in that area.

□ 1345

Mr. Speaker, a small manufacturing company in Kansas City, Dan Bunch

Enterprises, has shared with me that they expect a 40 percent increase in jobs for their company this year as a direct result of trade relations with China.

I urge my colleagues to support extending normal trade relations to China, and to continue to work toward engaging this country on international issues of importance. Please oppose House Joint Resolution 121. Help to bring freedom and democracy to the people of China.

The SPEAKER pro tempore. The Chair advises Members the following time remains in this debate: For the gentleman from Illinois (Mr. CRANE), 18½ minutes; for the gentleman from Nebraska (Mr. CHRISTENSEN), 15 minutes; for the gentleman from California (Mr. MATSUI), 19½ minutes; and for the gentlewoman from California (Ms. PELOSI), 19 minutes.

Ms. PELOSI. Mr. Speaker, I am pleased to yield three minutes to the gentleman from Pennsylvania (Mr. KLINK), a real powerhouse for American workers.

Mr. KLINK. Mr. Speaker, I thank the gentlewoman for yielding time and being so kind in her comments.

Mr. Speaker, I have to support this legislation, H.R. 121, and I must oppose normal trade relations for China. I wish I could come here and say that I wanted to promote normal trade relations with China, that I felt that that would solve all of our problems, but my conscience will not allow that to happen.

You see, we keep granting the Chinese favorable trading status in hopes that they are going to clean up their act, that they are going to fix all of these problems, and each year we are increasingly more and more disappointed.

Since the Tiananmen Square massacre back in 1989, the U.S. trade deficit with China has soared from $6 billion a year to $60 billion this year, tenfold. If we use the common multiplier of 20,000 jobs for every $1 billion in trade, that is 1.2 million U.S. jobs that we have lost this year. If that is normal trade relations, Mr. Speaker, I, for one, want nothing to do with normalcy.

China continues to use slave labor conditions to produce its goods and products, using children and military and exporting the goods to America, while our goods to China face tariffs that are 5 to 20 times that of the Chinese exports to the U.S. If that is normal, Mr. Speaker, then maybe we need abnormal trade relations with the Chinese.

Furthermore, in the area of human rights, the Chinese continue to be the most serious of violators. Indeed, China's treatment of the people who attempt to practice freedom of religion is directly responsible for many of us here voting earlier this year to support the Freedom from Religious Persecution Act. The Chinese have little tolerance for freedom of speech or assembly, and the Chinese have been implicated in aiding the nuclear weapons program of Pakistan and Iran. Mr. Speaker, if all this adds up to normal trade relations, then I want nothing to do with it.

One of the previous speakers talked about Kyoto. I was in Kyoto last year, and we spoke to the Chinese. Whether you agree with global warming or disagree, you have to admit that it does not do any of us any good to emit pollutions into the atmosphere.

The Chinese sat across from us and said they will not do anything in the next 20 years, or the next 50 years, or the next 100 years, or the next 150 years. It was no, no, no. That is the same approach they take to trade. The Great Wall of China is in fact the word "no." When they tell us repeatedly they are not going to do business with us in a fair way, why should we try to establish normal relations with them?

We want to try to improve our relations with the Chinese, but it has to be a two-way street. The government of China has to tell us that they are willing to treat us with respect, and we must send a message back to the 1 billion-plus Chinese people that we stand beside you. When we in the United States say that we believe in equal rights for everybody, it is everybody, whether they live in our country or they live in China. So we must approve H.J. Res. 121.

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

Mr. Speaker, I would remind colleagues on the floor and who are following this debate that if we are losing all these jobs, I do not know where we will find the labor force, since we have been at full employment for two years. But, in addition to that, on the religious persecution issue, to be sure there are restrictions that remain, but there are now an estimated 12 to 20 million Protestants in mainland China, 4 to 10 million Catholics, 100 million Buddhists, 18 million Muslims, and 2 to 3 million Taoists currently practicing their religion in China. There are more than 12,000 official Protestant churches and 25,000 homes or other unofficial meeting places where church services are held.

Mr. Speaker, I yield two minutes to my distinguished colleague, the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Speaker, I thank my colleague from Illinois for yielding me time.

Mr. Speaker, yesterday I had a meeting with Doug Johnson of the Center for Victims of Torture, who is working to find innovative ways to address human rights problems all around the world. He said to me, "When the only tool you have is a hammer, every problem looks like a nail," and I believe that this is a statement that applies directly to this situation. Our hammer is MFN, and all we have is a problem that looks like a nail.

We have to find other tools to deal with China. There is not anyone in this Chamber that does not know that the bottom line is that MFN is not going to be withdrawn. Even if the Senate were to agree with the House and even if the House were to pass it, the President would veto it, and it is not going to happen.

The gentleman from Virginia (Mr. WOLF) said earlier, yes, but it holds out hope to prisoners. If that is so, it is a good debate and we should have it. I have the highest respect for the gentleman from Virginia (Mr. WOLF) and his judgment and his leadership on these issues, but we have to look, Mr. Speaker, for the other tools.

Last year, we introduced legislation in the Congress that would add other tools to our addressing human rights abuses in China. Together with a number of colleagues, the gentleman from California (Mr. DREIER) and the gentleman from Arizona (Mr. SALMON) and others, we introduced legislation that would provide us with real tools to change China: Increased funding for Radio Free Asia, increased funding for the National Endowment for Democracy, discrete sanctions on human rights abusers, increased reporting on human rights by the State Department, increased contact between Chinese people and Americans, and more. This body passed that legislation. It is over in the Senate now.

Mr. Speaker, this is the way we have to address these problems and solve them.

Mr. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I do identify very strongly with the comments we just heard from the gentleman from Illinois (Mr. PORTER).

Mr. Speaker, we are in the process of shaping our relationship with China for decades to come, but we are also in the process of defining what kind of international leadership in the post-Cold War era we are going to have, moving away from military might and trying to thoughtfully exercise our role in a changing economy.

Our annual ritual of threatening to revoke normal trade relations is understandably mystifying, not just to the Chinese, but to many others around the world.

But looking at the Chinese, this ancient culture can appropriately be baffled by the many voices of Congress and the administration that happens every year in this debate, when they and every Member on this floor is aware that there are problems in many other countries that enjoy normal trading relations, in Asia, in the Middle East, in Africa, that have problems

with human rights, environmental issues, religious persecution, and enjoy routinely normal trading relations. Normal trade relations is in fact a blunt instrument which does not advance our agenda of integrating the Chinese into the community of nations with whom we share economic, environmental and human values.

We also need to pause for a moment on this floor to reflect upon the important and complex relationship that this country has in fact enjoyed with China over the course of this century. The Chinese were a key ally in dealing with the former Soviet Union, and it was as a result of that relationship that we hastened the end of the Cold War. They continue to be a moderating influence in the area where the American troops are most likely to be engaged in armed conflict, the Korean Peninsula.

We also need to realize the environmental value to the United States of remaining engaged with the Chinese. Strengthening our relationship will help influence their decisions on controlling pollution and development.

I do not think anybody should accept Chinese behavior assisting rogue nations or denying that we should do all in our power to encourage greater freedom for the Chinese people. There is, in fact, much more that needs to be done. But, as the President's recent trip to China highlighted, significant progress has been made over the course of the last couple of decades. There have in fact been gains, even in areas of religious freedom, and there are the stirrings of grassroots democracy, unthinkable only a few years ago.

Mr. Speaker, the environmental progress, progress on human rights, greater freedom for the Chinese people, peace and stability in Asia, greater economic opportunity for the United States, these are all key long-term goals that are in fact shared by the vast majority of people on this floor. I strongly urge the rejection of the resolution before us.

I would just make one brief reference to a dinner I had in my district two weeks ago with a variety of representatives from high tech companies. One small high-tech company admitted that their software was in fact continuing to be pirated by the Chinese. They stepped back for a moment and said to me, "Yes, it is true. But, you know, the way we are looking at it, we have them hooked on our product. Ultimately they are going to be relying on us for the product, in the long run." I think this is the sort of approach we could engage in this debate as well.

Ms. PELOSI. Mr. Speaker, I would like the record to show the rate of piracy of software in China is 95 percent.

Mr. Speaker, I am very, very pleased to yield one minute to the very distinguished gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I thank the gentlewoman for her outstanding leadership on this issue.

Mr. Speaker, I rise in favor of withdrawing normal trade relations with China. Does anyone really think that this is going to be the norm, this is the type of norm we want? We want a country that uses its platform, a very large country, for nuclear proliferation, for conventional arms sales, like missiles, for weapons of mass destruction? That, of course, has such an abysmal record on human rights, that is threatening countries with force, threatening parts of its nation, Taiwan and Tibet, with force?

If one just wanted to look at the trade issues, is it normal to in fact trade with countries that have encouraged child labor, that have forced labor, that have slave labor, that use their military production capacity for consumer product production, that have no worker rights? Is that the norm?

There are no safety rights and no health rights for workers, as well as blatant disregard for intellectual property and other types of normal trade rules. Prohibitive and unfair tariffs, which they unilaterally impose, is that normal, or offsets they require, so much so, as one of my colleagues said, that a Boeing plane is at home when it arrives there?

Mr. Speaker, I think it is time we ask for what is normal and vote up this resolution to deny normal trade with China—over two decades of excuses and excusing China is enough. China is not entitled to be treated special when its actions are so below the norm.

I rise today in support of the resolution to withdraw normal trade relations with China. Because of the limited progress that has been attained on vital issues between the United States and China, extending normal trade relations is inappropriate. The action to curtail normal trade relations is harsh, but based upon the objectives, values, and facts as they pertain to United States-China relations, necessary.

China's government continues to be one of the most oppressive in the world. The United States has a responsibility to employ our economic leverage and respond to the irresponsible, inhumane and unjust behavior. Revoking trade relations may not be an ideal vehicle, it is at best a blunt instrument. But it is one of the only mechanisms we have today to highlight China's lack of compliance with internationally accepted human rights norms. And yes, their conduct and behavior is such that this type of profound action is indeed justified.

Many of my colleagues are willing to set the human rights issues aside, reasonably concerned about economic impacts which may result in revoking normal trade status. It has been said that this legislation would hurt American labor. However, the trade deficit with China is in reality actually costing American jobs, notwithstanding the upside-down logic that has been repeatedly advanced by the interests that profit from the United States/Chinese trade deficit. Some 63B this past year.

If China was a market for made in the USA goods, it would indeed be a vital method of boosting our economy. If we were importing goods from Chinese-owned businesses, we would be promoting free enterprise within China. However neither one of these scenarios reflect reality. Some American companies use China as a production platform—a manufacturing site for goods which are then sold in the United States. Jobs which have traditionally provided American workers with living wage employment within the USA and a real chance to join the middle class are being given to Chinese workers, who are paid $2 a day or less!

It has been said that all of these issues will be more effectively addressed within the framework of normal trade relations; that trading with China would encourage the breakup of the socialist economic, political, and social systems and support free enterprise; that we don't want to offend China for fear of further oppression. Historically, reduced tariffs have not automatically resulted in enhanced human rights. After all, trading indiscriminately with Nazi Germany, or Japan in the 1930's didn't cause reform, and it is unlikely to cause reform today. In fact, we can take some solace in the action which limited economic intercourse with the former Soviet Union, or on a different scale, with nations like South Africa. These limits and economic sanctions did have positive results.

Let's change the focus of this debate. Rather than focusing on what kind of country China is, we must ask ourselves; what kind of nation are we? Has the United States reached the point where we believe that economic change alone will deliver human rights? That trade relations are supreme to the welfare of American workers? More important than standing up for freedom and democracy? All of the factors being discussed here today; the record deficit, the tariff gap, the wage disparity and the abuse of workers, illegal copying of intellectual property, arms proliferations, weapons of mass destruction, and technology transfers—all of these undermine values which this country is committed to uphold. Continuing to grant normal trade relations status to China would send a clear message; business as usual, our Nation will bend if the price is too high. Frankly, that is a price that we cannot afford. Human rights and people must come first in our world view and values. If this is the norm, the U.S. may as well put on the shelf its advocacy and values when it engages in trade.

Chinese actions, both internally and internationally, do not merit special status or normal trade status with the United States. I encourage my colleagues to join me in supporting this legislation, which sends a clear message to the Chinese government that such actions will not be tolerated and that the U.S. policy in light of such Chinese policies and actions is not business as usual and normal trade relations.

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

Mr. Speaker, I have another quotation I would like to share with my colleagues. "No country has a larger interest than Taiwan in seeing prosperity take hold on the mainland, for

prosperity will help push mainland China into becoming a responsible member of the international community. MFN is a useful tool in steering the PRC on the path to prosperity and eventually democracy."

That is a quote from the Honorable Jeffrey Koo, Advisor to Taiwan Government, Chairman, Chinese National Association of Industry and Commerce, in May of this year.

Mr. Speaker, I yield 1 minute to our distinguished colleague, the gentleman from Pennsylvania (Mr. FOX).

□ 1400

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to support normal trade relations with China. However, I share the concerns of others in this body about stopping the human rights violations. This should be achieved, I believe, through constructive engagement with China.

Of special concern are those particular human rights violations that involve the killing of minor criminals whose body parts are then sold for profit. I will note that the U.S. Attorney's Office in New York is investigating these crimes. The need for engagement goes beyond the improvement of human rights violations, but also making sure the balance of payments, of trade, are improved, and stopping the nuclear proliferation.

My hope for the future, Mr. Speaker, is that China moves to democratic rule and the U.S. becomes their role model nation. I believe that by working together, the government that flourishes now in Taipei, Taiwan can be what the people of Beijing, China yearn for and will receive. I hope that my colleagues join me in supporting normal trade relations.

Mr. CHRISTENSEN. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. HUNTER), my good friend and colleague.

Mr. HUNTER. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, a lot has been made about the label of this debate. Is it over "normal trade relations" or is it over "Most-Favored-Nation status?" In reality, it is over $64 billion. It is a $64 billion question, because we send to China $64 billion more each year than they send to us.

The second question we should ask is, is it in America's interests to send $64 billion a year to China? Well, let us examine some of the things they are doing with that money. They are buying missile cruisers that were designed by the then-Soviet Union to do one thing: kill American aircraft carriers and the men and women who operate those aircraft carriers. That is one thing they bought with the money we have given them.

What are some of the other things they have done with the money we have given them, some of that $64 billion? They have upgraded their strategic systems. That means the Long March missiles, some of which are aimed at American cities like New York, like San Diego, like Los Angeles. So they have built and deployed and aimed nuclear weapons at some of our cities with some of the money that we have given them.

What are some other things they have done with some of the $64 billion we have given them? They have proliferated poison gas components and nuclear weapons components to such adversaries of the United States as Iran, Iraq, Libya, and North Korea. They have sent poison gas and nuclear components with some of that $64 billion that we have given them.

Mr. Speaker, I say to my colleagues, if this is a business deal, the currency of this business deal may be death in the future for young Americans in uniform, and that is the worst kind of trade deficit. Vote up on this resolution.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I rise in opposition to the disapproval motion and in support of renewing normal trade relations with China.

The question is whether renewing normal trade relations with China is really a false and antiquated choice. We can no longer afford to ignore this superpower. We need to maximize our lines of communication. Where we can agree with China on matters of trade, we need to agree; where we disagree with respect to human rights or national security, we should fight like the dickens to protect our interests, and we certainly can assume they will do the same with respect to their interests.

It is fair to say that a trade deficit exists with China that we need to aggressively tackle. It is estimated that about 400,000 well-paying jobs are created in this country as a result of trade with China, but it is not nearly enough. But make no mistake about it, the solution to that problem does not lie in revoking normal trade relations with China, it lies in hard-nosed negotiating at the bargaining table.

In my State of Florida there are many nontariff barriers that exist with respect to importation of agriculture into China, and at the bargaining table where we have a voice is the best way to effectuate that change.

Much has been said about human rights violations in China. Billy Graham wrote a letter last year to the gentleman from California (Mr. DREIER) citing the work of his son, Ned, with churches in China, in which he advocated improving our relationship with China and having a stronger relationship. The best way for us to effectuate positive change in elevation of religious freedom and other democratic values we so deeply cherish is by exposing that country to our values and doing so by a more aggressive relationship with China where there is more interaction. That happens by normal trade relations; it happens by sending more of our religious leaders and other leaders concerned about human rights into China to bring about change from within.

We cannot ignore this superpower. We need to continue to have normal trade relations. It is in the best interests of our country in terms of trade; it is our best way for effectuating positive change within the borders of China.

Ms. PELOSI. Mr. Speaker, I am very, very privileged to yield 1 minute to the gentlewoman from California (Ms. WOOLSEY) who comes closest in my mind to being the conscience of this Congress.

Ms. WOOLSEY. Mr. Speaker, I would like to thank my colleague from California (Ms. PELOSI) for her leadership in this regard. I rise in support of this resolution.

Mr. Speaker, we have been told and we are hearing today that economic engagement will solve China's abuses of human rights and that China has made progress in many areas. To that I ask, what progress? Repression of religion is not progress; forced abortion is not progress; nuclear proliferation is absolutely not progress; and repression of peaceful expression is not progress.

Mr. Speaker, we have been told that revoking MFN status would discourage progress or a change in China. Well, I do not believe that for one second. The Chinese bluster, they bully, and if they believe we are committed to progress, they will progress themselves because they want to sell their products to the United States. To ensure that China makes real progress in labor rights, religious tolerance, basic human rights and the end of nuclear proliferation, vote for H.J. Res. 121.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume for another quotation.

"Vigorous economic development leads to independent thinking. People hope to be able to fully satisfy their free will and see their rights fully protected. And then demand ensues for political reform * * * The model of our quiet revolution will eventually take hold on the Chinese mainland," end of quote. That was from the new Taiwanese President, the first elected President of Taiwan, in his inaugural address 2 years ago.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), our distinguished colleague.

Mr. CUNNINGHAM. Mr. Speaker, China is a rogue nation, as dangerous to us and the world as a dangerous pit viper. It is ruled by totalitarians and lying communists over a people that want to be free.

Dissidents beg us to stay engaged, both diplomatically and economically, and I take a back seat to no one in fighting Communists or socialists in this country and abroad. China is different than it was 10 years ago because we have engaged economically. Go there and see the differences that we have made. If we had not engaged, China would not be different. Trade with Middle East, trade with Northern Ireland, we could make the same arguments on trading with them.

I understand why the other side is opposed to this issue. I am that close to being with them on the issue, because while engaging in trade, the President has failed the other side. You do not walk softly and carry a big stick of candy in trade. You do not not stand up for American rights and let China have high tariffs. You do not let our own forces train the Communist PLA that will be used against Taiwan. You do not slap Taiwan in the face and support China. You do not not stand up for human rights. And the other side is absolutely correct, but I believe unless we trade economically, unless we try and change this 10,000 year-old dog, that we will be behind.

COSCO, Long Beach shipyard. You do not let a pit viper in the crib of your baby. You do not let a communist Chinese shipping company that has shipped chemical and biological weapons into California. They have shipped AK-47s into California. They have shipped to Iran and Iraq, the reason that we are there right now in California.

So the President has failed in his policies with China, but he has also traded with them, and I think that will make the changes necessary.

Mr. CHRISTENSEN. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SANFORD), my good friend and colleague.

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

I stand in essence where the gentleman from California, my colleague, stands, and that is, it has been said that it is but a straw that can break the camel's back, and that is where I am with this vote, because on the one hand I very much believe in free trade. I look back at the gentleman from California (Mr. DREIER) back there, who has been courageous in leading for free trade around the globe, and I believe with him in that very simple concept.

But I also believe that we in Congress have a fiduciary responsibility to send a message where we think a message ought to be sent, and that is where I am struggling. Because if we look right now, I would say that there is a growing sense that there is an expansionist policy in the South China Sea with China, and that we ought to send a signal that says that is not okay.

Now, admittedly, using MFN to send that signal is a very blunt instrument, but as a Member of Congress it is the only instrument that I have that will mean something to the Chinese. So it is with great reluctance that I will be voting against MFN, but I do so because of what is happening.

We look at for instance what happened in the Straits of Taiwan last year when they opened democracy. Taiwan was trying to hold its own elections when China had military exercises. We would say we have a problem. If we look at what happened with Mr. Fareef or the Spratly Islands, you would say we have a problem. When China moved natural gas drilling rigs into what was clearly identified as territorial waters of Vietnam, you would say we have a problem. I think we ought to send a signal that says expansionism is not okay.

So other people may have a problem with human rights or trade or a variety of issues, but for me it comes down to one very simple thing, and that is an expansionist policy is bad for the region in Southeast Asia and it is bad for our allies in Southeast Asia.

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

Ms. PELOSI. Mr. Speaker, I am very pleased to yield 2 minutes to the very distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, my Most Favored Nation, America, has freedom of speech, freedom of press, freedom of religion, freedom of assembly, believes in the rights of minorities, believes in human rights, believes in workers' rights, believes in nuclear nonproliferation, and believes that life is sacred.

China has no freedom of speech, no freedom of press, no freedom of religion, no right of free assembly, does not believe in the rights of minorities, does not believe in human rights, does not belief in workers' rights, does not believe in nuclear nonproliferation, does not believe life is sacred.

Why then should China become the Most Favored Nation of the United States of America? Most Favored Nation indeed. Of whom? Most-Favored-Nation status is now held up as the elixir of liberty, the cure-all. Give MFN to China, let us just keep giving China access to our markets, expose them to our values, they say, and they will become more like us. Even as they take away millions of American jobs and arm the Asian subcontinent.

Mr. Speaker, this vote will not tell us anything about what China is or what it is becoming, but it will tell us plenty about what America is and what we are becoming. The Bible says, "He who troubleth his own house shall inherit the wind."

When we place free trade over human rights, when we place free trade over democratic rights, when we are so eager for a friendship with China that we forget our moral compass, we are a Nation which is preparing to inherit the wind.

Send a message: liberty and justice in trade, in America, and even in China.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume to share another quote with my colleagues. "The current debate about renewing China's 'Most Favored Nation' trading status no doubt raises many complex and difficult questions. . . However, I am in favor of doing all we can to strengthen our relationship with the Chinese people. . . Furthermore, in my experience nations respond to friendship just as much as people do." The Reverend Billy Graham, June of last year.

Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. BARRETT).

□ 1415

Mr. BARRETT of Nebraska. Mr. Speaker, I also rise to oppose ending normal trade relations with China. Proponents of ending trade with China fail to answer the question: If we end normal trading relations with China, then how do we influence change?

The days when the U.S. could act like a bull in a China shop are over. Countries simply go elsewhere if they do not like the sounds that are coming from ours.

That is why maintaining normal trade relations with China is vital to agriculture. Ending trade with China could cause a 3-year loss of more than $2 billion in U.S. farm income. At $1.6 billion, China is our seventh largest agricultural export market, and almost half of our exports are of wheat, corn, and soybeans, staples of our Nebraska exports.

Some may claim a moral victory if we end trade with China. I am confident it will be a hollow victory, washed away in a few months when our trade competitors fill the void left by exiting U.S. businesses.

Mr. Speaker, I encourage my colleagues to reject this resolution, and maintain the engine of change. Maintain trade with China.

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

Mr. MATSUI. Mr. Speaker, I continue to reserve the balance of my time.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentlewoman from California (Ms. PELOSI) for yielding me this time, and I also offer my congratulations and thanks to her for her strong, outstanding leadership on this issue.

Mr. Speaker, I rise in opposition to Most Favored Nation status, and rise in support of the resolution. People

will say that we have made some progress in our dealings with China. I do not see that progress. I see a $64 billion trade deficit. I see jobs that should be in this country that are in China. I see the piracy of intellectual property by China going unabated.

Mr. Speaker, the reality is basically this: If we do not take a strong stand, we will continue to be the loser. They have engaged in trade practices that do not benefit this country, but some people somehow say that that is progress despite the fact that we continue to lose jobs.

Mr. Speaker, our best jobs, the so-called good-paying, high-tech jobs come out of our intellectual property. But they pirate our intellectual property and guarantee that we will not see the benefit of those good jobs.

It is suggested we must stay engaged. We must stay engaged, but engaged based on toughness and strength, not on weakness.

Mr. Speaker, I urge support of the resolution.

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

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

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I rise in support of another year's extension of normal trade relations, formerly known as "Most Favored Nations trade," for China.

This is a tough issue, and I have great respect for people who come down on either side of the question. But in the end, I have concluded that I should base my vote not on what I hope may be in terms of China's future, but on what I think China's leaders can do.

Last year, I voted against MFN for China because of my concern that China's leaders were not living up to their international agreements in regard to preventing the proliferation of weapons of mass destruction. I was concerned that the administration had failed to make this enough of a focus in its discussions with the Chinese and had not produced the results which I thought were necessary.

The administration's efforts to engage China to make new commitments and to live up to old ones have intensified over the past year. They have produced some encouraging results.

The U.S. and China agreed to not target strategic nuclear weapons on each other. I know this is a small step. Retargeting nuclear missiles can be accomplished in a matter of hours, if not minutes, but it is a sign that the Chinese are willing to take active steps to reduce the risk of accidental launch, and the challenge we now face is to extend this small, positive step in the direction of a more serious effort at eliminating the threat of nuclear war.

China indicated during the President's trip that it is actively considering membership in the Missile Technology Control Regime. I am quite cognizant of the fact that we have been inhaling the vapors of Chinese commitments in this area for many, many years. But I am willing at this point, based on all the things that have been happening, to accept the administration's analysis that the latest commitment by the Chinese to consider joining the MTCR is a sign they will soon join the MTCR regime.

Mr. Speaker, I rise in support for another year's extension of normal trade relations—formerly known as most-favored nation trade—for China.

I have supported MFN in the past although last year I voted against. it. As Ranking Member of the Asia and Pacific Subcommittee, I have spent many hours in hearings and meetings on China. I have traveled to China and Hong Kong, meeting with senior leaders, including the new Chief Executive for Hong Kong, C.H. Tung.

Much of China's behavior since the last time we voted on this issue has been deeply disturbing.

Our trade deficit with China continues to expand at an alarming rate while our trade negotiators appear to be no closer to reaching a firm agreement with China on entry into the World Trade Organization (WTO)—an agreement that would guarantee more opportunities for American exports. Our companies continue to invest in China and China continues to export to the United States but access for American goods remains restricted. I am struck by a brochure distributed to Members by General Motors, extolling the value of its investment in China even as GM's operation in the United States are being struck by American workers. GM claims that it needs to shrink its American operations while at the same time it trumpets its 18 automotive projects in eleven provinces of China employing over 10,000 people.

Maybe the Chinese gave GM no choice: either produce in China or don't sell to China. Maybe China keeps its tariff levels so high that American cars won't sell in China unless they are produced there. Either choice is the wrong one. A trade policy which results in larger and larger deficits and comes at the cost of jobs for American workers will not long have the support of the American people. Corporate America, the Administration, and the Chinese Government should be aware that if these trade problems are not resolved the Administration's policy of engagement with China will collapse from the weight alone of this failure.

The human rights situation continues to be troubling. As the State Department Human Rights Report this year noted, "the Government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms stemming from the authorities' very limited tolerance of public dissent, fear of unrest, and the limited scope or inadequate implementation of laws protecting basic freedoms." In other words, not much has changed in a year.

I am concerned that in some areas the situation may be worsening. I recently introduced H. Con. Res. 283, expressing the sense of the Congress about the situation in Tibet. Repression in Tibet has increased steadily since 1994 and, despite the joint pronouncements on Tibet during the President's recent visit to China there is no sign that the Chinese are willing to take the initiative of meeting with the Dalai Lama.

I continue to believe that change in China's human rights behavior will only come through internal pressure—pressure that can be nurtured to some extent by outside support but which will ultimately depend upon the will of the Chinese people. Those leaders who risk their lives to speak out today are the vanguard of the future.

But my vote has not depended upon setting a standard of what China's leaders should do but cannot now accomplish. I recognize the type of reform which I would want to see in China would require a revolution in the Chinese political system. However much I may wish that, I recognize that it is unrealistic. I believe that we need to continue to press the Chinese to release individual prisoners and to reform their system to permit greater freedom but I believe that the final revolution in China must be one by the people.

That day is inevitable. There is no doubt that there has been tremendous progress in China in terms of economic development and opportunity for the Chinese people, accelerating the forces of change in China in a direction that can only lead to greater personal liberty for the Chinese people. What impresses me most is not the shallow monuments of contemporary office buildings but the changes being wrought in the Chinese people as a result of greater access to modern ideas. China is being changed by its exposure to us in ways more profound than any glass edifice.

However, I do not base my vote on what I hope may be but on what I think China's leaders can do.

Last year I voted against MFN for China because of my concern that China's leaders were not living up to their international agreements in regard to preventing the proliferation of weapons of mass destruction. I was concerned that the Administration had not made this enough of a focus in its discussions with the Chinese and had not produced the results which I thought were necessary.

The Administration's efforts to engage China to make new commitments and to live up to old ones have intensified over the past year and have produced some encouraging results:

The United States and China agreed to not target strategic nuclear weapons at each other. I know this is a small step. Retargetting nuclear missiles can be accomplished in a matter of hours if not minutes. But it is a sign that the Chinese are willing to take active steps to reduce the risk of accidental launch, and the challenge we now face is to extend this small, positive step in the direction of more serious efforts at eliminating the threat of nuclear war.

China indicated during the President's trip that it is actively considering membership in the Missile Technology Control Regime (MTCR). Chinese membership in the MTCR would be an important step if it comes before the Chinese have exported all the missile equipment they want to rogue regimes. I know that our policy makers have been breathing the vapors of Chinese commitments on the

MTCR for years from private letters to President Bush's Secretary of State to pledges to the Clinton Administration to abide by MTCR guidelines. I am willing to accept the Administration's analysis that the latest commitment by the Chinese to "consider" joining the MTCR is a sign that they will soon join the MTCR.

China has put a place for the first time comprehensive controls on nuclear exports and joined the Zangger Committee which coordinates nuclear export policies among Non-Proliferation Treaty members. In joining the Zangger Committee I look forward to seeing the Chinese play a constructive role in promoting the work of the Committee, not use their position to weaken international controls.

The Chinese also promised to halt their nuclear cooperation with Iran. Stopping aid to Iran is an important step. We have yet to obtain a similar commitment from Russia to cease support for safeguarded nuclear facilities.

The Chinese also committed to cut-off all cruise missile aid to Iran. Cruise missile technology is important. With short-range cruise missiles, the Iranian Navy could endanger American warships in the Persian Gulf if not threaten directly American control of that vital waterway.

If we were to revoke normal trade relations with China, we would jeopardize the progress we have achieved in these areas. The Administration's efforts to engage in a dialogue with the Chinese on critical issues would definitely become a dialogue with the deaf. We would lose much and gain little. Continuing our trade relations with China offers the prospect of further progress.

But in voting to maintain China's current trade status with the United States, I do so because of the assurances which I have received that these achievements will be matched in the coming year by real progress in gaining, first, Chinese membership and participation in international agreements to halt the spread of weapons of mass destruction, and, second, that the Chinese will take unilateral action to control the export of technology and material which is used in the production of weapons of mass destruction and delivery systems.

In voting to maintain China's current trade status with the United States, I do so with the expectation that there will be substantial progress in the coming year to eliminate barriers for American exports to China and to improve protection of American intellectual property.

In voting to maintain China's current trade status with the United States, I do so with the expectation that China will follow through with the commitments it made this year to sign and ratify the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Prior to the Clinton-Jiang summit in Washington, the Chinese signed the ICESCR but have not yet ratified it. They have since indicated that they would sign the ICCPR. As with the MTCR, these are commitments which China needs to follow through on now that they have been made.

I will vote no on the resolution of disapproval this year not because I am satisfied with the progress that has been made but because I believe that what has been achieved promises to be the basis for more progress during the coming year.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentlewoman from California (Ms. PELOSI) for yielding me this time.

Mr. Speaker, it is a shame Congress does not have a "truth in advertising" law, and it is a shame it does not apply to this bill. If we had a truth in advertising law, this bill would be called the Annual $20 Billion Tax Forgiveness for the Most Oppressive Communist Regime in the World.

That is what it is all about. When we give them normal trade relations, formerly known as Most Favored Nation, they changed the name because the American public did not like the idea of giving them a $20 billion tax break. So now they are going to try to slide it in again.

Why is it wrong? They charge us 40 percent on America products when they are sold in China. This would allow our country to charge them only 2 percent. I am getting a little tired when I go to visit the troops of finding out that we have 12,000 soldiers, sailors, airmen, and marines on food stamps, but we cannot find the $100 million to help pay them a little better.

I am a little tired when our military retirees are saying they are not getting the health care that they were promised, when we do not have the $2 billion to fulfill that pledge.

I am extremely tired every time an American helicopter and an American plane crashes because it is too old to be flying our kids around, and we do not have the money for weapons procurement. But, Mr. Speaker, we just gave the most repressive regime in the world 20 extra billion dollars to modernize their equipment.

The Chinese communists in the past 3 years have acquired ports on both ends of the Panama Canal. On the first day of the year 2000, we lose our last base in Panama. We lose, they gain. Chinese communists are getting ready to take over what was an American naval station in California. We lose, they win.

So, for those Members who want to give them the $20 billion tax break, I hope they are ready to explain this to the people of their districts.

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

Mr. Speaker, I would like to remind all colleagues that China is our fastest growing export market. And in addition to that, its growth rate in terms of U.S. exports to China has more than doubled in the last six years. So, there is considerable hope about vast improvement in our economic relations.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. SMITH), chairman of the Committee on Agriculture.

Mr. SMITH of Oregon. Mr. Speaker, there is no question about the issue before agriculture in America. We must normalize trade with China. It is $2 billion today for trade with China for agriculture in America. And with the largest population of any country in the world, of course it is a great opportunity for agriculture.

It is no secret that when China is in the business of buying wheat, we have $6 wheat in America. When China is not buying wheat, as they are not today, we have $2.50 per bushel wheat. If we block China from ever buying wheat, we will continue to have $2.50 wheat.

A month ago I joined with the Speaker and the gentleman from Texas (Mr. STENHOLM) in a bipartisan effort to help solve the crisis of agricultural prices in America today. We joined by suggesting that we have a square deal for agriculture, the four corners of which are as follows: Lift sanctions for Pakistan and India; pass the International Monetary Fund funding; normalize trade with China; and pass fast track so that we can be again competitors in the international market.

That is the square deal that we propose for agriculture, and this is one more step to improving the crisis in agriculture in America.

Mr. CHRISTENSEN. Mr. Speaker, I yield 3 minutes to the gentleman Mississippi (Mr. PICKERING).

Mr. PICKERING. Mr. Speaker, I rise today reluctantly in support of H.J. Res. 121. I served in the Bush administration and 5 years on the staff of U.S. Senator TRENT LOTT. During that time, I always supported the extension of Most-Favored Nation status, because I believed it was the right way to achieve our trade objectives. But, sadly, I have come to the conclusion that the current policy is failing. It is flawed, fundamentally flawed, and it needs to be changed and replaced.

At a time where we are taking bold leadership in other areas of our policy with China, taking a stand with the passage of the Religious Persecution Act, trying to find ways to limit technology transfer and to limit the proliferation that we are seeing, we are sticking and staying in the rut of the status quo of the MFN debate.

Mr. Speaker, year after year we have done that for the past 10 years, and no change. The deficit gets worse every year. Our objective of getting them into the World Trade Organization seems to be slowing and lessening. What incentives do they have now to join the international community, to play by the rule of law, to open their markets, to reform their state-owned entities? The truth is the incentives today all work against our trade objectives. This policy, the current policy, works against our objective of opening their markets.

Let me be clear, my opposition is not one of closing our market. It is not one of isolating China, but it is advocating going from appeasement and an outdated policy from the Cold War to a policy of effective engagement, a constructive framework.

I would join the gentleman from California (Mr. DREIER) and the others who care about opening the markets in China, but there is a better way, there is a better alternative.

Mr. Speaker, I have been working with the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Illinois (Mr. EWING) on an approach that has good support from the ag community and is gaining support in the business community as a new way, a new policy for the 21st century. This is the purpose of the legislation.

It would simply say, if China joins the WTO, we will automatically, prospectively grant Most-Favored Nation status. We give them credible, date-certain incentives to join the WTO by the end of the year 2000, and failure to join could create reasonable and realistic cost incentives for them to join.

There would be flexibility built into it that if there are snap-back provisions, that it could be sector by sector, so that waivers could apply. So it is certain, it is credible, it is doable, and it is flexible.

We need a new framework for the 21st century with the right incentives to open their market. I would urge my colleagues to work with us as we go into the next year's debate, and I reluctantly support the present resolution.

□ 1430

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, I rise in support of extending normal trade relation status to China and urge my colleagues to oppose the Solomon resolution for two reasons: Vital American interests are at stake, and engagement is working.

Over the years, Members of this body have raised numerous reasons why trade relations should be cut off between our countries, and rightly so. China has traditionally had many problems of concern to all Americans. And human rights abuses, weapons proliferation, intellectual property protection and other issues continue to worry me and my constituents.

But, Mr. Speaker, things are changing, and President Clinton's recent trip highlights many of those improvements. Perhaps the most important was President Clinton's uncensored broadcast in China of his news conference held with the Chinese leader.

Last year I quoted Secretary of State Albright in noting that engagement does not mean endorsement. I stand by that statement, while recognizing that engagement does mean, and has meant, opportunity; opportunity to export our values of free enterprise, personal liberties and democracy, and the opportunity to promote a better and more secure world for our children and the children of China.

Just in the past year, Chinese leaders have endorsed accelerated privatization of industry, banking reforms, legal due process, and more open political debate. These improvements, while not complete, are largely due to quiet prodding by the United States.

I believe there is no greater opportunity or challenge in American foreign policy today than to secure China's integration into the international system as a fully responsible member. I believe we can better influence China's direction by exposing them to our democratic ideals. We can more effectively move the Chinese to change by increasing their exposure to the United States, because we are the model of democracy and freedom for the world.

Revoking NTR would severely damage American interests and undermine our ability to influence China's directions. I urge my colleagues to vote "no" on this resolution.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK), the distinguished ranking member of the Subcommittee on Domestic and International Monetary Policy of the Committee on Banking and Financial Services.

Mr. FRANK of Massachusetts. Mr. Speaker, it is an important day. The Republican leadership, and much of the Republican Party, will take a brief time out from attacking the President over China to vote for what China most wants. So that no one should be confused by these criticisms of the President in China, because today, with I believe the support of the majority of Republicans, China will get that which it most wants, a continuation of one of the most imbalanced trade and political relationships in the word.

No one I know of is suggesting we should have no relations with China. What we are saying is that we have negotiated a lousy deal. We obsess that they might not think so much of us. Frankly, if I were the Chinese, I would be worried about what America thought of them. And I believe we have, with this enormous market of ours, of which they take great advantage, we have an enormous power to put better terms on our relationships with China.

The question is not whether we should have normal or nonnormal trading relations. By the way, I am also glad to see the Republican Party repudiate their attacks on political correctness. By changing this from Most-Favored-Nation to Normal Trading Relations, they obviously show the power of semantics. But we can get a better deal than the one we are prepared to buy today.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MILLER), the very distinguished ranking member of the Resources Committee of the Congress, former chair of the Natural Resources Committee.

Mr. MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, only in Washington, D.C. and inside the so-called beltway would this be considered a normal relationship. Unfortunately, when we talk about this normal relationship, we talk about the engagement of China. Every time this administration engages China, it must diminish and depreciate the American values of religious freedom, of freedom of speech, of human rights and self-determination, of national security, of nonproliferation, and of fair trade.

Each and every time the administration sets out its goals for China, they sound laudable and they sound supportable. The only problem is the Chinese Government does not meet those goals, and yet we call that engagement. We call that engagement because in order for this administration to continue to engage, they must concede these very basic American values, values that have built this Nation and values that this Nation has been a beacon for across the world.

To say that engagement is not endorsement sounds like a child-rearing policy of the 1960s when we wanted not to admit what our dysfunctional children were doing.

Mr. CHRISTENSEN. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, it has been the fourth year I have had an opportunity to work on this issue, and for the last three I have always voted with my colleagues on the right here in favor of renewing MFN. Last year I gave a statement that said that we are going to give it one more year to see if things change. But, my colleagues, things have not changed.

Nothing has changed. Nothing has changed in the trade imbalance. The trade imbalance has grown. We have heard today that it is at $60 billion. Over a billion dollars every week we grow the trade deficit with China.

Has the issue of human rights gotten any better? No. We have had testimony this past week and this past month in the various committees, talking about the various human rights violations, various forced abortion issues, the slave labor camps, the harvesting of organs, the repercussions with dissidents, the taking away of free speech, whatever free speech there is. Nothing has gotten better. But yet each and every year we continue to renew this. But the number is growing.

Has anything gotten better in the area of national security? No. Our good friend the gentleman from California (Mr. DUKE CUNNINGHAM) stated that in Long Beach, California, the port has been given over to the communists. The Straits of Taiwan, the continued persecution of the Taiwanese people. The taking away of liberties, of religious faith, whether of Muslim, whether a Tibetan monk, whether it is a Christian. If an individual does not belong to the patriotic Catholic church, they are not in an officially recognized religion and they are under persecution.

Nothing has gotten better. Whether it is economic, whether it is national security, whether it is weapons proliferation, or whether it is human rights, not one single area has gotten better over the last four years. And no longer could I continue to go along and say, yes, engagement, intervention is the way to go.

I believe we need to call it exactly as many have spoken here today; that the policy is a failed policy; that we must hold them accountable; that we must move from normal trading relations back to what I believe is the right policy, and that is holding them accountable. The Chinese people are crying out. Human rights around the world are not like they are in China. We must do a better job. We must send a message.

This is going to pass. It has the votes. So it is not an issue about renewing the MFN or the normal trade relations. This is about sending a message to Jiang Zemin and the people of China who are looking to us for hope and help.

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

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Speaker, I rise in opposition to the resolution and support of normalized trade relations with China.

Let me be clear, granting NTR to China benefits, I believe, America's security and its economic interests. We need to be at the table with China for constructive dialogue to occur instead of peeking over our neighbor's fence wondering anxiously what they may be up to.

Normal trade relations and increasing economic engagement has continued the process of opening China and exposing the Chinese to our politics, ideas, and personal freedom. And China has made significant strides not only in global affairs but within its own borders. It has contributed significantly to enhancing Asian political stability by condemning India's and Pakistan's nuclear tests and encouraging restraint.

China's role is critical to preventing nuclear proliferation.

Ten years ago religious liberty in China was nonexistent. Today, China has made tremendous strides in the tolerance of religious freedoms by accepting U.S. religious leaders on its shores and allowing the practice of Christianity.

Furthermore, revoking normalized trade relations will not achieve our human rights goals.

Engagement does work. If we build relationships, we can directly influence a country's human rights record. China is changing quickly and our policy must keep abreast with these changes.

I think this is also part of an overall test that this Congress faces, and that is whether or not we will play up to the role of world leader in every sense of that term, whether it is funding the International Monetary Fund or looking to reach further global trade agreements that will strengthen the creation of jobs in this country.

All of these are hard to do, particularly in a period even of economic growth, as we have experienced in the 1990s. It is so much easier to tell the American people things that perhaps are more acceptable about things they believe, whether it be religious persecution, or the loss of jobs through trade imbalance, or where we ought to be spending our tax dollars here at home, not overseas. But we know that we are not only the world's leading military power, but its leading economic power as well, and we have to project that strength, that vision of what the world economy can be, not just for Americans but for people across the globe.

So I urge my colleagues not just to vote against this resolution but to remain focused on the relationship with China and to move further, as this Congress unfolds, to fund the IMF, to take other steps that will help shore up the economies of Asia and the former Soviet Union so that we can, in fact, continue the kind of leadership that we provided since Harry Truman at the end of World War II, where the American people, with tremendous challenges here at home, played the role of economic leader for the world.

In the long run, it is the American people who will suffer the consequences of nonengagement, not the Chinese, if we fail today.

Mr. Speaker, today, many will attempt to muddy the waters by saying that China should not be granted Normal Trade Relations because of its history of human rights abuses, unfair trade relations and nuclear proliferation.

I won't deny the validity of these allegations, however, shutting the United States off from engagement with China severely reduces our leverage for open dialogue.

Shutting ourselves off to the most populated country in the world is more detrimental to monitoring human rights abuses than productive.

Engagement promises long-term rewards because it allows the U.S. a way to influence China's human rights policy at a grass root level. It would be foolish to follow a contrary policy. Renewing NTR is important to our nation, and it is important to California and the district that I represent. Exports to China and Hong Kong from California totaled nearly $5.7 billion in 1997. Exports supported over 108,000 jobs. Agriculture exports alone, from California to China, totaled over $300 million.

Denying NTR would translate into the loss to the agricultural market for the farmers in my district. Shutting these farmers off from trade would allow Canada, Chile and other nations to fill the trade vacuum that would be created. Denying NTR would be reminiscent of our sanctions against the Soviet Union in the early 80's in regard to its invasion of Afghanistan. The Soviet Union didn't get out of Afghanistan and our wheat farmers suffered the consequences of our policy. Our sanctions penalized us—benefitting other nations that capitalized on our policy.

Americans deserve us to act in their best interest—engagement promises not only jobs but security to the United States.

Ms. PELOSI. Mr. Speaker, what is the status of the time?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Illinois (Mr. CRANE) has 7½ minutes remaining; the gentleman from Nebraska (Mr. CHRISTENSEN) has 4½ minutes remaining; the gentleman from California (Mr. MATSUI) has 6½ minutes remaining; and the gentlewoman from California (Ms. PELOSI) has 7 minutes remaining.

Ms. PELOSI. Mr. Speaker, could the Chair discuss the order of closing for us?

The SPEAKER pro tempore. The order will be the gentlewoman from California (Ms. PELOSI) will be first, then the gentleman from California (Mr. MATSUI), then the gentleman from Nebraska (Mr. CHRISTENSEN), and then the gentleman from Illinois (Mr. CRANE).

Ms. PELOSI. So the gentleman from Illinois (Mr. CRANE) will ultimately close, and we go in this order?

The SPEAKER pro tempore. That is correct.

□ 1445

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

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

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

Mr. CRANE. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, it is an honor to be able to have this opportunity to stand here in the well and say that just a few minutes ago the President signed the IRS Reform Bill, which has now established exactly what it is we are debating.

There is nothing favored about this. We are talking about normal trade relations. Even many of the leading proponents of this resolution admit that it is not a serious legislative proposal; it is just a signal, a primal scream of

frustration, a helpless yelp of resignation.

We must send a clear signal. Furthering reform in China is a moral issue. And I think it is important for us to listen to some moral leaders who have commented on it.

The Reverend Billy Graham said: "I am in favor of doing all we can to strengthen our relationship with China and its people. China is rapidly becoming one of the dominant economic and political powers in the world, and I believe it is far better for us to keep China as a friend than to treat it as an adversary."

The Reverend Pat Robertson: "Leaving a billion people in spiritual darkness punishes not the Chinese Government but the Chinese people. The only way to pursue morality is to engage China fully."

And His Holiness the Dalai Lama: "Confrontation or condemnation: I don't think it works. The only practical way is to be a genuine friend."

Mr. Speaker, we know that the single most positive change in the 5,000-year history of China has been the economic reform, those economic reforms which have empowered hundreds of millions of individuals to be lifted out of poverty. It is the height of absurdity to send a signal attacking the one positive change.

We have found over the years, over the last decade and a half, that maintaining economic engagement has in fact led to the positive political reform that we all seek. We found that out in Chile. We found that out in Argentina. And in the Pacific Rim, we found that out in both Taiwan and South Korea.

We never thought of cutting off economic ties with any of those 4 countries, which had horribly repressive human rights policies. And what has it brought about? That policy has helped us improve political pluralism, human rights, the rule of law in those nations. And it will do the same in China.

If we are going to send a positive signal, we should be doing the very important things that we have discussed repeatedly here in the Congress. For one thing, $22 million for Radio-Free Asia, which is included in the Commerce-State-Justice appropriations bill, is a request that is over that that the President has requested.

I want to compliment the gentleman from Kentucky (Mr. ROGERS), chairman of that very important subcommittee, who has led the charge to help in this effort supporting the increased funding for the National Endowment for Democracy.

I am privileged to work with the International Republican Institute, a very important arm of that. We now have over half a billion Chinese people who have participated in village elections there; and in 40 percent of those elections, we have seen non-communist candidates actually victorious.

I think it is also very important for us to send a signal to the other body. That signal is they should pass the very important China bills that we successfully reported out of the House of Representatives last year.

Maintaining this strategy of engagement is the wave of the future. We have to recognize that if we are going to do everything that we can to help the people in the United States and the people in China, we must maintain normal trade relations.

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

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

Ms. PELOSI. Mr. Speaker, I request—how much time do I have remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Illinois (Mr. CRANE) has 3½ minutes remaining. The gentleman from Nebraska (Mr. CHRISTENSEN) has 4½ minutes remaining. The gentleman from California (Mr. MATSUI) has 6½ minutes remaining. And the gentlewoman from California (Ms. PELOSI) has 7 minutes remaining.

Ms. PELOSI. Mr. Speaker, is it my understanding that if we have a call of the House that we would each have 4 minutes or less, depending on how much time we have for the closing presentations?

The SPEAKER pro tempore. The Chair is not party to any agreement.

Ms. PELOSI. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, as I said earlier today, the debate on the floor today is not whether China will get Most Favored Nation status or that same status by any other name. The debate on the floor today is whether Members of Congress want to associate themselves with a failed policy, a policy which in the last 10 years has seen our trade deficit with China increase from $3 billion to $63 billion projected for 1998.

It is interesting to hear people talk about normal trade relations, as it will now be called. As I said before, a rose is a rose is a rose. In this case, a thorn is a thorn is a thorn.

Because the fact is that the Chinese regime has already decided that we are not going to have normal trade relations with them. They have done that by having the Great Wall of China around their markets resulting in that big trade deficit, by using slave labor for export, by using transshipments to avoid our quotas, and by pirating our intellectual property in the case of software at a rate of 95 percent.

So they must be having a great big chuckle over there in Beijing to see that we are debating to give them what they have already decided will not be a normal trade relationship.

Let us hear it for a normal trade relationship. I hope we can achieve one. But clearly, we have not gotten from here to there with this failed policy of granting Most Favored Nation status to China.

I just want to talk about a couple things I have heard said here. I heard people say they are making progress in human rights because they freed a few political prisoners. They forcefully exiled those people. That is punishment. That is not progress.

That is why Wei Jingsheng has been speaking out since he came to the United States to say, unless there is a threat of withholding this preferential trade treatment from China, the hands of the reformers in the government are not as effective in trying to persuade the hard-liners to change. To change, to open the doors to the prisons of those who are still in prison from the Tiananmen Square massacre and many from the Democracy Wall era, which is 20 years ago. We cannot put the Tiananmen Square massacre behind us until those people are free, until the exiles are able to return home and speak freely within China.

I have heard others say that China is moving on human rights because they are going to work on the rule of law. How the Beijing rulers must enjoy that one. In Chinese, it is the rule by law. And that can be very, very oppressive.

I have heard people say here that the President made great progress on the proliferation issue because of the targeting. They present that notion and then they belittle it because they know that that is not a summit accomplishment.

And what was really happening while the President was there? While they may have been not targeting us, China was conducting a test. And an official of our own Government said, "President Clinton said proliferation would be high on his agenda during the summit. And by testing this key component of a long-range missile when they did, the Chinese have made it clear their lack of respect both for the President and his message," they said.

Trade, proliferation, human rights. Let us have a normal trade relationship. Yes, let us use the leverage that we have to make the world safer, the trade fairer, and the people freer.

I ask my colleagues, is $1 billion a week deficit normal? Vote "yes" on the resolution and "no" on MFN for China.

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

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

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

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

CALL OF THE HOUSE

Ms. PELOSI. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 316]

ANSWERED "PRESENT"—408

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn

□ 1517

The SPEAKER pro tempore (Mr. PEASE). On this rollcall, 408 Members have recorded their presence by electronic devise, a quorum.

Under the rule, further proceedings under the call are dispensed with.

DISAPPROVAL OF MOST-FAVORED-NATION TREATMENT FOR CHINA

The SPEAKER pro tempore. In the matter pending before the House, the following time remains: The gentlewoman from California (Ms. PELOSI) has 4 minutes remaining. The gentleman from California (Mr. MATSUI) has 6½ minutes remaining. The gentleman from Nebraska (Mr. CHRISTENSEN) has 4½ minutes remaining. The gentleman from Illinois (Mr. CRANE) has 3½ minutes remaining.

The Chair recognizes the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, as the House is coming to order, as one who has had a long interest in this U.S.-China trade debate, I want to commend you for your distinguished presiding over the House today during this very important issue to the American people.

Mr. Speaker, I now have the privilege of recognizing our distinguished Democratic leader of the House, a champion for promoting democratic values throughout the world, promoting our own economy through promoting exports, and stopping the proliferation of weapons of mass destruction.

Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Speaker, I would begin my statement today with a question that I think all of us have to ask as we decide which way we are going to vote. The question is, if we had kept in place in the mid-1980s a policy of constructive engagement with South Africa that is very much like the policy of constructive engagement we now have with China, would not Nelson Mandela be the President of South Africa today, or would he still be in jail? That is the question.

I know no two countries are alike. I know no two sets of policy can be exactly the same. But I believe with all my heart that the policy we are following, which is basically a policy of saying that more trade, more economic relationships, more communication is sufficient to bring about real change in China, is a failed policy and it has not worked.

If you will, simply look at the facts. Let us first look at trade. In 1987 the trade deficit with China was about $3 billion between the United States and China. Today it is over $60 billion.

Our own Trade Representative has stated, as of this year, as of this year, that there is essentially a closed market in China to American products. Put aside the tariff difference. Our average tariff on their goods coming here, 2 percent. Their average tariff on our goods going there, 17 percent.

But put that aside. The greatest barrier to our products going into China are nontariff barriers. Our own Trade Representative has said that their market is essentially closed now to our products. They had been unwilling to meet up with our demands to put them in the WTO. They are simply unwilling to allow for fair and free trade.

So if my colleagues look at this in terms of trade policy, we are not making progress. We are going in the wrong direction. We are not going in the right direction.

Let us take a look at human rights. Again, no progress. The President was there, and I admire him for going, and I think it was right to go. But let me tell my colleagues something. The Chinese leadership is happy to have our President or anybody else come and make statements about human rights as long as they do not have to do anything about human rights. Talk is cheap. I am from Missouri. Show me. Nothing is happening.

One hundred fifty dissidents who were in Tiananmen Square are still in jail. Even as our President came to China, people were locked up. People were locked up for no causes. People were locked up because they dared to try to express themselves politically freely.

There are no human rights in this country. Every violation that could be

made of human rights has been made, and there is no progress. Look at the record. If the policy were working, the record would be different. It is not. So if a policy is not working, we need a new policy, and I believe that policy has to have actions as well as words.

I respect deeply my colleagues who believe that more trade and more talk will work. I respectfully disagree. I do not think that anything but solid action will make a difference.

I want to remind my colleagues of what was said in the debate about South Africa in 1985. I want to read my colleagues a statement. One of our Members in 1985 said this: "South Africa is making positive and concrete strides under an American policy of constructive engagement. Given the progress already made and the virtual irreversibility of the trends, sanctions and other punitive activities can hardly be expected to produce more salutary results than President Reagan's policy of constructive engagement."

Our respected colleague, the gentleman from Illinois (Mr. HYDE), said those words on this floor in 1985, but this House in a bipartisan way stood for taking a definitive action. Words were not enough. We had to stop having a normal trading relationship with South Africa to get their attention.

Our trade deficit with China is financing the present leadership in China. They have a deficit with other countries put together. We are the only country they have a huge surplus with. In effect, our trade policy is financing the policy that they follow.

Let me end with this: We always are told that the reason we cannot do this is because of money. We are going to lose contracts. We are going to lose business. We are going to lose a billion consumers in the future.

Let me just end by saying this to you as you search your heart in this vote: This country has always stood for much more than simply money and economic success. This country is an idea. It is a universal idea that applies to every citizen of the world.

Abraham Lincoln in 1861 said this: "I have often inquired of myself, what great principle or idea it was that kept this Nation so long together. It was not the mere matter of the separation of the colonies from the Motherland but something in that declaration giving liberty, not only to the great people of this country but hope for the world for all time."

That is what we are. That is what we have to be. That is what we have to represent to the people of China and the people of the world. Wei Jingsheng was in my office a few months ago and I asked him what we should do on this vote, and he said, "Congressman, please understand that the only thing the leaders in China understand is money and trade and whether or not you are willing to really stand for what you believe in."

Your vote today is for what we believe in. Let us change China. Let us have real engagement. Let us bring about liberty finally, as only we can, for the people, the great people of China. Vote against a normal trading relationship with China.

Mr. MATSUI. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in strong opposition to the resolution that would end normal trade relations with China.

Mr. MATSUI. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Indiana (Mr. HAMILTON), the former chair of the Committee on Foreign Affairs and the ranking member of the Committee on International Relations.

Mr. HAMILTON. Mr. Speaker, I rise in opposition to H.J. Res. 121. I support retaining normal trade relations with China. This is not just a vote today about trade. NTR, or normal trade relations, is the keystone of our policy of engagement. So the question today is the fundamental one: Do you wish to pursue a policy of engagement or of isolation?

□ 1530

Members have argued on the floor today that you can vote to end normal trade relations with China and still work with Beijing on nonproliferation and human rights and all of the other problems we have with China. That argument cannot be sustained. To withdraw normal trade relations from China is to declare economic warfare against China. We cannot declare economic warfare against China and expect China to play by our rules on nonproliferation and human rights and security. Political engagement and economic cooperation go hand-in-hand. You cannot separate the two.

What we must ask ourselves on the floor of this House today and what we must understand is that China is changing. Go back 20 years, when our policy of engagement began. At that time it was simply unimaginable to have a public discussion on any issue with China.

Today American businesses operate in China, the state share of the economy is falling, the standard of living of the people of China has improved sharply, two presidents debate with one another in Beijing about human rights, the American president is given access to all the people of China on Chinese television. The average Chinese citizen today has more freedom, not enough, but more freedom than that citizen has ever had in the history of China. The rule of law is making progress. Local elections are being held.

How can you describe that policy as a failed policy? That is not a failed policy. This is a policy under six presidents that has been one of engagement, and it has worked.

These trends that I have identified are good for China and they are good for the United States. They show that engagement, including engagement's foundationpiece, normal trade relations, works. And I believe that as the doors to freedom in China begin to open, they will be increasingly hard to shut.

Now, the stakes are very high in this vote today, because China does stand at a crossroads. Whether it emerges as a stable country, integrated into the world community, will be decided by China. But we can influence China, and we have influenced China over a period of years.

We should not, however, delude ourselves into thinking that by withholding normal trade status from China we will have greater influence with China. Not on your life. It would mean less influence with China.

Now is not the time to slap China. No matter how you may have voted on this question in the past, the case for normal trade relations with China today is stronger than it has ever been. Look what happens if you have a financial Asian meltdown. China has played a key role by maintaining the value of its currency.

Withdrawing normal trade relations from China at this juncture would be the worst step we could take. Look at China's economy. It is precarious. Premier Ju is committed to an ambitious program of economic reform. It moves in the direction we want China to move. The United States supports those reforms. But if we come along now and strip most-favored-nation treatment, as we used to call it, or normal trade relations from China, that will help kill those reforms.

Look at what China is doing on all kinds of regional problems, I do not have time to go into that, but with India, Pakistan and Korea. Terminating access to U.S. markets would almost certainly mean that China is less willing to work with us on key security problems.

Take a look at the American economy. Everybody in this Chamber has noted the drop in growth in the second quarter compared to the first quarter, one of the most dramatic drops in the history of our economy. We must not take a step that would exclude one person out of every four on the face of the Earth from trade relations if we deny normal trade relations.

We can all acknowledge a very difficult problem on trade deficits. China is not an open market, but you have to address that problem in such a way that you do not penalize the American producer.

Mr. Speaker, I urge Members to vote no on the resolution.

Mr. CHRISTENSEN. Mr. Speaker, I yield the balance of my time to the

gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules and the author of this resolution for the last 9 years, a champion of human rights.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from New York is recognized for 4½ minutes.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Nebraska for yielding me time.

First of all, let me just thank those who have stood for human rights in this House for many, many years. I talk about the gentlewoman from California (Ms. PELOSI), certainly the gentleman from New Jersey (Mr. SMITH), certainly the gentleman from Virginia (Mr. WOLF), and my good friend from Nebraska. But, Mr. Speaker, as I sat through this 4 hours of debate and it will be my last debate, I will not carry this bill again but you would think there is nothing wrong.

I heard my good friend, the gentleman from Illinois (Mr. CRANE), whom I have served with for 20 years, say, well, we have to worry about 200,000 jobs that would be lost if we do not renew MFN for China today. I look at my district, and I just wonder whether it is different from his.

I represent the old Rust Belt in America. We used to manufacture shirts like I have on here. These were choice shirts. We had most of the market. We used to manufacture gloves, a whole litany of things. Today, in my district, there just are no more jobs. GE has laid off some 24,000 people. IBM has laid off some 14,000 people. There are hardly any entrepreneurial manufacturing companies left that used to create all of these jobs.

I look at people who have served in the military, came home, got married, have three or four children, and they work in Little League and Boy Scouts. Now they are 45 and 50 years old, and they do not have a job, they do not have a decent job. They no longer have that job with GE, where they made $40,000 or $50,000 as a laborer. Now they have three little jobs, and they do not even make $25,000 in total. They cannot make a living for their families. Yet I hear people stand up here and say there is nothing wrong.

Well, when only 2 percent of our exports go to China, but they unload on us, there is something wrong there. What was the note I just had? Ambassador David Aaron, the Undersecretary of International Trade, U.S. Department of Commerce, just testified about an hour ago, and he was posed with the question, Why do we have this $60 billion trade deficit with China, bigger than Japan's now? Ambassador Aaron's comment was the reason for our trade deficit with China is trade barriers.

Now, what is normal trading relations if we cannot export? A major electrical razor manufacturer closed its plant, 250 people out of work, and it went to China. Now, in China, I do not know whether you have been there. I have been there several times and they do not buy electric razors. They do not even use them much. Therefore, all of those razors are going to be exported back to the United States. Yet 250 people are out of work. So something is drastically wrong.

Withholding MFN for China, right now, today, does not mean we are doing it for a year, 10 years or 20 years. We are doing it temporarily. It can be for 30 days, because this Congress can turn it around like that.

Let me tell you, the Chinese people are the smartest people in the world. If we ever withheld this favored treatment and came back to regular relations, so we would have the same trade tariffs between our countries, do you not think China would come to us crawling, because we have 250 million Americans with the greatest buying capacity in the world? They would lick their chops to do business with us. And we do nothing? That is a disgrace.

That is why we ought to pass the Solomon resolution now. Whether MFN is withdrawn for a week, 2 weeks, a month or 3 months, we would find we would pretty soon renegotiate our trade with China to where we would no longer have that $60 billion deficit and Americans would have jobs in this country.

Please support my amendment.

Mr. Speaker, I noted at the very outset that, for the past nine years, the argument has been presented that maintaining MFN status for China is necessary in order to gain access to the Chinese market for U.S. products, to induce the Chinese dictatorship to treat its own people with a decent respect for their human rights, and to modify the rogue behavior of the Chinese communists.

Abundant evidence has been presented during the course of this debate that 19 years of MFN have failed to promote any one of these objectives.

MFN has been an issue before Congress for the past nine years—ever since the Tiananmen Square massacre. But MFN status for China actually goes back ten years before that—to 1979.

I would just ask the advocates of MFN for China: When does America start getting access to the Chinese market? When does the great payoff start?

China is the largest country in the world, with one-fifth of the world's people. But after 19 years of MFN, less than one-fifth of 1 percent of U.S. economic activity is involved in trade with China.

No more than 1.9 percent of our total exports are now making their way into that huge market. When does the payoff start?

And when will the Chinese people start being treated as citizens, instead of as comrades or economic units to be exploited, manipulated, and abused?

And when will China start assuming a responsible and respectable role in the world, instead of being the arms merchant to every outlaw state in business and any other country that wants weapons that are out of scale to its legitimate needs?

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

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 3½ minutes.

Mr. CRANE. Mr. Speaker, this is an interesting experience. We had a debate on the floor yesterday and I was semi-joking about the gentleman from Illinois (Mr. YATES) coming to Congress when I graduated from high school, but that was the same year that LEE HAMILTON and I met each other in our freshman year in college. We were college chums together for a couple of years. Of course, we are going to be losing the gentleman from New York (Mr. SOLOMON) too, who retires after this year, and we have had our agreements and disagreements along the way on a lot of issues.

But I am particularly proud of the eloquent presentation today by the gentleman from Indiana (Mr. HAMILTON) on behalf of maintaining our normal trade relations with China. It is probably the most important country that we can have relations with on the face of this Earth, and I say that because of what the future holds for China.

In those years that I described, talking about the election of the gentleman from Illinois (Mr. YATES), his first term here, and the gentleman from Indiana (Mr. HAMILTON) and I going off to college together, the fact of the matter is that was the beginning of the Great Leap Forward, that you remember cost 30 million Chinese lives from starvation. That is when they put the wall up, for all practical purposes, and locked out contact with civilized human beings. Then they did the Great Leap Forward after that for another decade, and hundreds of thousands of Chinese people were executed, put to death, for political reasons.

Then Deng Xiaopeng finally took charge, and Deng Xiaopeng, to his credit, believed in what he referred to as Leninist capitalism, the ultimate oxymoron. What he passionately was embracing was free enterprise, he did it with a vengeance, and he turned China around.

Today more Chinese people enjoy a higher standard of living than ever before in the 5,000 years of recorded history. It is providing hope and opportunity. A middle class has already developed in South China.

Now, these are accomplishments that we can aid and abet with our presence and our influence. The Chinese have respect for us, and our leaders in this country, and this goes back to Gerry Ford, it goes back to Jimmy Carter, Ronald Reagan, George Bush, to the current occupant, Bill Clinton, they have all embraced going forward with this policy. It is not a partisan question. It is not Republican versus Democrat, it is what is in the best interest.

We can have legitimate disagreements, as I have had with the gentleman from New York (Mr. SOLOMON) throughout the years, have disagreements on this.

But I submit, if you look at the reforms taking place in China, and that is local democratic elections, one-third of the Chinese people have already participated in the democratic process, and they are not communists. In addition to that, as I say, the advancement of free enterprise, and the advancement also of religious freedom and what is going on there with a vengeance today, in contrast to not that long ago when this was impermissible, now an estimated 20 million Protestants, possibly as many as 10 million Catholics, 100 million Muslims, these are accomplishments that are far from perfect, but we know that it is movement in the right direction.

I argue that trade relations provide that opportunity for personal contact, which ultimately has the most civilizing impact on mankind.

I urge all Members to think long and hard and vote against this resolution.

Mr. FARR of California. Mr. Speaker, opponents argue that China's record on human rights, trade, proliferation and other issues do not justify extending normal trade relations. Though I agree that much must be done to alleviate these very serious problems, I have to disagree with some of my colleagues on this issue. I feel that we should use every type of engagement—including normal trade relations—to bring China into the international community and to achieve U.S. objectives on human rights, trade and proliferation.

The Chinese economy is one of the fastest growing economies in the world. While many Chinese remain poor peasants, hundreds of millions have seen their lives improved through economic reform. Market reform is the single most powerful force for positive change in China this century, and possibly in the country's long history. Recent economic progress, which has significantly improved living conditions in China, represents real benefits for both the United States and China.

Congress should extend normal trade relations for another year. By supporting normal trade relations, the House is choosing a policy of engagement over a policy of isolation. Engagement has been the policy of every President, Democratic and Republican, for twenty-five years. Engagement is not appeasement. It does not mean ignoring our differences with China or engaging them blindly. It means actively engaging China to resolve our differences. It means hard bargaining in pursuit of American objectives and keeping lines of communications open to breech new markets.

These new markets will have a direct impact on the U.S. economy. U.S.-China trade was valued at $75.3 billion in 1997, supporting an estimated 400,000 American jobs. Last year, California led all other states in total exports to China, amounting to $2.3 billion in sales. California agricultural exports made up over $40 million of these exports.

I have seen a dramatic increase in the amount of agricultural exports to China in the last several years. In my Central Coast district in California, agricultural exports have increased to more than 100,000,000 pounds of produce entering China and Hong Kong. China receives more produce from the 17th District of California than every country except Canada and Japan. American producers are just starting to get a toe-hold in the Chinese market, and additional commodities are entering China at an increasing rate.

With China's reduction in import tariffs last October, on average by about 25%, the future looks very bright for increased exports of U.S. products to China, both direct to mainland ports and via Hong Kong.

It is imperative that the United States continue to work towards improved human rights for both political activists and religious dissenters. However revoking NTR will only slow progress in resolving our difficulties with China. Continued engagement will provide the most fertile ground to improve human rights, copyright law enforcement, and Chinese foreign policy. I feel that it is essential that we support our farmers whenever possible and closing this market would be devastating to my district. For these reasons I can not support House Joint Resolution 121.

Ms. LEE. Mr. Speaker, I rise in support of House Joint Resolution 121, the legislation to disapprove Normal Trade Relations with China (formerly Most Favored Nation Status), for several reasons. During the past several months I have had extensive discussions with individuals both in support and in opposition to Normal Trade Relation status for China including the United Auto Workers of America, the AFL–CIO, the U.S. Business and Industry Council, and the business community in the Bay Area. I do not cast this vote lightly, but with much thought and input from individuals and groups with many points of view.

While in the California Legislature, I served as a member of the California State World Trade Commission and was appointed by the late Secretary of Commerce Ron Brown to serve as a member of the District Export Council. I led the effort to encourage commercial trade between the State of California and the Continent of Africa. I support fair and free trade and recognize the importance of trade in the creation of jobs for Americans, especially in my home state of California, where we are the 10th largest economy in the world.

Essential to the creation of jobs for American workers, however, is the absolute requirement that the Chinese market be open for imports from the United States. The U.S. labor force is harmed by lack of access to China's markets for the majority of U.S. products and services. Trade with China has not been reciprocal. Existing trade barriers create a severe trade imbalance in which the United States imports many more goods from China than it exports. Last year alone, the United States imported $62.6 billion worth of goods from China, while exporting only $12.8 billion. Only 1.9% of all U.S. exports are allowed into China, whereas 34.3% of Chinese exports come to the United States.

Normal Trade Relations Status with China hurts American workers by driving manufacturing industries abroad for cheaper labor, which is particularly damaging to women and minorities. In my state of California, the effect of trade with China is extremely damaging to agriculture, to aerospace, and to the garment industry. The software and high tech industries are also hit particularly hard due to China's theft of copyrighted material. According to the Software Publishers' Association, 96% of the business software in China is pirated from American companies.

Mr. Speaker, U.S. companies and U.S. goods have very limited and restricted access to the Chinese market due to China's high tariffs, as well as its non tariff barriers. As I made my decision to vote for House Joint Resolution 121, I concluded that the current MFN China policy is a "business loser" and "job loser" here at home.

In addition, as a person who supports human rights both in the United States and abroad, I cannot ignore the fact that in China there are at least 250 people still imprisoned since the 1989 Tiananmen Square Massacre, that there are more than 2,000 political and religious prisoners, and that there are at least 230,000 prisoners being held without charge or trial in "reeducation through labor" camps. As a person who has been and will continue to be committed to world peace and to non proliferation of nuclear weapons, I cannot ignore China's assistance in building nuclear and ballistic missile programs in Pakistan and sale of missile test equipment to Iran. I cannot help but be extremely concerned about China's recent test fire of its newest long range missile during President Clinton's visit, illustrating China's lack of respect for nonproliferation.

I support ending the trade embargo with countries such as Cuba, which many supporters of MFN oppose. There seems to be no logic or consistency in the arguments promoted by many of those who support trade relations with China, while simultaneously opposing trade with Cuba. I believe that our foreign policy objectives can be achieved, that democracy and human rights can be encouraged, and the jobs can be created for American workers through fair and free trade with countries, whether Communist or not.

I believe that my colleagues of the California Bay Area Delegation, The Honorable NANCY PELOSI, The Honorable GEORGE MILLER, The Honorable PETE STARK and The Honorable LYNN WOOLSEY are correct in their decision to oppose MFN for China. I unite with them in this effort to support U.S. workers and the U.S. labor.

Mr. PORTMAN. Mr. Speaker, I rise today in strong support of renewing normal trade relations (NTR) with China. As you know, the IRS reform legislation, signed by the President today, changes the designation of "Most Favored Nation" trading status to a name more representative of what we are trying to do—establish normal trade relations. This is a status held by every single one or our trading partners, except those that have been specifically denied by statutory authority.

I strongly believe that renewing NTR is critical to advancing U.S. interests and relationships in Asia. Revoking NTR would significantly raise tariffs on Chinese imports—costing U.S. consumers more of their hard earned money—and would effectively sever our economic relationship with China, making it impossible to influence China in several areas, including human rights.

Failure to extend NTR would also hurt our economic interests. U.S. exports have been steadily growing every year and support thousands of U.S. jobs. In my home State of Ohio, the 8th largest export State, Ohio firms exported $283.5 million worth of products to China in 1997—an 18.4 percent increase for the year, which has led to more jobs, increases in their wages and higher standards of living in Ohio. The Chinese would undoubtedly retaliate, putting our jobs and exports at risk. We would be giving our competitors a competitive advantage in one of the world's fastest growing markets.

A policy of engagement with China, however, does not mean that we approve of its practices. I have grave concerns about China's human rights record. But it is through active engagement with China that we can make the most progress in this and other areas. The Chinese are becoming increasingly familiar with the benefits of an open market system and an open society through our contact with them, Revoking NTR would cut us off from the Chinese, limiting our ability to engage the world's other emerging superpower.

Mr. Speaker, renewal of NTR has been supported by every President who has faced this issue, and is supported throughout Asia, including Japan and Taiwan. I strongly urge my colleagues to oppose the disapproval resolution and support renewing normal trade relations status to China. Continued engagement with China is the best way to help China become a constructive force for stability and prosperity in Asia, and advance important American interests. Thank you.

Mr. LEACH. Mr. Speaker, for the next generation and perhaps century the most important bilateral relationship in the world is likely to be the one between China and the United States.

In this context, the Congress would be well-advised to extend normal trade relations (what used to be known as most-favored-nation or MFN) with China.

Maintaining open trade relations will be the linchpin of a relationship that will have profound importance to the future of peace and prosperity not just in Asia, but for the world. From a historical perspective free trade is a natural extension of the open door policy that hallmarked American involvement in China at the end of the 19th century. Breaching or revoking normal trade relations would effectively drive a stake through the heart of our economic ties with China and place in jeopardy the future possibility of greater Chinese democracy, as well as our relationship with one-fifth of the world's population.

President Clinton correctly emphasized continuity with a bipartisan American tradition of engagement during his recent trip to China, but it appears trade may have taken a back seat to politics. In this regard, it must be stressed that although our economic ties to China have grown rapidly in recent years, so too has the size of our trade deficit. It is up some 20% in the first quarter of this year, and may reach a record $60 billion in 1998. It is time American leaders make the fundamental point that normal trade relations are all about reciprocity. A billion dollar a week trade deficit is politically and economically unacceptable.

The best way for countries to have good sustainable political relations is to have reciprocal open markets, and the best way to achieve reciprocity in trade is to get politics out of economics and economics into the market.

Balanced and mutually beneficial trade could be a cornerstone of good Sino-American relations, just as unbalanced trade contains the smoldering prospect of social rupture. Hence little is more in the U.S. interest than to promote reform and liberalization of China's economic, trade, and investment regimes and to bind China to the rules of international commerce.

With regard to the latter issue, the obvious deserves repetition: common rules of trade are in the vested interest of all countries which want to be part of the modern world. Those nations which want privileged status to protect their own industries, usually on grounds of the old infant industries argumentation, generally hurt themselves. Financial services is a classic example. While China has become dramatically more integrated into the international financial system over the last decade and a half, it has only taken modest steps to open up its banking, insurance, and financial service industries to foreign competition. Yet China and its economy would be far better off to welcome U.S. and other foreign financial institutions and their panoply of low-cost commercial and investment banking products.

With this in mind, no fully satisfactory outcome to our trade difficulties can be achieved until Beijing agrees to a commercially viable package of terms for jointing the World Trade Organization. A commercially viable agreement must address U.S. concerns for opening China's market to U.S. agricultural and industrial goods. Likewise, U.S. service industries—particularly banking and insurance—deserve access to the Chinese market. Once this agreement is achieved, Congress should not hesitate to grant China permanent normal trade relations. Failure to do so would leave the U.S. unable to apply WTO rules and obligations to China, including mechanisms for dispute resolution.

At the heart of the annual Congressional debate over normal trade with China lies the issue of economic sanctions. All Americans support common-sense efforts to advance the cause of human rights in China, and elsewhere around the world. The question is one of means, not ends, whether self-righteous indignation advances or undercuts a just cause.

Although arguments can be marshalled in support of trade revocation, at this time they are clearly uncompelling. Indeed, for this Congress to revoke normal trade relations with China as a means to assert legislative displeasure with Beijing on one or any number of social issues would be so counterproductive as to be tantamount to an irrational act.

Members of Congress and many Americans are frequently vexed by what they perceive to be the slow pace of political change in China. But here it must be stressed that the only political system that fits economic free enterprise is political free expression reflected in governmental institutions of, by, and for the people. Advancing freely associated economic ties with the West has only one political side effect: it builds bridges to democracy. Quixotic attempts to isolate China economically run a far greater risk of assuring oppression than advancing democracy.

Chinese society is changing far more rapidly than most Americans realize. The late Deng Xiaoping underscored the new Chinese pragmatism with his cat and mice metaphor, and by promoting "socialism with Chinese characteristics." That pragmatism has led to unprecedented social and economic change in China. Indeed, despite continued political repression, China may be changing more rapidly than any other country in the world. Not only is it looking outward to trade and establishing a market-oriented internal economy, but in terms of private discussion there is much more freedom of expression than existed two decades ago. Privately, one can now criticize the Government without repercussion; it is public criticism that remains shackled. This latter circumstance is indefensible, but the looseness of controls on the former is not without significance. Nor are recent decisions allowing elections at local levels.

Nonetheless, China's social and economic transformation can't proceed in the long run without effecting significant political change. At some point Beijing's new leaders must recognize the incompatibility of free enterprise and an authoritarian political system, and must recognize as well that instability can be unleashed in society when governments fail to provide safeguards for individual rights and fail to erect political institutions adaptable to change and accountable to the people.

Wheather the 21st century is peaceful and whether it is prosperous will most of all depend on whether the world's most populous country can live with itself and become open to the world in a fair and respectful manner. How the United States, its allies, and the international system responds to the complexities and challenges of modern China is also one of the central foreign policy challenges of our time.

Revocation of MFN would not be responsive to the challenge. It would not effectively address our legitimate concerns on human rights, nonproliferation, Taiwan, or trade. On the contrary, it would constitute a supremely counter-productive act.

The United States would be far better to develop a bipartisan and bi-institutional approach that maintains an open door to China and with it a constructive relationship that will be the key to peace, stability, and prosperity in the 21st century than to annually threaten this political brinksmanship. I urge the defeat of this self-defeating legislation.

Ms. HARMAN. Mr. Speaker, I regret this annual ritual to attempt to deny regular trading status to a country comprising one quarter of the world's population.

The United States has normal trade relations with every country in the world except six: Afghanistan, North Korea, Cuba, Laos, Vietnam, and Yugoslavia. We even grant normal trade relations status to Iran, Iraq, Burma, and Libya. It is not to our advantage to put China in the same category as these rogue states, and impose trade restrictions.

By denying normal trade relations with China we hurt ourselves. China is the world's largest nation and a vast untapped market for U.S. goods and services. We can deny MFN to China, but other countries won't. And in the long run, we will be shut out of this market. This will not serve American workers, American consumers, or American competitiveness.

In my own state of California, trade with China accounts for $2.3 billion in exports, and thousands of high-skill, high-wage jobs. In the district I represent, trade with China has generated new jobs not only through exports, but imports as well. Since 1995, the number of jobs at the Ports of Los Angeles and Long Beach has increased five times over (from 800 to 4,700). And these are good, high paying jobs—many of them union jobs.

And let's be clear: if we deny normal trade relations with China, we leave the door open to quotas and tariffs that raise prices on the goods we buy. If we deny MFN, we hurt our own consumers. Is this what we want for hard-working American families?

Making China a regular trading partner does not mean downgrading our interest in getting China to improve its human rights and its non-proliferation record. As a member of the House National Security and Intelligence Committees, I have worked very hard to address the threat of missile proliferation from China and other countries, and I will continue to do so. The imposition of targeted economic sanctions on firms that proliferate is, in my view, a far better way to deal with this.

Refusing to grant normal trade relations status to China won't move it one iota on the issue of human rights or missile sales. What will? Engagement. Engagement means that we will continue to expose the Chinese people to our way of life and our values. As you will recall from the events that swept Eastern Europe less than a decade ago, opening the door just a little can result in tremendous change.

Wang Dan, the student protester who spent 7 years in a Chinese jail, recently said he hoped to learn about the U.S. political system and "bring the good things" back to China. He wants constructive engagement, and so should we.

Mr. VISCLOSKY. Mr. Speaker, I rise to express my strong opposition to President Clinton's decision to extend Most-Favored-Nation (MFN) trading status to the People's Republic of China for another year. I also express my full support for H.J. Res. 121, legislation introduced in the House of Representatives that would override the President's decision and revoke China's MFN status.

I am opposed to continuing China's MFN status for three reasons: (1) China's continuing disregard for our nation's trade laws, which has led to a skyrocketing trade deficit; (2) China's atrocious record on human rights; and (3) China's efforts to assist countries such as Iran, Libya, and Pakistan in developing weapons of mass destruction.

During my career in the Congress, I have worked hard to level the playing field for America's working families. I believe that if you work hard and play by the rules, you are entitled to a fair wage that allows you to buy a house, raise a family, and receive a good pension upon retirement. Unfortunately, these values are falling prey to foreign countries that aim to undermine U.S. jobs by producing goods with cheap labor and then violating our trade laws by importing those goods into the U.S.

China is a prime example of a country that engages in this type of behavior. There is irrefutable evidence that China produces consumer goods using slave labor, child labor, and even military labor in order to keep production costs as low as possible. In fact, Chinese workers are paid an average of $2 per day. China then violates U.S.-China trade agreements, including intellectual property laws, quota rules, and numerous other U.S. trade laws as it imports its goods into the United States.

It should come as no surprise that our trade deficit with China has risen from $3 billion in 1989 to a projected $63 billion for 1998. Trade figures for May 1998, show a 28 percent increase in the deficit compared with May 1997. These figures indicate that our trade imbalance with China is growing by more than $1 billion per week.

Out trade deficit with China will only get worse because continuing to grant MFN perpetuates a fundamentally unfair tariff system. Under MFN, the average tariff rate on Chinese goods being imported into the U.S. is just 2 percent, while China sets a whopping 35 percent tariff on U.S. goods. Continuing the current system gives China no incentive to lower its tariff rates or respect the trade laws currently in place. Revoking MFN would increase U.S. tariffs on 95 percent of the goods being imported from China, which will put the brakes on the growing trade deficit and help balance the playing field for American workers.

In the area of human rights, China's record speaks for itself. In 1997, the U.S. Department of State's annual report on human rights repeatedly chastised the Chinese for committing a range of human rights violations. According to the report, "The [Chinese] government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms stemming from the authorities' very limited tolerance of public dissent, fear of unrest, and the limited scope or inadequate implmentation of laws protecting basic freedoms."

The evidence is also clear that China continues to provide rogue nations such as Libya, Iran, and Pakistan with assistance in developing nuclear weapons and advanced ballistic missiles. China has supplied Iran with C–802 cruise missiles, which will allow Iran to deliver deadly payloads throughout the Middle East. China has also provided Pakistan with the technical assistance it needed to develop nuclear weapon capabilities. Recent reports even indicate that the Chinese were testing advanced ballistic missiles while President Clinton was visiting their country last month.

Mr. Speaker, China was originally granted MFN status with the hope that doing so would encourage China to lower its tariffs, improve its record on human rights, and become a responsible member of the international community. Seventeen years later, China's record on these issues shows little improvement. It is time to reject those who say "constructive engagement" is the only way to deal with the Chinese government, and revoke MFN status until China commits itself to making trade fairer, people freer, and the world safer.

Mr. LIPINSKI. Mr. Speaker, a 19th century British politician once said, "Commerce is the greatest of all political interests." The Administration's actions lends credence to the statement. In early June, the Administration threw its support behind the renewal of China's MFN status. The interests of multinational corporations have once again been placed before the interests of American working families.

We gave MFN status to China, and exactly what has that given us? It's given us a surging U.S. trade deficit with China that was $50 billion in 1997 that is expected to reach over $60 billion this year. The Administration's cozy trade relationship with China has come at the cost of tens of thousands of American jobs—in the name of constructive engagement, of course.

What is the bottom line with MFN for China? Multinational corporations take advantage of MFN and cheap Chinese labor by moving U.S. manufacturing jobs to China, produce the goods there, and export the products back to the U.S. Our jobs are being exported to China, so multinational corporations can raise their profits. They're putting profits before people.

Who wins? Communist China and multinational corporations.

Who loses? American workers.

Why? In the name of constructive engagement.

Constructive engagement should not come at the cost of American jobs. We should engage on our terms, so that all Americans can enjoy a rising standard of living—not just multinational corporations.

Mr. Speaker, while I am an idealist, I am also a realist. We just do not have the votes here today to reject MFN for China. What we do have, however, is an opportunity to send a message to the leaders in Beijing, China. The U.S. Congress will not stand idly by as China continues to close her markets to American products. Congress cannot ignore predatory trade practices that cost American jobs and threaten the livelihood of American workers. We must take stronger actions to open up China's market.

But the Administration has been telling us that they've been in negotiations with China. They're working very hard to open up China's market. The Administration has been negotiating to open up China's market since 1992, and in my opinion, nothing seems to have changed for the better. I think it's about time to stop talking and start doing.

Congress has provided the Administration with an extremely powerful tool at its disposal. Sections 301 through 309 of the Trade Act of 1974, commonly known as Section 301, gives the President and the U.S. Trade Representative the authority to respond to foreign trade barriers which restrict U.S. exports. It further authorizes the President and the USTR to retaliate usually in the form of 100% tariffs on targeted imported products from the offending country. Section 301 can do a lot to pry open foreign markets, especially in China. They've just chosen not to use it—in the name of constructive engagement, of course.

It's time for the Administration to pull Section 301 out of the closet, dust it off, and utilize it to pry open China's markets and correct the unfair trade deficit. It's time to initiate a Section 301 investigation of China. It's time to take the Section 301 sledgehammer to China's other Great Wall. Break it down and open it up to good, old Made-in-USA products. And if the Administration is reluctant to use Section 301, then it's up to Congress to make sure the Administration does.

Mr. Speaker, I am in strong of H. J. Res. 121 to revoke MFN status for China, because it hasn't helped America, it's only hurt us. MFN for China is a dead-end street for American workers. I urge all of my colleagues to vote for the resolution and send a message to Communist China that American workers will no longer bear the burden of constructive engagement.

Mr. COSTELLO. Mr. Speaker, I rise today in support of the resolution to disapprove so-called normal trade status to China. In the past I opposed efforts to grant this privilege to China, and following a trip I made to China last year, I continue to have reservations about extending this status.

Since the 1989 Tiananmen Square massacre, concern in Congress about the U.S.-China relationship has focused on three areas: China's violations of our trade agreements, proliferation of weapons of mass destruction, and human rights abuses. While congressional hearings and commissions have met and many reports have been issued, in each of these areas where Chinese violations have occurred, it is clear that our national policies of constructive engagement have failed. In fact, there has been deterioration, not improvement, under recent policies.

Looking from the economic perspective, the U.S. deficit with China has climbed exponentially to $50 billion last year. China's high tariffs and non-tariff barriers limit access to the Chinese market for most U.S. goods and services and violate the GATT agreement. China's communist rulers also refuse to enforce laws to prevent the piracy of intellectual property and patents. We must take action to assure that from an economic standpoint we have a level playing field.

Secondly, I am concerned about Chinese efforts to transfer nuclear, advance missile, chemical and biological weapons technology to nations like Iran and non-safeguarded nations like Pakistan. China is the largest nuclear power in the world and the only nation which produces long-range nuclear missiles. We cannot continue to ignore China's transfer of dangerous technology to that region. Such activity threatens to destabilize not only our nation but other regions of the world.

Most importantly, human rights issues continue to concern me. As recently as last week, the Chinese government arrested a group of Chinese citizens for attempting to form an opposition political party. Chinese officials ruthlessly enforce laws limiting families to having one child. It is well-documented that individuals in China who gave birth to a second child experienced loss of job or government benefits, fines and in some cases forced sterilization. The freedoms we often take for granted in America are what makes our citizens the envy of the world. As a national policy, I do not support offering economic incentives to a nation which discourages and disallows the freedom for individuals to express themselves.

Our nation has a responsibility to use its leverage to act on behalf of fairness and must insist on a reciprocal relationship with China. It is my strong desire that once and for all these three issues can be addressed so that both countries can have a satisfactory trade relationship. However, this will not happen by once again overlooking the serious problems that are occurring in China. Please do not reward China for their abuses of power; vote to deny "normal trade status" to China.

Mr. UPTON. Mr. Speaker, last year I voted against MFN. I did so for a variety of good reasons—primarily because of changes regarding nuclear technology issues and the suspicion that indeed we had seen the transfer of such to other countries.

I had a pretty good feeling that then, and now, MFN would continue. The issue of "engagement" would indeed prevail. But I voted against it in 1997 because I believed that we should send them a signal—if not now, when?

The last number of days, I, and a number of my colleagues have had lengthy discussions with the State Department, Defense Department, USTR, and others regarding the real security of these technologies.

I'm convinced, that we have made real progress in sending the message that any transfer of these technologies to other countries is simply not acceptable. Engagement this past year has indeed been productive on this front and I am glad to see real improvements.

I am hopeful that this progress will continue and I will also continue to watch world events with a careful eye.

My vote today will be cast in favor of normal trade between our two countries.

Mr. SKAGGS. Mr. Speaker, I want to see China improve its human rights record, stop repressing the people of Tibet, allow civil liberties and public dissent, and stop persecuting religious minorities.

So I understand the appeal of voting for this resolution. It would be very satisfying, for a few minutes, to feel that I did something, that the Congress did something, to make China change. But I have to step back and ask whether revoking Most-Favored Nation (MFN) trading status, now called Normal Trade Relations (NTR), for China would have the desired effect, and if not, what will. I don't think passing this resolution will make China change.

This cannot be a one-sided debate. We must consider not only the areas where we have real and heartfelt disagreement with the Chinese government's actions and policies, but also those often complex areas where Chinese cooperation with the United States has had and will have enormous consequences. And there are important areas where China has cooperated with us: working with us to stop North Korea's nuclear weapons development; helping us in the UN Security Council on the war against Iraq and subsequent sanctions; assisting U.S. efforts to implement the nuclear test ban and extend the nuclear nonproliferation treaty. In these areas, cooperation and engagement with China made all the difference in policies that are vital to our national security.

I have long advocated improved human rights in China. After the 1989 massacre in Tiananmen Square, I organized a protest march of more than two dozen Members of Congress who walked across Washington from the U.S. Capitol to the Chinese embassy, where we met with the Chinese ambassador and presented in the strongest possible terms our views that the Chinese government needed to change its ways.

I have also been very concerned about the persecution of Christians, and other religious minorities in China. Yet activists working to stop the persecution of Christians are of two minds on this issue. Many, including the Rev. Billy Graham and a number of Chinese Christians, have said that they feel engagement with China is the better course.

Revoking NTR means in effect that the United States would be imposing a huge unilateral increase in tariffs on Chinese goods. No other country is expected or likely to join us in raising tariffs, and that means revocation of NTR would be a unilateral economic sanction. Given the particular culture of the Chinese, I do not believe that this kind of sanction will be any more successful against China than unilateral trade sanctions have been against any other country. And many of our international competitors are quite ready to take over the U.S. share of the Chinese market.

Most worrisome would be the effect of raising U.S. tariffs, and thus risking contracting the Chinese economy at a time when the aftershocks of the Asian financial crisis are reverberating around the world. It is frankly in our own self-interest to encourage economic stability in Asia right now. Our own country could not be immune to recession if the Asian contagion spreads.

China has held the line on its currency during the Asian financial crisis, doing its part to keep the crisis from spreading further. It's highly unlikely China could continue to resist revaluation in the face of the impact of ending NTR status.

A year ago, Hong Kong reverted to Chinese sovereignty. We in Congress pressed China to live up to its promise of "one country, two systems" for Hong Kong. While we want to see further democratization for Hong Kong, China so far has substantially lived up to its pledges on political and economic autonomy for Hong Kong. Now that Hong Kong is under Chinese rule, trade with Hong Kong would also be subject to stiff tariff increases if NTR trading status in revoked. This could undermine Hong Kong's independence and autonomy by severely damaging its economy at a time when the Asian financial crisis has already wrecked havoc on it. It's estimated that revoking NTR would cut Hong Kong's economic growth in half, reduce trade by $30 billion, and cost 85,000 Hong Kong workers their jobs—making Hong Kong dependent on the Chinese regime.

The debate in the past has suffered from semantics. I hope the name change from "most-favored nation" (implying something special and concessionary) to "normal trade relations" (the tariff schedule that applies to almost every other nation we trade with) will help clarify what we are discussing here. Even countries with human rights records far from our liking get NTR status. There are only five countries to which we deny NTR status: Afghanistan, Cuba, Laos, North Korea, and Vietnam. Even the "rogue states" of Iran, Iraq, and Libya, although subject to other economic sanctions, are technically eligible for NTR status. Countries, like Syria or Indonesia, whose human rights records we often decry in the Congress, have NTR trading status.

Cutting off NTR status would mean that we would lose the opportunity to expose China to free market principles and values. American businessmen and women, interacting with

their Chinese counterparts, are able to demonstrate the merits of many such principles and values. Over time, it will make a difference, not just in economics, but in human dignity and human rights.

The globalizing world economy and the revolution in information exchange and technology offers an unprecedented set of circumstances that will tend to push all but the most isolated of nations toward integration with the international community. To finance expanding trade, China needs foreign capital and investment. With that investment comes exposure to internationally-recognized values and freedoms. With advances in information technology, such as the Internet, electronic mail, and fax machines—most of which are essential for doing business today—repressive governments like China's are fast losing their ability to control what people can read, learn, and think.

There are other, more positive, levers we can use to encourage China to loosen its repressive policies. One of those levers is Chinese accession to the World Trade Organization (WTO). I expect our negotiators to drive a hard bargain for market access and improved business practices before we can agree to China joining the WTO, a body China feels is essential for its trade expansion policies.

Engagement will take time, and it is hard to be patient. It will take time for trade, investment, and foreign enterprise to break the iron grip the Chinese regime has over its people. But American trade, products, and most importantly exposure to American values and people carry the seeds of change. Ultimately, China cannot sustain the economic liberalization supporting its trade with the United States without seeing an inevitable erosion of its political isolation and its authoritarian regime. Those are the ultimate, if eventual, objectives which inform our policy. To reverse that policy now might provide some temporary emotional and even moral satisfaction. But the advocates of such a reversal have not explained how it would lead to anything but a practical—and moral—dead end.

Mr. STENHOLM. Mr. Speaker, I rise in strong opposition to the resolution that would end normal trade relations with China. What we are considering today is whether we would continue giving China average treatment. With normal trade relations, our farmers and ranchers can sell their products in China on the same terms as their competitors from Australia, South America, and Europe.

U.S. agricultural exports to China already exceed $3.3 billion a year, and China's economy is growing at a rate of about 7% each year. Our agricultural exports have nearly tripled in the past 5 years making China the fourth largest market in the world for U.S. agricultural products. China accounts for approximately 25 percent of total world cotton consumption.

This year, China has become the leading importer of U.S. soybeans and products, estimated at over $1.4 billion. China is now the ninth largest market in the world for U.S. solid wood exports. U.S. solid wood exports to China totaled $152 million in 1997.

During 1997, China's estimated poultry consumption reached 12.8 million tons, accounting for 25 percent of global demand. Poultry consumption in China grew from only 12 percent of total meat intake in 1990 to about 24 percent in 1997.

China is by far the world's largest wheat consumer, and is second only to the United States in corn use. By 2005, China will be a net importer of 32 million tons of grain annually. WTO accession could expand those numbers dramatically—USDA estimates that China's net agricultural imports would increase by over $8 billion annually. Revocation of normal trade relations would undoubtedly set back progress towards a WTO accession agreement, and provide Europe, Australia, and Canada the opportunity to build long-term market share in China.

Joining the WTO means bringing China into a rules-based trading system. China must make laws public, require judicial review of all trade actions, apply all trade laws equally, and submit to WTO dispute settlement to ensure compliance with WTO rules. All of these measures will enhance the rule of law and the application of international norms in China's trade regime, to the benefit of China and the United States. The rule of law in trade in turn spills over to benefit the rule of law elsewhere.

We cannot afford to lose China as a market, just as we cannot in good conscience ignore our disagreements on social issues. This vote will determine whether United States values will continue to be of influence in China.

Shutting down trade with China or making the terms of trade impossibly restrictive would put in place a policy of unilateral confrontation that would not change China's behavior. If we remove MFN from China, we disengage our government from a leadership role in the region and would remove the positive influence that our business community has in China.

We must engage China if we are to persuade its leadership to deal with important social issues, and if we are to persuade China to open its markets to more U.S. agricultural products. Engagement of China has also helped maintain our agricultural markets in a very visible way in recent months—China has played an extremely helpful role in the Asia crisis. China has maintained the value of its currency despite pressure to devaluate. A Chinese devaluation would almost certainly set off a new round of competitive devaluation in the region the U.S. agriculture cannot afford. China has also participated actively in the Manila Framework and Willard Group processes, which are working to address problems identified by the crisis, and China has contributed directly to the international support package for Thailand.

Until we can reach a commercially viable agreement with China on Accession to the WTO, we must maintain normal trading relations with China—and that means renewing MFN.

I urge my colleagues to vote "no" on this disapproval resolution.

Mr. CONDIT. Mr. Speaker, I rise today to cast my vote against renewing normal trade relations with the People's Republic of China. In doing so, it is time to send a strong signal to Beijing along a number of fronts.

First, it is time to send a strong message that the hoped-for policy of trade engagement with China leading to greater democracy and responsibility from the Chinese government hasn't produced the results which merit renewal.

Our trading practices with China are reason enough not to renew normal trade relations. Because China continues to engage in predatory trade practices, we now have a $50 billion trade deficit. China continues to refuse to enforce laws against piracy of intellectual property and patents, continues to ship products made with prison labor, evades U.S. restrictions on Chinese textile exports by trans-shipping pieces through Hong Kong and effectively prohibits thousands of foreign products which run counter to the General Agreement on Tariffs and Trade.

Clearly, countless extensions of this trading privilege, formerly known as Most Favored Nation trading status, have not produced favorable conditions for the U.S. Also very clearly, this is a privilege the Chinese need more than we do.

Secondly, there are serious questions about the Chinese and their military spending which has been fueled and financed by billions of dollars the Chinese make through managed trade with us. Instead of entering the international community and trying to stem the flow and proliferation of nuclear arms, there is strong evidence the Chinese have continued to transfer advanced ballistic missile technology to Syria and Pakistan as well as nuclear and chemical weapons technology to Iran.

In the area of human rights, China has not made the kind of progress which deserves our support for Normal Trade Relations. Just a few weeks ago, President Clinton visited China and emphasized the need for greater freedom and the rule of law. Since President Clinton left China, there have been almost daily reports in the news media regarding China's increasing intolerance—including numerous arrests of people associated with China's democracy movement. There is a crystal clear record of religious persecution, restrictions on the press, use of slave and prison labor, and the persecution of the people of Tibet.

Mr. ACKERMAN. Mr. Speaker, I rise in opposition to House Joint Resolution 121 and in support of normal trade relations with China.

Every year we debate the extension of NTR to China, but the debate is not really about trade, it's about how we relate to China. There are many reasons for members to object to aspects of the U.S.-PRC relationship. There are issues involving missile proliferation, nuclear technology transfers, religious freedom, human rights, and Taiwan. Opponents of NTR will claim any or all of these issues as justification for discontinuing normal trade relations.

For me, the issue has always been how best to convey our concerns to China and how to persuade them to be constructive actors on the international stage. The best way is through engagement because if we don't deal with China, none of the issues that we believe are important will be addressed.

This is equally true where we share a common agenda with China. For example, it is in both our interests that North Korea not develop nuclear weapons. Likewise, it is in both our interests that China not devalue the yuan. Such a step could worsen the already severe economic crisis in Asia and undermine American interests there. Would China be more

willing to be constructive on these issues if we cut off normal trade relations? I doubt it.

This is not a call for business as usual or an indication that we should abandon our security, proliferation or human rights concerns. On the contrary, we must forcefully articulate our views to China where we disagree. The President did just that when he was in China a few weeks ago. He had the unprecedented opportunity to speak directly to the Chinese people about American concerns and American values. This opportunity would not have occurred had we cut off NTR last year and I believe U.S. interests would be seriously damaged if we approve this resolution today.

Mr. Speaker, when the United States Government deals directly with China, when U.S. companies do business in China, and when U.S. citizens travel to China, China is exposed to American values. That's the best way for us to engage China.

I urge my colleagues to oppose the resolution and support normal trade relations with China.

Mr. RANGEL. Mr. Speaker, I rise in support of the President's decision to extend most-favored-nation, or normal trade relations status, to the products of China for another year. I urge my colleagues to vote no on H.J. Res. 121, which would disapprove the President's decision.

The Committee on Ways and Means decided by a bipartisan voice vote to report this resolution adversely, and to continue our present trading relationship with China.

We all share similar goals with respect to China. We all want China to observe international norms with respect to human rights, religious freedom, and democratic principles. We all want China to provide greater market access for our goods and services. We all want China to be a responsible trading partner.

Continued engagement with China through increased trade is not an endorsement of China's policies with respect to human rights and political and religious freedoms. The point is that withdrawing normal trading status from China (after the 18 years we have treated the Chinese in the same manner as we do all but a handful of other countries in the world) will not advance our goals with China. Rather, it will be a major step backward and hinder achieving those goals.

Using trade as a weapon can work only if we have a consensus with our trading partners that we will work collectively to achieve common goals. As our unilateral embargo against Cuba demonstrates, seeking to change the behavior of Chinese leaders by withdrawing from our normal trading relationship is unworkable. It will result only in foreign countries filling the vacuum we leave. We lose the jobs increased trade would have provided, and the situation we target does not improve.

It is our policy of working to expand areas of cooperation with China while dealing directly with our differences—not a policy of isolation—that has the support of our foreign allies, as well as religious leaders, including the Reverend Billy Graham and the Dalai Lama.

We should increase communication through business and trade contacts in order to continue the progress being made toward resolving our differences with Chinese leaders. That dialog will create further understanding among the people of the most populous nation on Earth about our democratic values.

The televised discussions about human rights which took place during the President's recent visit to China demonstrated that our policy of continued engagement is making a difference with the new Chinese leadership and the Chinese people.

Mr. Speaker, I also support the President's decision to continue our engagement with China because this is a foreign policy and a national security issue, not just a trade issue. China is cooperating with us in a number of areas of strategic importance to promote stability in Asia, including on nuclear nonproliferation and the financial crisis. For the Congress now to disapprove normal trading status and, instead, impose prohibitive tariffs on Chinese products clearly would have negative consequences for our overall strategic as well as economic relations.

The United States-China relationship is a key to global peace, prosperity, and stability for many years ahead. Management of this relationship in a constructive, positive way is of critical importance to our national interests. The wisdom of this course was demonstrated by the President's trip and I believe it must be maintained.

We should defeat H.J. Res. 121.

□ 1545

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the order of the House of Friday, July 17, 1998, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that proceedings will resume on the motion to suspend the rules and pass the bill, H.R. 1689, immediately following this vote, and without objection, the Chair will reduce the time for that vote by the yeas and nays to not less than 5 minutes.

There was no objection.

The SPEAKER pro tempore. The question is on the joint resolution.

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

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 166, noes 264, not voting 5, as follows:

[Roll No. 317]

AYES—166

Abercrombie
Aderholt
Barcia
Barr
Bartlett
Barton
Bishop
Blunt
Bonior
Borski
Brady (PA)
Brown (OH)
Bunning
Burr
Burton
Cardin
Carson
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clyburn
Coburn
Collins
Condit
Cook
Costello
Cox
Coyne
Cummings
Danner
Deal
DeFazio
Delahunt
DeLauro
Diaz-Balart
Dickey
Doolittle
Duncan
Ehrlich
Engel
Ensign
Evans
Everett
Forbes
Fowler
Frank (MA)
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilman
Goode
Goodling
Graham
Gutierrez
Hall (OH)
Hastings (FL)
Hefley
Hefner
Hilleary
Hinchey
Hobson
Horn
Hostettler
Hoyer
Hunter
Hyde
Inglis
Jackson (IL)
Jenkins
Jones
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Klug
Kucinich
Lantos
Lee
Lewis (GA)
Lipinski
LoBiondo
Maloney (CT)
Markey
Mascara
McCarthy (NY)
McDade
McIntyre
McKinney
Menendez
Miller (CA)
Mink
Mollohan
Myrick
Nadler
Neumann
Ney
Norwood
Obey
Olver
Owens
Pallone
Pappas
Pascrell
Payne
Pelosi
Pickering
Pombo
Riley
Rivers
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Sabo
Sánchez
Sanders
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sisisky
Smith (NJ)
Smith, Linda
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stokes
Strickland
Stupak
Sununu
Taylor (MS)
Taylor (NC)
Thompson
Tiahrt
Tierney
Torres
Traficant
Velázquez
Vento
Visclosky
Wamp
Waters
Waxman
Weldon (FL)
Wexler
Weygand
Wolf
Woolsey
Wynn
Yates
Young (AK)

NOES—264

Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (CA)
Brown (FL)
Bryant
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Clement
Coble
Combest
Conyers
Cooksey
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
DeLay
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Fossella
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Gordon
Goss
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Herger
Hill
Hilliard
Hinojosa
Hoekstra
Holden
Hooley
Houghton
Hulshof
Hutchinson
Istook
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kelly
Kennelly
Kim
Kind (WI)
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood

Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (NY)
Manton
Manzullo
Martinez
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McKeon
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Neal
Nethercutt
Northup
Nussle
Oberstar
Ortiz
Oxley
Packard
Parker
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rodriguez
Roemer
Rogan
Roukema
Roybal-Allard
Rush
Ryun
Salmon
Sandlin
Sawyer
Schumer
Scott
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Stabenow
Stenholm
Stump
Talent
Tanner
Tauscher
Tauzin
Thomas
Thornberry
Thune
Thurman
Towns
Turner
Upton
Walsh
Watkins
Watt (NC)
Watts (OK)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise

NOT VOTING—5

Ford
Gonzalez
McNulty
Serrano
Young (FL)

□ 1604

Mr. RUSH and Mr. McCRERY changed their vote from "aye" to "no."

Mr. VISCLOSKY and Mrs. MYRICK changed their vote from "no" to "aye."

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1997

The SPEAKER pro tempore (Mr. PEASE). The unfinished business is the question of suspending the rules and passing the bill, H.R. 1689, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 1689, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 340, nays 83, answered "present" 1, not voting 11, as follows:

[Roll No. 318]

YEAS—340

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Farr
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
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McInnis
McIntosh
McIntyre
McKeon
Meehan
Meeks (NY)
Metcalf
Mica
Miller (CA)
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Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
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Nethercutt
Neumann
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Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
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Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)

NAYS—83

Abercrombie
Baldacci
Becerra
Berman
Blagojevich
Blunt
Bonior
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Dicks
Dingell
Dixon
Doggett
Engel
Evans
Fattah
Filner
Frost
Gephardt
Gutierrez
Hall (OH)
Hilliard
Hinchey
Jackson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Klink
Kucinich
Lee
Levin
Lewis (GA)
Lipinski
Markey
McDermott
McKinney
Meek (FL)
Menendez
Millender-McDonald
Mink
Mollohan
Nadler
Oberstar
Obey
Olver
Owens
Pastor
Paul
Payne
Rahall
Rivers
Roybal-Allard
Sanders
Schumer
Scott
Skaggs
Stark
Stokes
Stupak
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Watt (NC)
Waxman
Wise
Woolsey
Yates

ANSWERED "PRESENT"—1

Lowey

NOT VOTING—11

Cubin
Fawell
Ford
Gonzalez
Goodlatte
Hall (TX)
Herger
Hooley
McNulty
Serrano
Young (FL)

□ 1615

Mr. JACKSON of Illinois changed his vote from "yea" to "nay."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GOODLATTE. Mr. Speaker, on rollcall No. 318, I was unavoidably detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Ms. HOOLEY of Oregon. Mr. Speaker, during rollcall vote No. 318, H.R. 1689—Securities Litigation, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. BLILEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1260) to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1260

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 "Securities Litigation Uniform Standards Act of 1998".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Private Securities Litigation Reform Act of 1995 sought to prevent abuses in private securities fraud lawsuits;

(2) since enactment of that legislation, considerable evidence has been presented to Congress that a number of securities class action lawsuits have shifted from Federal to State courts;

(3) this shift has prevented that Act from fully achieving its objectives;

(4) State securities regulation is of continuing importance, together with Federal regulation of securities, to protect investors and promote strong financial markets; and

(5) in order to prevent certain State private securities class action lawsuits alleging fraud from being used to frustrate the objectives of the Private Securities Litigation Reform Act of 1995, it is appropriate to enact national standards for securities class action lawsuits involving nationally traded securities, while preserving the appropriate enforcement powers of State securities regulators and not changing the current treatment of individual lawsuits.

SEC. 3. LIMITATION ON REMEDIES.

(a) AMENDMENTS TO THE SECURITIES ACT OF 1933.—

(1) AMENDMENT.—Section 16 of the Securities Act of 1933 (15 U.S.C. 77p) is amended to read as follows:

"SEC. 16. ADDITIONAL REMEDIES; LIMITATION ON REMEDIES.

"(a) REMEDIES ADDITIONAL.—Except as provided in subsection (b), the rights and remedies provided by this title shall be in addition to any and all other rights and remedies that may exist at law or in equity.

"(b) CLASS ACTION LIMITATIONS.—No class action based upon the statutory or common law of any State or subdivision thereof may be maintained in any State or Federal court by any private party alleging—

"(1) an untrue statement or omission of a material fact in connection with the purchase or sale of a covered security; or

"(2) that the defendant used or employed any manipulative or deceptive device or contrivance in connection with the purchase or sale of a covered security.

"(c) REMOVAL OF CLASS ACTIONS.—Any class action brought in any State court involving a covered security, as set forth in subsection (b), shall be removable to the Federal district court for the district in which the action is pending, and shall be subject to subsection (b).

"(d) PRESERVATION OF CERTAIN ACTIONS.—

"(1) IN GENERAL.—Notwithstanding subsection (b), a class action described in paragraph (2) of this subsection that is based upon the statutory or common law of the State in which the issuer is incorporated (in the case of a corporation) or organized (in the case of any other entity) may be maintained in a State or Federal court by a private party.

"(2) PERMISSIBLE ACTIONS.—A class action is described in this paragraph if it involves—

"(A) the purchase or sale of securities by the issuer or an affiliate of the issuer exclusively from or to holders of equity securities of the issuer; or

"(B) any recommendation, position, or other communication with respect to the sale of securities of the issuer that—

"(i) is made by or on behalf of the issuer or an affiliate of the issuer to holders of equity securities of the issuer; and

"(ii) concerns decisions of those equity holders with respect to voting their securities, acting in response to a tender or exchange offer, or exercising dissenters' or appraisal rights.

"(e) PRESERVATION OF STATE JURISDICTION.—The securities commission (or any agency or office performing like functions) of any State shall retain jurisdiction under the laws of such State to investigate and bring enforcement actions.

"(f) STATE ACTIONS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, nothing in this section may be construed to preclude a State or political subdivision thereof or a State pension plan from bringing an action involving a covered security on its own behalf, or as a member of a class comprised solely of other States, political subdivisions, or State pension plans similarly situated.

"(2) STATE PENSION PLAN DEFINED.—For purposes of this paragraph, the term 'State pension plan' means a pension plan established and maintained for its employees by the government of the State or political subdivision thereof, or by any agency or instrumentality thereof.

"(g) DEFINITIONS.—For purposes of this section the following definitions shall apply:

"(1) AFFILIATE OF THE ISSUER.—The term 'affiliate of the issuer' means a person that directly or indirectly, through 1 or more intermediaries, controls or is controlled by or is under common control with, the issuer.

"(2) CLASS ACTION.—

"(A) IN GENERAL.—The term 'class action' means—

"(i) any single lawsuit (other than a derivative action brought by 1 or more shareholders on behalf of a corporation) in which—

"(I) damages are sought on behalf of more than 50 persons or prospective class members, and questions of law or fact common to those persons or members of the prospective class, without reference to issues of individualized reliance on an alleged misstatement or omission, predominate over any questions affecting only individual persons or members; or

"(II) 1 or more named parties seek to recover damages on a representative basis on behalf of themselves and other unnamed parties similarly situated, and questions of law or fact common to those persons or members of the prospective class predominate over any questions affecting only individual persons or members; or

"(ii) any group of lawsuits (other than derivative suits brought by 1 or more shareholders on behalf of a corporation) filed in or pending in the same court and involving common questions of law or fact, in which—

"(I) damages are sought on behalf of more than 50 persons; and

"(II) the lawsuits are joined, consolidated, or otherwise proceed as a single action for any purpose.

"(B) COUNTING OF CERTAIN CLASS MEMBERS.—For purposes of this paragraph, a corporation, investment company, pension plan, partnership, or other entity, shall be treated as 1 person or prospective class member, but only if the entity is not established for the purpose of participating in the action.

"(3) COVERED SECURITY.—The term 'covered security' means a security that satisfies the standards for a covered security specified in paragraph (1) or (2) of section 18(b) at the time during which it is alleged that the misrepresentation, omission, or manipulative or deceptive conduct occurred.".

(2) CONFORMING AMENDMENTS.—Section 22(a) of the Securities Act of 1933 (15 U.S.C. 77v(a)) is amended—

(A) by inserting "except as provided in section 16 with respect to class actions," after "Territorial courts,"; and

(B) by striking "No case" and inserting "Except as provided in section 16(c), no case".

(b) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—Section 28 of the Securities Exchange Act of 1934 (15 U.S.C. 78bb) is amended—

(1) in subsection (a), by striking "The rights and remedies" and inserting "Except as provided in subsection (f), the rights and remedies"; and

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

"(f) LIMITATIONS ON REMEDIES.—

"(1) CLASS ACTION LIMITATIONS.—No class action based upon the statutory or common law of any State or subdivision thereof may be maintained in any State or Federal court by any private party alleging—

"(A) a misrepresentation or omission of a material fact in connection with the purchase or sale of a covered security; or

"(B) that the defendant used or employed any manipulative or deceptive device or contrivance in connection with the purchase or sale of a covered security.

"(2) REMOVAL OF CLASS ACTIONS.—Any class action brought in any State court involving a covered security, as set forth in paragraph (1), shall be removable to the Federal district court for the district in which the action is pending, and shall be subject to paragraph (1).

"(3) PRESERVATION OF CERTAIN ACTIONS.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a class action described in subparagraph (B) of this paragraph that is based upon the statutory or common law of the State in which the issuer is incorporated (in the case of a corporation) or organized (in the case of any other entity) may be maintained in a State or Federal court by a private party.

"(B) PERMISSIBLE ACTIONS.—A class action is described in this subparagraph if it involves—

"(i) the purchase or sale of securities by the issuer or an affiliate of the issuer exclusively from or to holders of equity securities of the issuer; or

"(ii) any recommendation, position, or other communication with respect to the sale of securities of an issuer that—

"(I) is made by or on behalf of the issuer or an affiliate of the issuer to holders of equity securities of the issuer; and

"(II) concerns decisions of such equity holders with respect to voting their securities, acting in response to a tender or exchange offer, or exercising dissenters' or appraisal rights.

"(4) PRESERVATION OF STATE JURISDICTION.—The securities commission (or any agency or office performing like functions) of any State shall retain jurisdiction under the laws of such State to investigate and bring enforcement actions.

"(5) STATE ACTIONS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, nothing in this subsection may be construed to preclude

a State or political subdivision thereof or a State pension plan from bringing an action involving a covered security on its own behalf, or as a member of a class comprised solely of other States, political subdivisions, or State pension plans similarly situated.

"(B) STATE PENSION PLAN DEFINED.—For purposes of this paragraph, the term 'State pension plan' means a pension plan established and maintained for its employees by the government of a State or political subdivision thereof, or by any agency or instrumentality thereof.

"(6) DEFINITIONS.—For purposes of this subsection the following definitions shall apply:

"(A) AFFILIATE OF THE ISSUER.—The term 'affiliate of the issuer' means a person that directly or indirectly, through 1 or more intermediaries, controls or is controlled by or is under common control with, the issuer.

"(B) CLASS ACTION.—The term 'class action' means—

"(i) any single lawsuit (other than a derivative action brought by 1 or more shareholders on behalf of a corporation) in which—

"(I) damages are sought on behalf of more than 50 persons or prospective class members, and questions of law or fact common to those persons or members of the prospective class, without reference to issues of individualized reliance on an alleged misstatement or omission, predominate over any questions affecting only individual persons or members; or

"(II) 1 or more named parties seek to recover damages on a representative basis on behalf of themselves and other unnamed parties similarly situated, and questions of law or fact common to those persons or members of the prospective class predominate over any questions affecting only individual persons or members; or

"(ii) any group of lawsuits (other than derivative suits brought by 1 or more shareholders on behalf of a corporation) filed in or pending in the same court and involving common questions of law or fact, in which—

"(I) damages are sought on behalf of more than 50 persons; and

"(II) the lawsuits are joined, consolidated, or otherwise proceed as a single action for any purpose.

"(C) COUNTING OF CERTAIN CLASS MEMBERS.—For purposes of this paragraph, a corporation, investment company, pension plan, partnership, or other entity, shall be treated as 1 person or prospective class member, but only if the entity is not established for the purpose of participating in the action.

"(D) COVERED SECURITY.—The term 'covered security' means a security that satisfies the standards for a covered security specified in paragraph (1) or (2) of section 18(b) of the Securities Act of 1933, at the time during which it is alleged that the misrepresentation, omission, or manipulative or deceptive conduct occurred.".

SEC. 4. APPLICABILITY.

The amendments made by this Act shall not affect or apply to any action commenced before and pending on the date of enactment of this Act.

MOTION OFFERED BY MR. BLILEY

Mr. BLILEY. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BLILEY moves to strike all after the enacting clause of the Senate bill, S. 1260, and insert in lieu thereof the text of H.R. 1689, as passed by the House.

The motion was agreed to.

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

A similar House bill (H.R. 1689) was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 6, HIGHER EDUCATION AMENDMENTS OF 1998

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6) to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none and, without objection, appoints the following conferees:

For consideration of the House bill (except section 464), and the Senate amendment (except sections 484 and 799C), and modifications committed to conference: Messrs. GOODLING, MCKEON, PETRI, GRAHAM, SOUDER, PETERSON of PENNSYLVANIA, CLAY, KILDEE, MARTINEZ, and ANDREWS.

For consideration of section 464 of the House bill, and sections 484 and 799C of the Senate amendment, and modifications committed to conference: Messrs. GOODLING, TALENT, SHAW, CAMP, CLAY and LEVIN.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3616, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. SPENCE. Mr. Speaker, pursuant to clause 1 of rule XX, and by direction of the Committee on National Security, I move to take from the Speaker's table the bill (H.R. 3616) to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. SPENCE).

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. SKELTON moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3616 be instructed to insist upon the authorization levels provided in title II of the House bill for Theater Missile Defense programs and for space-based lasers.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. SKELTON) and the gentleman from South Carolina (Mr. SPENCE) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri (Mr. SKELTON).

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

Mr. Speaker, this motion is about the priority we accord our troops rather than the special interests. The House passed bill gives priority to protecting the troops from theater ballistic missile attacks while the Senate version, on the other hand, would gut theater missile defense to pay for resumption of futuristic Star Wars experiments. The House bill, Mr. Speaker, got it right. Our bill got it right.

Mr. Speaker, the Senate bill would increase the administration's request for space-based lasers by $94 million, a 100 percent increase. The Senate bill would also reduce the administration's request for theater missile defense by a net of $203.9 million, resulting in a 40 percent reduction of the highest priority theater missile defense program.

Correctly, the House bill would do neither. For that we owe a debt of gratitude to the gentleman from South Carolina (Mr. SPENCE), chairman of the full Committee on National Security, and to the gentleman from Pennsylvania (Mr. WELDON), chairman of the Subcommittee on Military Research and Development, for their leadership in this important area. I thank them, and I know the rest of the committee joins me in doing so.

The proposed Senate increase would begin to put weapons in space by starting a multibillion dollar 8-year program to demonstrate a space-based chemical laser capability for the national missile defense system. It is premature because, as a Nation, we have not made the policy decision to put weapons in space, nor have we decided that a chemical laser is preferred over solid state or other lasers.

And, perhaps most important, we have already rejected the near $30 billion price tag such a space-based laser national missile defense system would entail. Worse, the chemical laser to be demonstrated is not slated to be part of any actual space-based laser national missile defense system we might one day choose to develop.

Moreover, the theater missile defense decreases proposed by the Senate would unnecessarily slow development of our lead theater missile defense program, the Army's Theater High Altitude Air Defense System. THAAD, what it is known as, is our highest priority missile defense effort and is being

developed to counter the theater missile threat currently facing our troops overseas and our friends and our allies.

Let me point out, Mr. Speaker, that during the Gulf War the highest fatalities we had were as a result of a theater missile, and we must do something to protect the troops in that regard.

The program has suffered some setbacks, but we must recover from those setbacks as quickly as possible. There are no reasonable alternatives. The proposed $323.9 million cut to the THAAD system would gut our ability to restructure the program and put it on a more sound technical footing and it would add further delay. Frankly, Mr. Speaker, this is just unacceptable.

The House position is correct. Taken together, the recommendations in the Senate bill would have us walk away from our first missile defense responsibility, countering the theater ballistic missile threat already facing our troops and friends and allies today, in favor of a futuristic space-based laser experimentation to benefit special interests. It makes no sense.

For several years now we have had consensus on the priority to be accorded theater missile defenses between the legislative and executive branches, Republicans and Democrats and liberals and conservatives. Mr. Speaker, nothing has changed.

The House-passed bill got it right, got it correct, and correctly prioritizes protecting the troops from theater ballistic missile attack over futuristic space-based laser experiments.

I sincerely urge my colleagues to keep our troops in mind. We know what the past has held for them on the front lines in combat, and it is up to us to do our very best to protect them, to protect the troops. Stick by the House position.

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

Mr. Speaker, while I do not agree with all of my colleague's statements, I am in complete agreement with him that this Nation needs to do everything in its power to protect American troops deployed around the world. In fact, when it comes to theater missile defenses, I was one of a number of Members who felt compelled to take the highly unusual step back in 1996 of suing the Clinton Administration for consciously ignoring the law that established timetables and provided increased funding in order to ensure the fielding of theater missile defense systems to protect our troops.

Likewise, many Members who serve on the Committee on National Security have helped to lead the fight over the past several years to prevent the administration from implementing arms control agreements with the Russians that would slow down or "dumb down" and otherwise limit the capabilities of this country's theater missile defense capabilities.

The single largest loss of life during the Gulf War was the result of a ballistic missile attack, and here we are, 7 years later, without a deployed theater missile defense. I would hope we could move past finger pointing, lawsuits and unsound arms control agreements and get on with the business of fielding systems to defend our troops against ballistic missiles. In this regard, I look forward to continuing to work with my colleague from Missouri to compel this and future administrations to deploy theater missile defenses.

While the Cold War has been officially over for almost a decade, serious threats to this Nation have not disappeared. As the recent report of the bipartisan Rumsfeld Commission indicated, the long-range ballistic missile threat to this country is not 15 years down the road. In fact, the threat is here today, it will only get worse, and we may not have any warning of the threat until it is too late. The time, effort and resources many nations and rogue actors are investing to develop or acquire weapons of mass destruction is truly frightening.

I believe the Rumsfeld Commission report is one more nail in the coffin of the argument made by some that our Nation does not, should not or will not need to build a system to defend the American people against ballistic missile attack. The threat is real and it is imminent. So the question is not whether to build such a system, only when and how.

In that regard, I agree with the concerns of the gentleman from Missouri (Mr. SKELTON). I do not claim to know what the proper technological answer or combination of answers to the question of how best to defend the American people against ballistic missiles. If part of the answer is to deploy space-based weapons, whether kinetic or directed energy, then the Nation should not hesitate. Space-based weapons may well prove to be an essential component of a long-term answer to defending Americans against ballistic missile attack.

Frankly, in the near term I am more concerned with getting the administration to commit to move forward with the deployment of some missile defense system, any missile defense system, for the American public. American technological skills and ingenuity will ultimately show us how, but it will not happen until our Nation's political leadership demonstrates the will and commitment to address the threat with more than words.

In conclusion, let me once again commend the gentleman from Missouri for his leadership. When it comes to standing up for our men and women in uniform, he stands second to none. His motion to instruct is consistent with the House-passed bill, and as such, I fully support it.

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

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from South Carolina not just for his kind comments but also for his reasoned thinking regarding this issue, and thank him for his support.

Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. SPRATT).

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

Mr. Speaker, the motion to instruct is about as straightforward as it can get. We are saying, simply, let us not cut funding for missile defense systems that could soon be able to provide protection for our troops and our deployments in tactical theater situations. Let us not take it out of these systems that show near-term promise and put it in something that is totally futuristic, space-based lasers, a technology that is literally decades away from being realized and tens of billions of dollars away from fruition.

□ 1630

Ever since we lost 28 servicemen and women to one of Saddam's SCUDs 7 years ago, we have been pushing the development of theater missile defense, so-called TMD, theater missile defense systems, to protect our troops and our deployments from short- and medium-range ballistic missiles.

Support for the TMD programs in the House has been consistent and has been bipartisan. The primary systems that we are developing cover the whole spectrum. There is a Navy Lower Tier, primarily to protect ships, and a Navy Upper Tier to protect the literal and 3 Army programs: the THAAD, the Theater High Altitude Air Defense System; the PAC–3; and the so-called MEAD–4 division level Army defense.

The House provided this year a very modest increase, $120 million, to the President's request of $1.7 billion for TMD, theater missile defense, research. The President's request for Space Based Lasers was $94 million. On a bipartisan basis, after studying it carefully, the House took $20 million out of the so-called Space Based Laser and shifted it to the theater missile defense. We added it on to TMD.

The other body takes these priorities and stands them on their head. It cuts THAAD, or cuts theater missile defense, by $237 million, 14 percent below President Clinton's request; and then it doubles the funding for the so-called Space Based Laser. This is not only unwise, it is reckless.

We need to focus our efforts on fielding TMD systems. We spent tens of billions of dollars during the Reagan and Bush years in pursuit of Space Based Lasers, lasers of different kinds, ground based as well as space based. At one time we had 5 different laser systems which we were funding; two or

three chemical laser systems, an excimer laser system, a free-electron laser system. They have all gone by the board.

What we need is focus, as well as funding, and our troops need theater missile defense. The technology is very nearly within our grasp. It is near term, and we should not be cutting funding now when we have just about got this technology in grasp in order to put it into futuristic technologies that may not ever work. And even if they are deployable in space, they may be so enormous in outerspace that they are highly vulnerable to counterattack.

Now, the primary reason that the other body came in below the President's, $237 million below the President's request, is to cut THAAD, the so-called Theater High Altitude Defense system, sharply.

As most folks know, the THAAD has not made a good showing for itself. In testing, it is zero for five so far. So I am not here to defend the THAAD in its present status. I am here to say we need a system that fits that specification, we need a ground based system, we need something that has its reach and its range. And this approach to take this much out of that system is short-sighted and it misses an obvious point.

Ballistic missile defense is rocket science. In fact, it is harder than rocket science, and the Pentagon and the Congress must be patient and we have got to expect setbacks.

The Patriot, for example, started the concept development in 1968. It did not really come to final fruition and complete testing until the late 1980s. That is how long it took to bring the Patriot, and we far outstrip the need for a system like that. We have got to go further.

THAAD proves that we cannot rush technology. We cannot legislate initial operational capability dates. We have got to be patient. We should not take development shortcuts, and we should test these programs rigorously, which we are doing with the THAAD. If we abandon every missile defense system, theater missile defense system in particular, that runs into technical problems and then take up another system instead, we will never field anything.

Our committee worked in a very bipartisan way to fix the THAAD program. We did not simply give the money to the President as he requested, thanks in good part to my colleague the gentleman from Pennsylvania (Mr. WELDON). He helped fashion this language that will put the feet of the contractor to the fire, install a new co-prime contractor, as it were, to look over the contractor's shoulder.

We kept the top line for THAAD, but we placed the bulk of the funding in the so-called demonstration and validation account to help identify the flaws in the THAAD, to help make fixes to the THAAD and to provide additional tests to evaluate those fixes.

We injected competition into the program, too, to make sure that the contractors got the best people working on the program; and if a contractor cannot do it, another contractor may have to be selected.

We should insist on the House position on TMD because we have to stay the course on this system if we are going to protect our troops and our interests and our installations and our deployments abroad. It is my understanding that the Ballistic Missile Defense Office agrees with the position that we are taking here.

Let me say something about the Space Based Laser. We are not zeroing it out. We will leave $74 million. In any other budget, that is big money, a reasonable level of money certainly to do exploratory research.

Some in the other body say the Rumsfeld Commission shows the need to put more money into Space Based Lasers. Listen, the best it can really promise us with respect to the Space Based Laser is a demonstration test in the year 2008, and to fund it we have got to put up $3 billion to get from here to the year 2008. And that is not a system. That is just a demonstration test in space. We need something in place before the year 2008.

If we want to believe that, if we want a prudent course, vote for this resolution in order to instruct our conferees to do what we are proposing to do, restore the THAAD and take the money out of the Space Based Laser.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from South Carolina (Mr. SPRATT) for speaking for the protection of the troops.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. SISISKY).

Mr. SISISKY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the motion to instruct conferees. I agree with our ranking member the gentleman from Missouri (Mr. SKELTON); the House bill got it right on ballistic missile defense.

Last week, the committee received the report of the commission to assess the ballistic missile threat to the United States. This was a bipartisan commission, with unimpeachable credentials. It was appointed by both the legislative and executive branch to assess the nature and magnitude of the existing and emerging ballistic missile threat to the United States.

In addition, commission members testified before the committee. The report and testimony of the commission members made two things clear. First, the ballistic missile threat to the United States may be coming faster than previously estimated. And second and more importantly, the threat to our friends and allies and our troops overseas already exists and in some parts of the world is already deployed. Frankly, the commission report frightens me and makes me question to some degree what our intelligence community has been saying all this time.

That said, it makes no sense to me to cut theater missile defense, TMD, which is intended to protect our friend, allies, and troops from today's threat in favor of futuristic science fair projects in space that are neither conceived or designed to respond to the near-term threats identified by the commission.

I urge my colleagues to put protecting the troops ahead of the science fair projects that may not even be finished for 10 or 20 years. I urge my colleagues to support the motion to instruct conferees and support the House position.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of this motion to instruct conferees. The Balanced Budget Agreement demands that we live within our means and that we make choices. In the defense authorization bill, we must prioritize among competing programs.

As the gentleman from Missouri (Mr. SKELTON), the ranking member, mentioned, our troops in uniform must receive our highest priority. This motion offers a clear choice: Do we support the House position and help protect American troops from today's ballistic missile threats, or do we go with the Senate and revive the fanciful, futuristic, and fruitless Star Wars program?

The Senate defense bill provides over $200 million less for theater missile defense than the House bill, yet gives $94 million more for the Space Based Laser. Theater missile defense entails systems like the Patriot that seek to shoot down short- to medium-range missiles.

While the technological challenges are great, these defenses are realistic. They protect our troops and they have bipartisan support. The Space Based Laser, on the other hand, exists only on paper and in the minds of those nostalgic for Star Wars ideology.

As envisioned, this weapon would fire a chemically-powered laser from space at ascending missiles. But a chemical laser may be too heavy to launch on any rocket and we would only get a few shots from the laser before it is depleted and we cannot reload it. The Space Based laser is a very risky and costly venture and it does not deserve high priority.

Earlier this year, a panel of missile defense experts commissioned by the Ballistic Missile Defense Organization reported, and I quote, a "rush to failure in current missile defense programs." They concluded that one problem was a "perceived urgency of the

need" for these systems, especially the dubious National Missile Defense Program.

The report cited steep technological challenges, recommended realistic program schedules with adequate tests and evaluation periods, and warned against rushing development under political pressures.

The Senate bill ignores these warnings by dictating the launch of a Space Based Laser Readiness Demonstrator as early as 2006. In a time of limited resources, we cannot afford that. It is a dangerous policy, and it will not help our troops.

I urge Members to support this motion to instruct, affirm the House position, and vote to protect our servicemen and women in the field.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. SKAGGS).

Mr. SKAGGS. Mr. Speaker, I thank the gentleman very much for yielding time, and while I support this motion to instruct, I wanted to speak briefly about another provision that will be going to conference.

As the gentleman knows, the House bill concludes a provision that would provide for the termination of a Department of Energy worker and community transition program that was set up to ease the downsizing of the nuclear weapons complex in the wake of the Cold War.

That program has been very successful in enabling these communities and cities to get through the transition to smaller workforces at places like Rocky Flats in my district and elsewhere around the country. But that work is not done, and I am convinced that terminating this program prematurely would be a mistake.

Last year's defense bill did direct DOE to study this problem and report back to us this fall; and I would hope that when that report is received we will be in a better position to make a judgment about continuing the program.

So I hope both my friend the gentleman from Missouri (Mr. SKELTON) and the distinguished chairman of the committee will consider taking another look at this and recede to the Senate provision in this respect.

I would be pleased to yield to the gentleman for any comment he might make on that point.

Mr. SKELTON. Mr. Speaker, I would tell the gentleman from Colorado (Mr. SKAGGS) I appreciate his bringing this to our attention. We know this is a very important subject to him that he has worked hard and well on, and I can assure him that I will consider the points that he made in favor of dropping this provision from the bill.

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

First, let me thank the gentleman from South Carolina (Mr. SPENCE), the chairman, for his support of this motion to instruct. I think it is very important that this carry in conference, for the simple reason that we have to take care of the troops. It is a high priority should there be another battlefield. We hope and pray that does not come to pass. But those things happen.

No one predicted Desert Storm, but it did come to pass, and the largest number of casualties did come as a result of a missile that came down amidst American soldiers. So, looking out for the soldiers and looking out for the troops, looking out for the men and women in uniform, I think this is the proper procedure to instruct the conferees to stand by the House provision that is well thought out and well worked on.

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

Mr. SKELTON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I want to compliment the gentleman from Missouri (Mr. SKELTON), the chairman, for this motion to instruct.

Having served on the Subcommittee on National Security for 20 years, one of the things that I remember most vividly was being in the Gulf with General Schwarzkopf and having him tell me how worried he was about the fact that if the enemy had had accurate SCUDs, we had 500,000 troops out there deployed that would have been vulnerable.

□ 1645

We had a terribly difficult time finding those launchers. In fact, the Iraqis used very sophisticated denial and deception. I believe as far as defense priorities go, there is no higher priority than getting to theater missile defense.

I am very much aware of what the Senate did, taking money out of these crucial programs and then using it for something that is highly speculative, a paper program at best. I urge the House to adopt this, and I urge our conferees to go in there and do the very best they can. As an appropriator we will stay with them on this because this would be a terrible mistake. I appreciate the gentleman's leadership on the issue.

Mr. SKELTON. Mr. Speaker, that is a well-stated comment from the gentleman from Washington. It is right. We did right. I thank the gentleman for his influence and his supportive words.

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

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

Mr. SKELTON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion to instruct offered by the gentleman from Missouri (Mr. SKELTON).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Without objection, further proceedings on this motion will be postponed until later today.

There was no objection.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the further consideration of H.R. 4193, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 504 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4193.

□ 1647

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4193) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes, with Mr. PETRI (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, July 21, 1998, title II was open to amendment at any point.

Are there further amendments to this portion of the bill?

AMENDMENTS OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I ask unanimous consent that I be permitted to offer amendments en bloc, which are at the desk, notwithstanding that they address portions of the bill not yet read, and without prejudice to further amendments to that portion of the bill that is pending.

The CHAIRMAN pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. REGULA:

Page 69, line 15, strike "$320,558,000" and insert "$365,550,000".

Page 70, line 17, strike "$630,250,000" and insert "$675,250,000".

Page 70, line 19, strike "the excess" and all that follows through "4502)" on line 21 and

insert "$64,000,000, which shall be transferred to this account from amounts held in escrow under section 3002(d) of Public Law 95–509 (15 U.S.C. 4501(d))".

Page 70, line 22, strike "$150,000,000" and insert "$161,000,000".

Page 70, line 24, strike "and shall not" and all that follows through "4502)" on page 71, line 1.

Page 71, line 4, strike "$120,000,000" and insert "$129,000,000".

Page 71, line 5, strike "$30,000,000" and insert "$32,000,000".

Page 123, after line 14, insert the following new section:

SEC. 339. Section 3003 of the Petroleum Overcharge Distribution and Restitution Act of 1986 (15 U.S.C. 4502) is amended by adding after subsection (d) the following new subsection:

"(e) Subsections (b), (c), and (d) of this section are repealed, and any rights that may have arisen are extinguished, on the date of the enactment of the Department of the Interior and Related Agencies Appropriations Act, 1999. After that date, the amount available for direct restitution to current and future refined petroleum product claimants under this Act is reduced by the amounts specified in title II of that Act as being derived from amounts held in escrow under section 3002(d). The Secretary shall assure that the amount remaining in escrow to satisfy refined petroleum product claims for direct restitution is allocated equitably among the claimants.".

Mr. REGULA (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the consideration en bloc of the gentleman's amendments?

There was no objection.

Mr. REGULA. Mr. Chairman, I offer these amendments on behalf of the gentleman from Colorado (Mr. SKAGGS), a valued member of the Interior Appropriations Subcommittee; the gentleman from Pennsylvania (Mr. FOX); the gentlewoman from Texas (Ms. JACKSON-LEE) and myself.

The gentleman from Colorado, the gentleman from Pennsylvania and the gentlewoman from Texas have worked tirelessly to find an acceptable offset for increases in energy conservation and have in coordination with the Congressional Budget Office and the Office of Management and Budget identified excess receipts that can be used for that purpose. The amendment also partially restores cuts to the fossil energy research and development program. I appreciate the efforts of the gentleman from Colorado, the gentleman from Pennsylvania and the gentlewoman from Texas.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in very strong support of this amendment. It has been carefully crafted by the gentleman from Ohio, by the gentleman from Colorado, by the gentleman from Pennsylvania and by the gentlewoman from Texas. I would like to say that she has been a real leader and concerned about the fossil energy program. This will benefit that program.

I yield to the gentlewoman from Texas for whatever comments she would like to make.

Ms. JACKSON-LEE of Texas. I thank the gentleman for yielding.

Mr. Chairman, let me just simply say that the fossil energy research and development program provides invaluable service by protecting the environment and by increasing the efficiency of power generation.

As my colleagues well know, we now face a crisis in Texas, overwhelmed by extreme and enormous heat, impacting my constituents and at the same time in the shadow of those terrible tragedies are major energy companies, oil and gas, who have the capacity to engage with the utilization of this particular resource these dollars and make energy more efficient and help those elderly, help those people suffering from the burdensome heat, help local government to establish a better energy source, more efficient source, and as well to help our domestic energy security problem and also our consumption.

Mr. Chairman, I would greatly like to thank the gentleman from Ohio for the work he has done. My constituents in Texas will be most appreciative.

I truly hope that my joint amendment with my colleagues to H.R. 4193, the Department of Interior and Related Agencies Appropriations Bill of 1999, will be adopted today.

Our amendment raises the appropriations level for the Fossil Energy Research and Development program of the Department of Energy by $45 million. We must continue to fully fund the Fossil Energy Research and Development program because it provides the invaluable service of protecting the environment by increasing the efficiency of power generation. More importantly, the program ensures that fossil energy technologies continue to progress in a manner that promotes emissions reduction and control and energy efficiency. The program also safeguards our domestic energy security, and given the fact that our Nation will continue to use fossil fuels well into the future, we must strive to fund this program in a manner that sustains its financial viability.

The Fossil Energy Research and Development program is an invaluable government component due to the necessity of fossil fuels to our economy and economies of virtually every country around the globe. Today 85 percent of our domestic energy consumption is supplied by fossil fuels; by 2015, the contribution of fossil fuels will grow to 88 percent.

Every credible energy expert believes that the foreseeable national and global energy future, like the present, will be shaped predominantly by fossil energy.

The benefits of fossil energy use—affordable prices, a stronger economy, greater employment, and a contribution toward improved global prosperity—can be realized as we dramatically improve our environment.

In the 2000–2010 timeframe, advanced technologies emerging from the Fossil Energy Research and Development program will permit U.S. industry to reduce emissions of nitrogen oxides and air toxics from existing power plants by 70–90 percent and reduce the cost of meeting existing and future regulations by over $7 billion per year.

Advanced power systems, dominated initially by natural gas technologies and later including new generations of coal systems, will not only be cleaner and more efficient than current systems, they will produce lower-cost electricity. This combination of improved environmental performance and greater affordability will be critical if U.S. companies are to compete and win in the domestic market and a burgeoning global market. Opportunities for increased sales of U.S.-technology could amount to $6–10 billion a year from 2001 to 2030. If we do not capture these market opportunities, foreign competitors and foreign technologies will.

By assisting the domestic industry develop more effective and lower cost technologies to find and recover U.S. oil and natural gas, we can reduce the decline in domestic oil production by 1 million barrels per day and increase U.S. natural gas production by 2 trillion cubic feet per year beginning in the 2010–2015 timeframe. This increased U.S. production will directly benefit our economy by generating more than $11 billion a year in domestic oil and gas sales dollars that will stay in this country rather than flowing to foreign suppliers.

Technologies emerging from this Federal R&D program provide U.S. policy makers with a more affordable alternative to future "command-and-control" environmental regulations. Particularly in regard to emissions of greenhouse gases and air toxics, our programs could potentially save the U.S. economy billions of dollars in costly new regulations.

While we work toward a more efficient, affordable energy future, the U.S. taxpayer expects Government to ensure the greatest possible domestic security today. Our 20-year investment in the Strategic Petroleum Reserve has created the world's largest emergency oil stockpile.

Moreover, I believe that the Federal Government has a major role—indeed a responsibility—in making that vision a reality.

Finally, the heat crisis in Texas and the city of Houston, which I represent, stands to partly be addressed in future years by the development of cheaper, more efficient environmentally safe energy resources. My constituents are being overwhelmed by huge energy costs because of the heat. My senior citizens are most victimized and are caught up with choosing life-saving coolness over other needs.

The additional monies in this amendment will also help in improving the weatherization needs of properties that require it.

I urge my colleagues to support this amendment—it is for our future!

Mr. DICKS. I thank the gentlewoman for her leadership.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I want to express my thanks to the gentleman from Ohio (Mr. REGULA). As he was expressing yesterday quite aptly, we are seeking the right kind of balance in this bill on these two important and very constructive areas of public investment, in both fossil energy research and in increased efforts in energy efficiency and conservation. I am very, very happy that we have been able to find a way to solve this problem and thank the gentleman very much for his continued interest, flexibility and willingness to work this out.

Mr. Chairman, I greatly appreciate your cooperation regarding these en bloc amendments, which were worked out with the invaluable assistance of Congressional Budget Office as well as the Department of Energy and other representatives of the Clinton administration.

With these amendments, we will remedy one of the major imbalances in this bill, produce savings in energy and money, and benefit the environment as well. The amendments shift funds from an escrow account held by DOE so as to add $45 million to the energy conservation and efficiency accounts. That total includes a $9 million increase for the weatherization program; $2 million more for State energy grants; and an increase of $34 million for other energy-conservation purposes, including the building technology, industry, and transportation programs.

As the Chairman mentioned, the amendments also restore somefunds cut yesterday from the fossil energy programs.

As I've said before, we need to continue making investments in energy conservation and efficiency, because the track record of these programs shows they will pay off many times over.

That's not just my opinion. It's also the view of the President's Committee of Advisers on Science and Technology. They've estimated that past R&D investments in energy efficiency are already saving consumers about $170 billion every year—and they've urged continued investments in this area.

And the payoff isn't just in money, but also in energy savings, in less dependence on imports, and in reductions in air and water pollution.

We need to maintain our momentum in all these areas. That's why I regretted that this part of the bill not only didn't include all the funding requested, but actually was below the 1998 level. These amendments help redress that imbalance.

Mr. REGULA. If the gentleman will yield, it will also help us substantially in weatherization.

Mr. DICKS. Absolutely.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Ohio (Mr. REGULA).

The amendments were agreed to.

AMENDMENT NO. 18 OFFERED BY MR. PARKER

Mr. PARKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. PARKER: Page 81, line 8, strike "*Provided further*" and all that follows through "funding agreements:" on line 21.

Mr. PARKER. Mr. Chairman, my amendment strikes onerous language in the bill which dramatically alters current law as it relates to Indian health services.

The Indian Health Service was established to provide direct health care to Indian tribes by providing hospitals, clinics and health professionals on reservations. Initially these health services were provided and operated directly by the Indian Health Service, which continues to do so on many reservations. However, in the early 1970s during the 93rd Congress, Congress passed legislation allowing tribes direct operation of their health services under contract with IHS if they wanted to do so and were able to comply with the terms of the statute.

Public Law 93-638 provided further that those tribes exercising this contracting option would be entitled to the same compensation for contract support costs that IHS would receive were the agency providing direct service, costs which the agency would no longer incur. This all worked relatively well for a while with a number of tribes taking over direct operation of their health services and receiving funding to offset their contract support costs although most tribes never received the full funding to which they were entitled.

In recent years with the growth of tribal self-governance and self-determination, more and more tribes began to contract for direct operation of their health services. Unfortunately, the IHS found itself unable to meet its statutory obligation to provide funds for contract support costs and established a queue system where tribes could take over their health services and receive a promise of funds at such time as funds became available. The agency failed to meet its contract obligations or legal requirements under the statute, and today there is a funding shortfall of some $65 million.

To address this shortfall, the committee has included language that would pro rate available funds to all contracting tribes. In other words, we cannot get a bigger pie, so we will just cut the pie into smaller pieces. While the committee has increased total funding by $26 million, considering the level of the shortfall, which is $65 million, this will be far from adequate to prevent some tribes from receiving a smaller piece of the pie.

While this appears like an equitable solution on the surface, such an approach fails to recognize that some tribes, specifically those that have been providing their own health services for the longest time and as such have been receiving full compensation for their contract costs, will under this bill incur significant reductions in their funding for contract support costs and which will negatively impact their provision of direct health services. The Mississippi Choctaw Indian nation could lose as much as $1 million a year. That is a lot of money to a tribe with only 8,000 persons. They operate a hospital, numerous community health clinics, and the only renal care facility in the area. They have played by the rules and the language in this bill is hurting them.

Notwithstanding the fact that the IHS has for years been in violation of current law, albeit with the acquiescence of the impacted tribes, passage of this bill with this pro rated provision intact will drastically alter current law, renege on contractual obligations to all contracting tribes, and let a Federal agency off the hook at the expense of the people it is supposed to serve, thereby rewarding it for failing to change and properly manage its mission.

I do not believe that an appropriation bill is the appropriate vehicle for such a change in the law, nor do I believe that Congress should be a party to fixing a Federal agency's mistake and problem at the expense of Indian tribes. I recognize the problem of the funding shortfall for contract services and I empathize with those tribes that are receiving little or no reimbursement of their contract support costs. However, this is a significant problem that deserves a thorough hearing and action by the authorizing committees.

Furthermore, to my knowledge, not one tribe was consulted or even informed that the committee was taking this action. We are punishing tribal incentive and leadership without so much as a consultation. This provision does not fix the problem, it exacerbates it and it delays a solution. I urge my colleagues to support this amendment and reject this exercise in bureaucratic and congressional arrogance.

Mr. REGULA. Mr. Chairman, I move to strike the last word. I reluctantly have to oppose the amendment simply because, as the gentleman from Mississippi points out, there is a serious problem here. The difficulty is that if we strike the language, it will result in one tribe maintaining their level of funding while perhaps 100 other tribes will get a shortfall, or nothing.

What we have tried to do is have equity in the distribution of the money that is available to the tribes to administer their programs and their self-determination contracts. In fact, in order to try to address the problem, we added $26 million to the Indian Health Services for this specific purpose.

□ 1700

We are not sure. It may be that the tribe of the gentleman from Mississippi (Mr. PARKER) would end up getting as much under the new system as the old,

or possibly a little less. But the difficulty is that you have at least 100 other tribes that get a shortfall. I think in fairness to all the tribes there has to be an across-the-board distribution, rather than to give just those who happen to be up at the starting gate early.

I recognize that they did take a responsibility for their own self-determination and that they were out front on that, and I certainly commend them. It is a challenge to try to be fair to everybody involved here. The administration, frankly, ducked the issue. If you look at the request they submitted to us, they took a pass on it because they did not want to recommend the money that was necessary to solve it.

So we took it on ourselves in the committee, in fairness to the tribe of the gentleman from Mississippi (Mr. PARKER) and all the rest of the tribes, to try to reach some kind of an equitable solution. I will say that BIA is doing this now. They try to spread it across the board to give everybody a little help.

The bottom line is, if we adopt the Parker amendment we are going to shortfall probably 99 or 100 other tribes. I can understand the gentleman's desire to help his tribe.

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Mississippi.

Mr. PARKER. Mr. Chairman, I say, with all due respect to the gentleman from Ohio, we keep referring this as the tribe in my State. This will affect all of the tribes that have worked extremely hard trying to abide by the rules that we put into place. Understand, it is not just one tribe.

The National Congress of American Indians has sent a letter to us, to the chairman of the committee, explaining that this would be detrimental. We are talking about all of the Indian nations understanding that we have once again broken our word to them as far as what we want them to do. And because we have not fulfilled our responsibility, we are putting them in a terrible position.

Mr. REGULA. Mr. Chairman, reclaiming my time, I understand. We did have the letter from the American Congress, and they asked us to fix it, and we tried. We added $26 million, but that is not quite enough to accomplish I think what the gentleman would find desirable. What we would find desirable would probably take $60 million. The only difficulty is we did not have $60 million.

Mr. PARKER. Mr. Chairman, will the gentleman yield again?

Mr. REGULA. I yield to the gentleman from Ohio.

Mr. PARKER. Mr. Chairman, on page 3 of their letter, let me just read just a couple of sentences. It says "We are also deeply concerned with the language beginning on line 8, page 81 of the bill, which instructs IHS to alter its current contract support cost system to a 'pro rata proportion' system. We ask you to support Representative Mike Parker's amendment to strike this language from the bill."

So if we want to do what they want, they explain to us exactly what needs to be done.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding. This is exactly what the Republican Congress is trying to do, is privatize a lot of these issues.

Mr. REGULA. Absolutely.

Mr. CUNNINGHAM. Where we ask someone to privatize and to save money and they go through the extraordinary function to do that, then I think that we ought to honor that and not renege on our promise.

I do not have any Indian tribes in my district, but I think it is terrible what this country has done to Native Americans, and this is one area in which I think we can stand out, take a step and be counted, and help our Native Americans. I rise in support of the amendment.

Mr. REGULA. Reclaiming my time, I understand what the gentleman is saying, but we are trying to encourage all the tribes to privatize. But, unfortunately, to accomplish this goal we need a lot more money. As I said, the administration in their budget submission just ducked the whole issue.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. REGULA) has expired.

(By unanimous consent, Mr. REGULA was allowed to proceed for 3 additional minutes.)

Mr. REGULA. Mr. Chairman, they ducked the issue. So it is not a question of privatizing, it is a question of trying to help all these tribes, to encourage them to do self-determination contracts.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield on that point?

Mr. REGULA. Certainly, I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I do not disagree with the gentleman on that issue, but I do disagree that it is on privatization because these tribes have done that. They have been successful. They saved money. We are trying to get the rest of the tribes to do the same. But let us not penalize those tribes that have gone and done this problem that we have asked them to do. That is what the gentleman from Mississippi (Mr. PARKER) in his amendment is asking us to do, Mr. Chairman.

Mr. REGULA. Reclaiming my time, we are trying to achieve what the gentleman is talking about. That is why we put in the $26 million extra that we had to find somewhere else.

Mr. CUNNINGHAM. We will support the gentleman in doing that. Let us just not penalize the tribes that have gone through it.

Mr. REGULA. Mr. Chairman, we are not sure whether we will or not, depending on how the distribution turns out. The Indian Health Service says that adding $26 million will have minimal negative impact on a tribe such as what the gentleman from Mississippi (Mr. PARKER) described, and be the fairest way to do it. That is a matter of fairness.

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. REGULA. Certainly, I yield to the gentleman from Mississippi.

Mr. PARKER. Mr. Chairman, minimal impact, that is like a foot of water.

Mr. REGULA. Mr. Chairman, these are IHS's words, not mine.

Mr. PARKER. I have to tell the gentleman, it will mean a difference of $949,000 a year. That is a massive amount of impact.

Mr. REGULA. Reclaiming my time. To one tribe?

Mr. PARKER. To one tribe.

Mr. REGULA. I cannot say one way or the other, because I can only take the information from Indian Health Service. I, like the gentleman from California, have no tribes whatsoever in the State of Ohio, certainly not in my district.

What we are trying to do is get a fair distribution. We are just trying to solve a problem that everybody is ducking, that is the bottom line, and do it in the fairest way we know how.

I think if the amendment prevails, it means that many of these tribes will get nothing or very little to help them develop the self-determination contracts. I think the bottom line is the body has to decide whether they want to be fair and across-the-board, help maybe 100 tribes or help whatever number is.

Some of the tribes have taken an initiative and have gone ahead on this self-determination. I can understand what they are saying. But I hate to close the door on all the rest of them by giving those that are already getting this money and letting them keep it, and we have the $26 million to improve the base.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the problem really, is lack of funds, is it not, rather than anything else? There should be enough money to take care of the tribe of the gentleman from Mississippi (Mr. PARKER).

The CHAIRMAN. The time of the gentleman from Ohio (Mr. REGULA) has again expired.

(By unanimous consent, Mr. REGULA was allowed to proceed for 3 additional minutes.)

Mr. REGULA. Mr. Chairman, I yield to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, if we do this, some of the tribes will be left without any money.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I understand what the gentleman is saying, and I know the budget constraints and the caps. But at the same time, I think the gentleman from Mississippi (Mr. PARKER) is trying to say that these tribes have earned what they have done through privatization in managing their own health care system and that the others have not. We want the others to do the same thing. There is not enough money to do that. But let us not penalize those Native American tribes that have gone to the effort and created a system that is beneficial for all tribes.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman is exactly right, except that we do not have enough money to do it. What the gentleman did was to put in as much money as we could. The administration did not request it. He added $26 million. So he agrees with the gentleman. This is what we ought to be doing, but we do not have the money to do it.

Mr. PARKER. Mr. Chairman, would the gentleman yield?

Mr. REGULA. Yes, I yield to the gentleman from Mississippi.

Mr. PARKER. Mr. Chairman, let us put this in perspective. Let us take a tribe that has taken the initiative, and they are paying for their administrative cost, and they have done what we have asked them to do. What I have told the tribes, if the Federal Government wants to do this to you, all you need to do is sit back and say, "We are not going to participate anymore, and now it is up to you to pay all of it. You have a statutory responsibility to come and pay for it."

They have saved us money. They have permitted us to have the additional funds that are there. I must tell my colleagues it is being totally unfair to these tribes that have taken the initiative and they have played by the rules. They have done what they wanted.

That $26 million, by the way, does not all go to these tribes. We have salary increase in that. I think the net coming out is around $15 million that is going toward the actual contract cost. So I appreciate the fact that what my colleagues have done is increase it by $26 million, but I think that my colleagues are penalizing these tribes, and there is no reason to do that.

Mr. REGULA. Reclaiming my time, I yield to the gentleman from Illinois.

Mr. YATES. There is a reason. We do not have the money. It is just that simple.

Mr. PARKER. Mr. Chairman, if the gentleman will yield, we have not had the money for a long, long time. That does not mean we need to go and penalize these tribes for doing what we asked them to do.

Mr. REGULA. Mr. Chairman, reclaiming my time, what we are trying to do is get more tribes to go on the self-determination contracts, and that is the reason for the $26 million, and in the process not penalizing your tribes or those that are already on self-determination contracts.

I wish we had enough money that we could make everybody whole. We do not know. The IHS says with $26 million it will be minimal. They do not give us a number. I am not sure where your $900,000 came from.

But, I will yield. I do not want to prolong the debate.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. REGULA) has expired.

(By unanimous consent, Mr. REGULA was allowed to proceed for 3 additional minutes.)

Mr. REGULA. Mr. Chairman, I yield to the gentleman from Mississippi (Mr. PARKER).

Mr. PARKER. Mr. Chairman, what we have to understand is that these tribes are providing services that we would normally pay for. I realize that the committee, in its wisdom, has tried to be fair and be able to include more people.

Mr. REGULA. That is right.

Mr. PARKER. We do not achieve the purpose that we are looking for if we penalize individual tribes out there that have been trying to do what we ask them to do. We have changed the rules on them again. It is not the first time the Federal Government has done that to Indian nations.

I think sometimes we all forget, it is a little basic thing in American history, but these are sovereign nations and we should treat them as such. We would never do this type of a thing to another nation without understanding that there would be retaliation of some type.

These nations can very easily, that have paid for their own contracting costs, they could very easily sit back and say, "Then it is up to you. You have a statutory obligation to provide health service to our people. You pay for it. You handle the whole thing."

That, in effect, would put IHS in a situation that they do not want to be put in. They know that they could not provide those services. They know that these Indian nations have saved them tremendous amounts of money, tremendous amounts of work, and that there would be no way that they could do that.

So I think that in all fairness, this needs to move to the authorizing committee. We need to work something out so that we can eventually move toward full funding.

These Indian nations that are in the queue are receiving health services. They are not being paid for contract services, as are the nations that have taken the incentive and are in the program, but they are still receiving health care services now.

So I think that this amendment makes total and complete sense.

Mr. REGULA. Mr. Chairman, reclaiming my time. I cannot agree with the gentleman on that. What we have tried to do is to get more of the tribes, encourage more of the tribes to go to self-determination contracts, which as the gentleman points out is the right way to do it. It is not necessarily saving us a lot of money because we still have to pay for their health care costs, and what this money does is to help pay the administrative costs.

It will not reduce that. We used the $26 million number as a way to take care of those that were already on self-determination contracts, while at the same time encouraging other tribes to take the same steps. We have historically tried to make the Native Americans more self-dependent.

We have to resist the amendment because what we have tried to do is accomplish what we thought was fairness in the way we have constructed the bill.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would ask the gentleman from Mississippi (Mr. PARKER), is the point the gentleman is trying to make here that a number of tribes have entered into self-determination contracts with the Indian Health Service, and the Indian Health Service has failed to live up to its obligations to fund these tribes that have taken on self-determination, and the unfortunate consequence of what the chairman is trying to do, and I think he was trying to do something to benefit all the tribes, is that we then do not live up to the commitments that we made to those people who decided that they wanted to go the route of self-determination? So are we penalizing them and rewarding people who are not willing to go the route of self-determination? Is that basically the argument?

□ 1715

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Mississippi.

Mr. PARKER. That is it. There is not much else to say. I do not question the motives of the chairman of the subcommittee, nor the ranking member. They are two of the finest people we have had in this House or ever served in the House. They care about the Indian Nations. But I must tell the gentleman that the language in the bill

which attempts to try to help everyone, you are penalizing people who have given their word.

I must tell the gentleman, there is a working group now between the Indian Nations and the IHS, and they are discussing what should be done and how it needs to be handled. What we are doing is precluding what they are going to look at and what they are going to decide. They may come up with some ideas that none of us have thought about. We are including that in this language.

Mr. DICKS. Mr. Chairman, reclaiming my time, the other problem with this is the tribes were not consulted before we made this decision. I am very upset that the administration in its budget, I completely concur with the chairman, completely punted on this issue. They did not have any money to address this or not very much.

We tried to correct this, but, I think, unfortunately, what we are going to do here if we do not accept the gentleman's amendment is to penalize those people who have not entered into self-determination agreements, and then punish those that have. I think that will be unfortunate. Maybe we can work this out between now and the conference.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, in the interim, we have received statistics from IHS. I think the problem here really is that the other body put zero in their mark. We have $26 million. The $26 million will address the problem, because there are 250 tribes now receiving contract support and 23 not receiving it. So the $26 million will not only take care of the 23 we want to get in under contract support, but will probably result in tribes such as yours getting a cost of living increase above what they are receiving now.

I think what they are doing in the letter is addressing a problem created by this bill in the other body, which is zero, and not addressing it with the $26 million we have in our bill. This is something we have to resolve in conference.

Mr. PARKER. Mr. Chairman, if the gentleman will yield further, those numbers, I have a lot of respect for the IHS and for their wisdom through the decades. They have been so right so many times. But let me just look at this. The numbers do not quite come together.

When you are talking about that $26 million that is going to have an increase to cover those other tribes, I know they sent you that note, but let me just point out, we have a $65 million shortfall. We have gotten that from IHS.

Now, the $26 million, to my calculation, you are around $40 million short. But you are worse than that, because all the $26 million does not go directly to support services. So you are in a situation where, let us just be conservative and say okay, it is $40 million short. You are still lacking some money. You are not going to be able to provide those services as we have promised.

Mr. REGULA. Mr. Chairman, if the gentleman will yield further, eliminating the $26 million is not going to solve the problem.

Mr. PARKER. Mr. Chairman, my amendment does not eliminate the $26 million. We only address the matter of contract authority and removing the language of removing the queue. We do not say anything about removing the $26 million, because it is in another part of the bill. So I want to make sure, whatever we do, I do not want to remove the $26 million.

The CHAIRMAN. The time of the gentleman from Washington (Mr. DICKS) has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 3 additional minutes.)

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, what the gentleman is asking to do is take care of his tribe and take money away from the other tribes, because the committee, has not put enough money into this bill. What the gentleman ought to be doing, I think, is asking for more money in his amendment, rather than a rearrangement of whatever money there is in the bill.

Mr. PARKER. Mr. Chairman, if the gentleman will yield further, to my good friend, that is the solution, and I appreciate that. But I must tell the gentleman, I have some of the same problems that the ranking member does as far as finding that money.

What I want to do is create a situation that the authorizing committees look at this thing, that the study group that is in place between IHS and the Indian tribes be able to come up with some recommendations to us on what needs to be done and the way it needs to be handled, and, if we do move in this direction, that we move into it in a much more logical fashion with more thought. What I do not want to do is hurt these tribes that have been doing what we asked them to do. We asked them to do it, they did it, and they did it in good faith.

Mr. YATES. Mr. Chairman, if the gentleman will yield further, I think what ought to be done is for the chairman and for me to take this problem into the conference and see if we can get more money, rather than to rearrange the way it is distributed; let us try to get more money so we can provide the money for the tribes that have followed the new rules. But we do need more money in order to take care of all the tribes, I do not think there is any question about that. But to rearrange it so some money goes to your tribe and none for the others, I think is unfair.

Mr. DICKS. Mr. Chairman, reclaiming my time, I would ask a question of the chairman. Is the gentleman saying we cannot take care of all the self-determination tribes? In other words, the problem is we have got so many people who signed up to do self-determination, that we cannot take care of all of them? Is that the problem?

Mr. REGULA. Mr. Chairman, if the gentleman will yield further, the gentleman is absolutely right. The problem with this amendment is it will take care of those who got to the head of the line, and those that were slow getting up to the line will get cut out.

What we are trying to do is to make it fair for everybody, and we feel that the $26 million will allow those that were at the head of the line to continue to get what they were receiving, or very close to it, and will help the others to go to self-determination.

Mr. DICKS. Mr. Chairman, reclaiming my time, the problem I have is the letter here from the Indian Health Service says one tribe will only get 39 percent of what it got last year. That is a 61 percent reduction.

Mr. REGULA. If the gentleman will yield, that letter speaks to the Senate bill, which is a zero. It is not referring to the $26 million that we put in our bill. I think one of the problems here is that you are trying to address problems, situations, created by the Senate bill at zero, and not recognizing that we have taken, I think, a very progressive step.

The CHAIRMAN. The time of the gentleman from Washington (Mr. DICKS) has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 2 additional minutes.)

Mr. DICKS. Mr. Chairman, let me read this. It says this in a letter to Mr. YATES on July 20. "For example, one tribe would see its contract support payment reduced by $949,000, or 39 percent, between FY 98 and FY 99. Such unanticipated reduction would adversely affect health care delivery among these tribes by requiring them to decrease important administrative support staff and functions or to divert funding for health care services to support activities that were formally funded by the contract support costs."

This is a letter from Donna Shalala.

Mr. REGULA. If the gentleman will yield, when we received the letter we checked with IHS, and they advised us that that letter was drafted by OMB based on the Senate number. That is the advice we got.

Mr. DICKS. Is the gentleman telling me OMB has not figured out which is the House and which is the Senate?

Mr. REGULA. Well, the gentleman said it.

Mr. PARKER. Mr. Chairman, if the gentleman will yield further, please understand, we are making decisions here without going through an authorizing committee. We are legislating on an appropriations bill, where the National Congress of American Indians, and I know there are a lot of people who have never heard of it, but let me tell you, these people represent all the Indian tribes, they have said, do not do this to us. Keep your word.

I might say to the gentleman that those people that are in the queue, that all of a sudden everybody wants to help, what are they going to feel when we break our word to those that have done what we asked them to do? How are they going to feel? How much confidence are they going to have in us?

I feel that we need to keep our word, do what we said we were going to do, and resolve this problem in the authorizing committee, and move forward when we go to that point and have the Committee on Appropriations try to get the money necessary.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I guess I do not have, as I mentioned, a Native American tribe in my district. California has a lot of Native Americans, and I think it is more on principle than it is anything else. I could be hurting, maybe, some of the tribes in the San Diego area by supporting this amendment, but, on principle, if we ask somebody to do something and they do it, and they save us money, then we ought to reward that. And if there is a penalty, the penalty should come on the tribes that do not. I think that is what the gentleman from Mississippi (Mr. PARKER) is saying.

I also acknowledge the fact that we do not have enough money to do what we said we were going to do. But if there is a penalty, then it ought to penalize the ones that have not. That is the reason that I rise in support of the gentleman's amendment. We need to keep our word.

Mr. PICKERING. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Mississippi.

Mr. PICKERING. Mr. Chairman, I rise in support of the Parker amendment. The tribe that the gentleman from Mississippi (Mr. PARKER) has mentioned today happens to be my in home district, the Mississippi Band of Choctaws, which I believe is probably one of the best models, if not the best model, in the Nation of tribal leadership and self-determination.

They have taken the steps where, 20 or 30 years ago, a generation ago, you had the highest rates of unemployment, of illiteracy, of poor health care; now they have the best in health care, they have world class facilities, they have the best in education. They have invested in manufacturing facilities and we now have the lowest unemployment in this area of my State that we have had in 30 years, and it is because they have done what we asked them to do. They have taken the steps consistent with the Indian Self-determination Act of 1975.

What I am concerned about is here we are breaking that commitment, breaking our word, in essence abrogating a contract. We are penalizing and punishing those who have taken the right steps.

Mr. Chairman, I commend and thank the ranking member and chairman for their efforts of addressing this problem and adding $26 million where the Senate did nothing. The problem we have and the problem that the gentleman from Mississippi (Mr. PARKER) has is we are trying to fix it on a pro rata basis. We do not distinguish or differentiate between the good tribes and good leaders that have taken the action under self-determination and those who have not.

Now, we think there are several violations of principle. One, breaking the word, breaking a contract, and penalizing those who have done the right thing. What we are trying to do is find a way to support the $26 million, but to see if there is a better way to apportion and allocate whatever funding is made available, so we do distinguish between those who have taken the steps consistent with the Self-determination Act.

So I would urge the chairman and ranking member to work with us, to see if there is a better way. There is a working group right now that is trying to take steps, in consultation with all parties, to find a better solution to this. All we are asking is for the time to find a better way, a better approach, consistent with our principles.

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Mississippi.

Mr. PARKER. Mr. Chairman, let me point out. I want to make sure that everyone knows that the appropriating subcommittee has gone farther than anyone has ever gone in the past in trying to rectify this problem. I also want people to know that the administration has done nothing. They have sent up letters saying "you have created a problem," but they did not try to resolve that problem before coming up here. They dumped it in our laps. I realize that.

But I also know that we are in a situation where we have got to do something, and I think that it is very important that we send the right message to these Indian tribes, and that we let them know that privatization is the correct way to go and that they are able to depend on us, that we will follow through.

One thing that I do not want, and this bothers me a great deal, this subcommittee has been good enough to put an additional $26 million in. Whatever happens on my amendment, if it should pass, I would hate to see this committee move back from their position and remove $26 million or decrease that amount. That would be something that I think would be not only hurtful to the Indian tribes, it would send the wrong message to them as far as what we are trying to do. So, from a very personal standpoint, I want to make sure that this $26 million stays in the IHS funding.

Mr. PICKERING. Mr. Chairman, if the gentleman will yield further, we have talked about IHS and their input into this process, but let me read from a letter from Secretary Shalala.

The CHAIRMAN. The time of the gentleman from California (Mr. CUNNINGHAM) has expired.

(By unanimous consent, Mr. CUNNINGHAM was allowed to proceed for 1 additional minute.)

Mr. CUNNINGHAM. Mr. Chairman, I yield to the gentleman from Mississippi (Mr. PICKERING).

Mr. PICKERING. Mr. Chairman, the letter from Secretary Shalala reads, "The implementation of a pro rata proportionate distribution of payments for contract support costs will result in the reduction of funding to a significant number of tribes," we are not talking about just one tribe, "a significant number of tribes and tribal organizations that have assumed," have taken the responsibility and the steps required of them, "that have assumed the operation of IHS health programs."

□ 1730

And then later in the letter it says, "We therefore must object to the proposed proviso in S. 2237, since the tribes have not been consulted and since the abrupt and unforeseen funding reductions to many of the tribes currently receiving these payments would have a severely disruptive effect on health care delivery by these tribes."

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I would just point out to the gentleman that he read a letter from the Secretary of HHS expressing great concern, but in the submission of the budget she underfunded them $147 million.

Mr. PICKERING. Mr. Chairman, I understand and agree with the Chairman.

Mr. YATES. Mr. Chairman, I move to strike the requisite number of words.

According to the letter from the Congress of American Indians, we are going to need approximately $300 million to take care of all of the needs of all of the tribes under this program. Mr. Chairman, $26 million, of course, as

the gentleman from Mississippi pointed out, is a pittance. But the problem, as I see it, is lack of money. We just do not have enough money in this bill to take care of all of the tribes.

I am told by staff there are 30 tribes that have not received any money under this arrangement. I do not think that is fair, either, just as the gentleman points out that the new distribution would severely penalize the tribe in his district. But the Congress is trying to find out, it does not agree with the $300 million figure. What it is trying to do is find out how much money is actually needed.

That is why I suggested earlier, as we go into the conference, I for one, and I am sure the chairman too, will try to find out how much money is realistically available. $26 million is all we could realistically put up at this time, that is all the money we can get in order to take care of the need not only for your tribe, I say to the gentleman from Mississippi, but for the California tribes as well and for the other tribes that now are not getting any money.

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Mississippi.

Mr. PARKER. Mr. Chairman, the tribe that I referred to in my State is not in my district, but I feel strongly that it is up to us to keep our word.

This problem is so great that we have to look at it from a variety of different ways, and I must say that preempting the study group between the HHS and the Indian tribes, I think we need more information before we have a basic change in the law, which the bill, as it is right now, without my amendment, the bill changes current law drastically, going all the way back to 1975. And I think in 1975 when the gentleman was here, I think that the gentleman made the right decision at the time, and I am just trying to reaffirm that decision, and I ask people to support this amendment.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, if we do not accept the amendment, it will allow more tribes to participate, and I do not think it will penalize the tribes represented by the gentleman from Mississippi. If we accept the amendment, or if the amendment is passed and the $26 million is left in, it will be a great windfall for the tribes who are already getting money, because those that would be getting it now will get the $26 million divided among them and the other tribes will still be out in the cold.

It is not a matter of changing the law. This has been going on a long time in the BIA. It is a matter of distributing the money equitably. Unfortunately the administration, as I said earlier, ducked the issue. In fact, they funded Indian health $147 million less than last year, which is a mystery to me, given the testimony that the ranking member heard, as did I, that there are a lot of health problems in the Indian Community. But I do not think in fairness we want to give a big windfall to the tribes that are now getting funds with the $26 million we put in. We want everybody to get in on the mix.

Mr. YATES. Mr. Chairman, may I say that I do not consider it a big windfall. I think that the tribe, on the basis of the explanation given by the gentleman from Mississippi, deserves that money, but to do so at the present time without having all of the figures will penalize some of the other tribes. I therefore will stand with the chairman in keeping things as they are in the hopes that we can get the information we need before we go into the conference where we can make some adjustments.

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Mississippi.

Mr. PARKER. Mr. Chairman, let me just say there is a $65 million shortfall. We have added $26 million. That leaves us $39 million, I mean around $40 million. There is still a shortfall there. So this windfall, supposed windfall is not a windfall, it is still a shortfall.

Mr. YATES. Mr. Chairman, we just do not know what the figures actually are, according to what the staff tells me. The gentleman has certain figures. We are trying to get the figures from the proper authorities so that we are in a position to do justice to the tribes that the gentleman has as well as the other tribes.

Mr. PICKERING. Mr. Chairman, if the gentleman will continue to yield, if I could suggest to the chairman and ranking member possibly one solution. The controversy here is over the allocation of whatever funds are available. The $26 million is greatly appreciated, but if it is done on a pro-rata basis, there is no distinction or difference between those who have taken steps consistent with the Self-Determination Act.

We would like to work going into conference, work with the administration, work with the working groups to see if there is a better way of allocation that would still try to address the needs.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. YATES) has expired.

(By unanimous consent, Mr. YATES was allowed to proceed for 1 additional minute.)

Mr. YATES. Mr. Chairman, I would hope the gentleman might want to withdraw his amendment at this time and let the chairman and I try to correct the situation as we go into the conference.

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Mississippi.

Mr. PARKER. Mr. Chairman, I appreciate the ranking member's suggestion but I do not think that it would be wise to do that, because I think that this issue is so important, I think that it is necessary that we all focus on what we are trying to do, and I think that my amendment moves in the direction of at least putting the gentleman in the conference so that he is able to deal with the Senate.

We already have the $26 million in there, and I know this discussion is going to occur on into the future, and I also know that the gentleman will not remove the $26 million.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. PARKER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PARKER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentleman from Mississippi will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. MILLER OF CALIFORNIA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. MILLER of California:

Page 68, beginning at line 13, strike "for indirect" and all that follows through line 16 and insert the following: "may not be used for indirect support activities (as defined in the Forest Service Handbook).".

Mr. MILLER of California. Mr. Chairman, earlier this year three committees came together, the Committee on Appropriations, the Committee on the Budget, and the Committee on Resources, to hear about the problems, the financial problems of the U.S. Forest Service. The Committee on Resources and the Committee on the Budget and the Committee on Appropriations gathered to hear the GAO's report on a decade's worth of reports that they have done over the past years which conclude that the lack of financial performance accountability has resulted in inefficiency and waste by the Forest Service.

To make the Forest Service accountable, I think the way to do this is to take their off-budget funds and subject them to appropriations. The Forest Service has 23 special accounts amounting to more than one-third of their total budget, according to the Congressional Research Service. These funds, which now receive little congressional oversight, ought to be subject to

appropriation, and I have introduced legislation to do that.

But this bill, this current bill does nothing to improve the Forest Service's accountability. In fact, it moves in the opposite direction by sanctioning the agency's use of forest restoration funds for administrative overhead costs. It permits the same abuses to occur with salvage funds, and it rewrites the roads and trails fund to allow those funds to be diverted to vaguely defined forest health projects.

My amendment does not address all of these issues but, in effect, it requires that the funds that are intended for forest restoration be used as Congress intended, not as a slush fund by the Forest Service for administrative costs.

By contrast, the committee's bill would allow up to 25 percent of these restoration funds to be used for so-called indirect expenses. This, in effect, ratifies the current practices, the current practices that so many Members of these three committees were shocked at when they were told about them by the GAO. The GAO told us that in reporting its fiscal year 1995 financial results, the Forest Service could not identify how it spent $215 million, $215 million out of $3.5 billion in its operating fund programs with respect to these forest restoration programs.

Mr. Chairman, these are funds that when the Forest Service has a forest sale and the loggers go in and they log that tract of land, whether it is a few acres or a couple hundred acres, whatever extent that the logging practice is in, these are funds that the Congress of the United States made a determination would go in after the logging is done, replant that area, restore that area so that we would get a new generation of trees; we would put the forest back into a position so that it might be logged in the future, or it might be used for other forest values such as recreation or what have you. That is supposed to be done on a sale-by-sale basis.

However, because of accounting practices within the Forest Service, what we now see them doing is not doing it on a sale-by-sale basis, but collecting the revenues on a sale-by-sale basis, putting them into a slush fund and now subsidizing the administration of the Forest Service, as opposed to going back and replanting and reforesting those sales and those areas that belong to the public.

What has the result been? The result has been that reforestation has not kept up with the cutting in the forests; that a number of areas where reforestation has taken place, it has been a complete failure, and we now have these huge scars on the public lands. If one visits some areas in northern California and southern Oregon and some of the Western States, we will see massive scars upon the land where reforestation has been a failure. But rather than go back in and fix those and reforest them to get those trees to grow again, what we see is they are diverting this to the overhead of the Forest Service.

Again, the GAO told the three committees when they were assembled earlier this year that the Forest Service does not have the financial management information and controls needed to ensure compliance with these Reforestation Fund Act monies and the prohibition limiting these funds for expenditure in individual sale areas to the collection from those same sale areas. What they told us was that the Forest Service, because it lacks accountability, because it lacks financial controls, has created a slush fund that is not being used for the purposes for which the public intended.

The diversion of these funds now in this last year was some 31 percent of the $166 million that were supposed to be used for reforestation of the timber sale areas. Instead of planting trees, instead of improving watersheds, instead of improving wildlife habitat, we were buying furniture, we were turning on the lights, and we are engaged in funding the overhead of the Forest Service.

The CHAIRMAN. The time of the gentleman from California (Mr. MILLER) has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, I think what has become very clear is that we have to start curbing these financial abuses by the Forest Service.

This amendment does that. That is why this amendment has the support of not only the environmental groups but almost all of the taxpayer organizations that look at these practices and ask the question, is the American public getting a fair bang for its dollar? Is the American public getting a return on its dollar invested, and is the law being followed in terms of what the public has an expectation of with respect to, in this case, reforestation programs?

As we look at these programs from an environmental point of view, or as we look at these programs from a taxpayer point of view, they fall far short in their accountability to the public, and they fall short because of that lack of accountability in their obligations to the environmental charge of these funds under this law. That is why this amendment should be accepted by the committee and by the House. I plan to ask for a vote on this. This is a very high priority of both the taxpayer organizations and the Forest Service organizations.

Again, many of us sat through these hearings and we were quite stunned at the extent to which the Forest Service accountability and financial controls have lapsed. We were also heartened, I think, by the fact that the Forest Service brought in professional financial managers to start to bring this back into control. But we have to begin with this legislation in this fiscal year and stop the diversion of these off-budget funds.

I would hope eventually that the authorizing committees, and if not, then the appropriating committees, will bring these funds back onto budget and make them subject to appropriation so that the American taxpayer understands where the money is being spent and what the benefit is, and we can make a determination each year as to whether or not the public interest is being served and if, in fact, the mission of the Forest Service as determined by the Congress is being served.

Mr. Chairman, I urge an "aye" vote on this amendment.

□ 1745

Mr. SMITH of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from California (Mr. MILLER) is absolutely correct. I am sure it will shock him for me to say that. But, in general, he is absolutely correct with respect to what is happening in the Forest Service today and its mismanagement of funds and lack of knowledge of what is actually happening within this very huge agency.

Unfortunately, his amendment is misdirected, while his thesis is correct.

We have all seen the General Accounting Office report and are shocked, indeed, with respect to their criticism of the Forest Service and to how lacking the Forest Service is in accountability.

However, the Committee on Agriculture has held three hearings on this very issue, and we have come to the conclusion that certainly there must be something done. For that reason, there is a bill introduced, which will be marked up on Tuesday, July 28, and scheduled for the floor on August 6, which addresses not just the K–V Fund issue, as the gentleman's amendment does, but addresses a whole array of management techniques and problems that the Forest Service continually has, plus overhead.

Now, it is shocking that many of the funds that the gentleman mentioned, there are five of them, he addresses only one, these funds have something like 30 percent overhead attached to them. That is unacceptable. And as we have gone into the question of the management of the forests, which we recognize that there some direction must be taken by the Congress to straighten up what is obviously a total mess.

Now, if we follow the gentleman's amendment only on the K–V Fund, we

may well interrupt a personnel problem within the K–V Fund, which could impact habitat restoration and reforestation efforts and the issues that we are all interested in and that we all want to see completed.

So, here I think is the choice: the language that I think is a beginning in the Interior bill, but allow the authorizing committee, in this case the Committee on Agriculture, to carefully walk through this whole issue, bring it to the floor for the study of the Committee, and take the whole issue, rather than just a part of it.

Mr. Chairman, I would be delighted to include the gentleman from California in on any language that he would propose in an overall attempt to take care of a very difficult issue, rather than take in an amendment today with little opportunity to discuss. Let us go through the authorizing process. We will bring a bill that I think will address many of the gentleman's problems and we would be happy to include him in that discussion.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Oregon. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman from Oregon (Mr. SMITH) for yielding me this time, and I thank him for his remarks.

Mr. Chairman, I think as the gentleman said, he shares our dismay at what we heard in the reports from GAO and from the Forest Service. Hopefully, their acknowledgment of that is the beginning of a change. But let me say in this case, and I did not as I said in my statement, I believe that all of these should be brought on budget and the appropriators should have some say in how this is being done.

But this last time, it was 35 percent. The committee says 25 percent. That level of overhead is just unacceptable when we are struggling to do the reforestation programs that we all know are necessary as part of watershed management and going back and trying to correct some mistakes and all the rest of it.

I would urge the gentleman from Oregon to have his hearings and to have the authorizing committees make these things, but also I guess we are at the end of the session here. This is the beginning of the fiscal year. I still think that this amendment is very important if we are going to stop this.

Mr. SMITH of Oregon. Mr. Chairman, reclaiming my time, I understand this is a rifle shot at the issue. Let us take the whole issue under consideration and bring it back to the floor when we have the whole thing addressed.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to say to the gentleman from California (Mr. MILLER) is that we would propose to reduce this 25 percent to 20, which will be 10 percent less than we are using now. The problem is that if we adopt this amendment, we leave the K–V Fund out there without any direction.

That fund is used for habitat improvement, reforestation, and a lot of very good environmental issues. I am most reluctant to, but I would have to characterize this amendment as being antienvironment, and I do not think that the gentleman from California wants to do that.

Mr. Chairman, I would agree that we should get this on budget and put us in charge as a Congress, in administering these funds on a line item basis. But I do not think it is good management, as proposed in this amendment, to take away the ability to manage the program and leave the program out there like a ship without a rudder. These programs are very important environmentally for reforestation, for habitat improvement, for other legitimate forest health issues.

Mr. Chairman, I would like to work with the gentleman from California in getting this on budget, reducing the amount that is going to administration, and ensure that the funding actually achieves the environmental objectives that are very much a part of it.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman from Ohio (Mr. REGULA) for his comments. We are quickly trying to assess his offer. I think a couple of our colleagues have something they want to say on this and maybe we can chat about this.

But there is a problem with respect to ongoing litigation, so this has to be done sort of right, I guess, not to prejudice some parties. So, we can talk.

Mr. REGULA. Mr. Chairman, reclaiming my time, I want to use the money for environmental objectives, and to do that there has to be some mechanism to manage the fund. I think the amendment just takes away the mechanism without addressing the issue of how we expend the funds. I think we really need to get it on budget and manage it more correctly.

Mr. MILLER of California. Mr. Chairman, if the gentleman would continue to yield, let us not pretend like this is the only administrative money available to the Forest Service. The Subcommittee on Interior Appropriations unfortunately makes a huge amount of money available for administrative overhead to run these programs, and for them to siphon off this huge amount of overhead to get these programs on the ground and get them working is just unconscionable. But it is not like it would leave them without administrative overhead. It would leave them without a place that they could go without accountability, but they still have administrative money for these functions.

Mr. REGULA. Mr. Chairman, again reclaiming my time, I would like to say to the gentleman that if there is any way in the conference process that we can make some changes to make this fund totally accountable, I am very much for that, because I think accountability is an essential element of any program that we manage. And since we have to appropriate the funds, it should be accountable to those of us that serve on these respective committees.

I would say to the gentleman from California (Mr. MILLER), I would like to work with him to achieve that objective. But I would be reluctant to support the amendment under these circumstances without having some additional changes.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, here is the problem before us. The administration and this Congress have been starving the Forest Service, while giving them ever more and more expensive obligations, many of which have tremendous merit. If we look at the backlogs to meet the environmental guidelines of the President's forest plan in my region, it would sop up virtually the entire budget of the United States Forest Service.

We are simply not funding many meritorious activities. The gentlewoman from Oregon (Ms. FURSE) was going to offer an amendment yesterday, with which I disagreed, but I agreed with the program she wanted to augment. If we look at her augmenting those programs, it would take them up to 30 and 40 percent of the annual objective; again, programs that benefit the environment, that reinvest in our forests.

We have been treating our forests like cash cows for much too long, and now people are unwilling to reinvest in the resource. That is pointed out by this issue of the K–V Funds. The K–V Funds are spent for meritorious purposes, reforestation and related environmentally beneficial activities consequent to timber sales. Everybody agrees that those are activities that should be carried out.

But the problem here is that since we are starving the Forest Service in many other budgets, they are attributing an, I think, unusually high overhead to this program so that they can move their funds around. And they are very, very messy and unaccountable accounting practices which we have held hearings on.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the gentleman from Oregon (Mr. DEFAZIO), whom I consider one of the experts on

these issues in the House, let me give some of the information that we have received from the Forest Service for the benefit of our colleagues who are trying to learn about this.

It says:

Eliminating the K–V overhead indirect costs will have substantial repercussions for the agency. The indirect nonproject costs of the agency cannot be eliminated and support accomplishment of program work. Costs such as rent, utilities unemployment comp, and program supervision are necessary costs to support K–V accomplishments.

According to the May 6, 1998, report on indirect charges in five funds, the K–V Fund paid for $51,169,000 in fiscal year 1997. As mentioned above, if K–V could not pay for these costs, the Forest Service's appropriated funds would have to be responsible for them. This would result in less program accomplishment in reforestation, timber stand improvement, wildlife, watershed improvements, and other appropriated resource areas.

In addition, the plain language of the National Forest System Appropriation excludes general administrative support to funds such as K–V. Therefore, to charge appropriated funds would place the Forest Service in violation of its National Forest System Appropriations language on GA, and in violation of congressional intent, if not appropriation language on all other direct costs.

So, I understand why we would like to preserve the funds, but we have to pay it somewhere. If we do not pay the indirect costs of the K–V out of the K–V Fund, then we will take money away from all of those other programs and things like timber stand reforestation improvement and wildlife, which the gentleman and I are both strong supporters of. How do we answer this?

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, and I said as I spoke, the objectives of the K–V Fund are meritorious. The question is how much goes to overhead? And I would say that 25 percent where they are attributing rent for a Forest Service employee who works in a ranger's station, attributing all of those, if we add up all the overheads and the indirects we find that in part it is going to the chief's salary. It is going here because the chief spends 4 percent of his time on K–V Fund, so 4 percent of his salary.

I mean, when we add them up, they do not add up to 100 percent. So my concern is that we are not getting as much money on the ground as we should. I certainly would not want to get an unintended effect here which would be to deprive them of any capability of managing and investing these funds. But I think the gentleman from California (Mr. MILLER) is trying to make the point that the 25 percent number is arbitrary and too high.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I have a letter from the gentleman from California (Mr. HORN), chairman of the authorizing subcommittee. He points out that a recent report by the General Accounting Office revealed the Forest Service diverted over $220 million from the K–V Fund into bureaucratic overhead between 1993 and 1997.

The CHAIRMAN pro tempore (Mr. PEASE). The time of the gentleman from Oregon (Mr. DEFAZIO) has expired.

(On request of Mr. YATES, and by unanimous consent, Mr. DEFAZIO was allowed to proceed for 1 additional minute.)

Mr. YATES. Mr. Chairman, the law does not permit the K–V Fund to be used for any other purpose, certainly not for the administrative expenses. And what the gentleman from Washington (Mr. DICKS) has said is true, that if we do not use this money from the K–V Fund, we will have to get it from somewhere else. We will have to use appropriated funds for this purpose if we object to their present day practice, because the money is essential for carrying out the needs of the Forest Service.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, I have tremendous respect for the gentleman from Illinois (Mr. YATES). I think the problem that we are having here, to address his concerns, is between some of us on the authorizing committee who have held hearings on the Forest Service budgeting and accounting practices and feel that money is being moved around in ways that are not accountable and being spent in ways that are not provided for under law; that we are not getting the full bang for the buck of the K–V Fund's investment on the ground in environmental restoration because it is being diverted on overhead that is not just legitimately overhead for the K–V program.

Certainly, there is legitimate overhead for the program. But other more general overhead purposes of the Forest Service, which I would agree, since the Forest Service, as I said earlier, is not getting enough funds in many other programs.

□ 1800

The CHAIRMAN pro tempore (Mr. PEASE). The time of the gentleman from Oregon (Mr. DEFAZIO) has expired.

(By unanimous consent, Mr. DEFAZIO was allowed to proceed for 2 additional minutes.)

Mr. DEFAZIO. So I would say to the gentleman from Illinois (Mr. YATES) that I think we have some essential grounds for agreement, but the problem is I see the Forest Service doing things like the argument over purchaser road credits last year. I could come to the floor and list project after project they were doing purchaser roads credits, which truthfully had little to do with the timber sales that they were conducting, but they were meritorious recreation, road, and environmental projects and restoration flood damage repair that they could not otherwise pay for.

So I think the bottom line we keep coming back to is there is not enough money to fulfill their missions, particularly their mission as it relates to the environment.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I appreciate and thank the gentleman for yielding to me. I appreciate the point he has made.

What we have here is a situation that over time has developed to now an extravagance, that any time the Forest Service has something they want that the Congress does not go along with or somebody does not go along with in Washington, they reach into the restoration funds.

The purpose of these funds was, and the gentleman represents areas that are much more affected than mine, the purpose of these funds was to try to do restoration on the theory that forests were on a, cycle and that we would make an agreement to cut them and make an agreement to reforest them and to start the new cycle of trees, and future generations could make determinations. But what we now see is over a third of the funds, or about a third of the funds, have now been subject to a diversion, to a simple wish list of local forest people, of managers, about what they want in terms of administrative overhead, with no bars.

And what came to a head in March of this year was the total unaccountability of the system with respect to a basic fundamental forest law, the Vince Vanderberg funds for reforestation.

The CHAIRMAN pro tempore. The time of the gentleman from Oregon (Mr. DEFAZIO) has expired.

(On request of Mr. MILLER of California, and by unanimous consent, Mr. DEFAZIO was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, will the gentleman continue to yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. MILLER of California. So, Mr. Chairman, this is an effort to try to repair.

Let us understand something. The Senate is at zero. The Senate has made a determination that this practice is an outrage; that this is contrary to everything that the authorizers in these committees and the appropriators want to do. But this is something that has just grown up and kind of gone off.

And now the question is are we going to enable them to continue to do this practice which is working to the detriment of taxpayers and working to the detriment of the environment?

I just think that this is just fundamental. This is one of those things where, once again, we have kind of bad fiscal policy here mixed with the environment, and it ends up with bad policy for everyone. And that is why the taxpayers' organizations are supporting this amendment, that is why the environmental organizations are supporting this amendment.

Because, in fact, if we can bring this back under the control of the Committee on Appropriations, if we can make these people go into the regular fund for administrative overhead, which is millions and millions and millions of dollars for the Forest Service, then we can have some accountability in this program, and we can go back to many of the areas in the gentleman's State, in my State and other Members' States that have never been properly reforested.

And the cry always is, there is not money to do this. Well, apparently the money has been diverted for a whole host of reasons, most of which most Members of Congress never knew about until the joint oversight hearing, where it was exposed in the GAO reports and the Inspectors General reports.

And I am just dealing with one of these funds. This is true of a whole series of these funds where they have now determined this is somehow their God-given right, to go in there and dip into costs that they want to cover that the Congress has not approved.

Mr. DEFAZIO. Reclaiming my time, Mr. Chairman. In a memo which the Forest Service produced yesterday in opposition to the Furse amendment, they said the Forest Service is working to reduce overhead and increase expenditure clarity and accountability through better financial management. Well, I think they need a little pushing, because the results of that hearing were absolutely disastrous.

Basically, they are not auditable at this point in time. There is no accountability. How can we say we are going to take 25 percent of these needed K–V funds for reforestation and environmental investment and divert it arbitrarily for whatever purpose?

Twenty-five percent is high in anybody's book. But for an ongoing, existing agency which does not have to go out and rent new space, does not have to go out and buy new vehicles, does not even have to hire new employees, because for many of them it is only part of their time, 25 percent seems very high to me and an arbitrary number.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding once again.

The gentleman was at the hearing, and I think the gentleman from Washington (Mr. DICKS) was there when they said that they could not identify how they spent $215 million. $215 million. They also went on to say that $7.8 billion in value reported with respect to assets and properties and plants and equipment was erroneous.

The CHAIRMAN pro tempore. The time of the gentleman from Oregon (Mr. DEFAZIO) has expired.

(On request of Mr. MILLER of California, and by unanimous consent, Mr. DEFAZIO was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. MILLER of California. The value they placed on their property, their plant and their equipment was erroneous; they do not know if that is really what it is worth. $7.8 billion, and $215 million in expenditures, and we do not know if it is accurate or not. We have no way of knowing that. Why? Because over a period of time these funds were created, they were off budget, and they started using them as a slush fund for all of these purposes for which they no longer then had to account.

And due to the work of the three committees, and they should be commended for this effort, this has now been exposed and this now has to be changed around. And because of those hearings, the Senate has made a determination that this is going to stop. This is going to stop. They are not going to use 30 percent of the money that people expect to be put on the ground to reforest our lands, to be committed to a wish list from people beyond their allotted administrative overhead.

I thank gentleman for his comments.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time once again, I thank the gentleman. And just in summary, I do not think anyone can defend what has been going on and we need some resolution. And we feel that we need to move that issue forward, at least into the conference.

So we are hopeful Members will support this amendment supported by environmental groups, taxpayer groups and others to bring some accountability, and to better accomplish the environmental reforestation and other goals of the Forest Service which are being, in fact, woefully underfunded by this body. And that is something we will also have to deal with in future appropriations.

Mr. THUNE. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. THUNE. I yield to the gentleman from Oregon.

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman for yielding, and I just to want emphasize the point that this effort is an effort in unintended results. And I want to read into the record the impact that would occur should this amendment be adopted, and I think that all will agree that these kinds of results are unacceptable.

For instance, the Forest Vegetation Management and Reforestation account would be impacted by $20.5 million, which is 45,000 acres, 75 percent of all that is totally planned. Timber Stand Improvement, $10.7 million, 42,000 acres, 58 percent of all total planned. Wildlife Habitat Management, $4.9 million, 30,000 acres. Inland Fisheries Habitat, $1.2 million. Anadromous Fish Hatcheries Habitat Management, $1.6 million. Threatened, Endangered and Sensitive Species, $.4 million. Watershed Improvements, $2.8 million, et cetera.

Mr. Chairman, I just point out again that I think we have not thought through this amendment. It is a perilous journey we are on here. Let us back away, let us go through the process of hearings, let me bring a bill to the floor which will address this whole thing, and we will address as well the gentleman from California's program.

Mrs. CAPPS. Mr. Chairman, I move to strike the requisite number of words.

Mr. MILLER of California. Mr. Chairman, will the gentlewoman yield?

Mrs. CAPPS. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I thank the gentlewoman for yielding.

Let me just say that in the Senate, not exactly a radical body in American politics, and very protective of Western resource policy, in their bill they are silent on this matter, and they said, "The committee is very concerned about rapidly increasing indirect expenses, including overhead, and the related effect on the availability of funds for accomplishment of on-the-ground objectives." The point raised by the chairman, the gentleman from Ohio (Mr. REGULA). "As noted by the General Accounting Office."

They go on in their language to say, "For example, the committee is aware of a proposal to cap the ratio of indirect to total expenditures from the five trust funds of the administrative Forest Service at a level of 25 percent. Although the committee is concerned with the rapid increase from 15 to 27 percent the rates of indirect or total expenditures over the last 5 years, the committee does not propose to cap for the following reasons."

Okay? The point is this: We are not going to get into ratifying, and they anticipate this language, we are not going to get into ratifying a practice that is just there because of sloppiness; that is just there because people do not want to live within the budget constraints that this Congress makes a determination, and they are using these funds for any old purpose they want.

They are not related to K–V, and that is the point.

And I thank the gentlewoman, Mr. Chairman, for getting the time so that I could put the Senate report on record.

Mr. NETHERCUTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. NETHERCUTT. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding.

To the debate focus, I would point out to the gentleman from California that it is not any old purpose. It is whatever the Secretary of Agriculture, who is one of our former colleagues, determines it be used for. And what the gentleman is saying is that he has no confidence in the Secretary of Agriculture.

But aside from all that, this amendment takes out the ability to manage these funds. So suddenly we have a sizable chunk of money, probably $150 million or more, with no ability to manage it. It is just there. The Treasury will be happy. They will have the money. And instead of spending it on timber stand improvement, wildlife habitat management, inland fisheries habitat management, anadromous fisheries habitat, threatened, or endangered species, watershed improvements, instead of that, the money goes to the Treasury.

Now, we recognize what the gentleman is saying, that this is a problem. We are trying to get it under control. We have reduced the amount that can be expended on indirect charges from 35 percent to 25 percent. The authorizing committee is addressing this problem and is trying to get it on budget where it belongs and eliminate the problems that have happened. We have to phase it out over a period of 3 years simply because there are a number of projects that are underway that need to be completed.

We have tried very strenuously, and the gentleman from Washington is part of the subcommittee, to make accountability a part of our goal. I do not disagree with the gentleman from California. We want accountability; he wants accountability. But I do not think just striking out the management money, without having a mechanism to allow these programs to be finished, to allow the transfer, is good legislating.

We are sympathetic to the gentleman's goals and would try to address those as much as possible in conference, but I would have to resist the amendment at this point. It is not a good way to approach it.

Mr. NETHERCUTT. Mr. Chairman, reclaiming my time, I thank the chairman for his comments, and I must agree with him. I think that the goal here is laudable, but I think the Miller amendment goes too far. It is an extreme approach to the reasoned approach that the subcommittee has taken deliberately, not without consideration.

I have just been in hearings regarding the Forest Service and regarding the need to control and limit their expenses. Our subcommittee has been deliberate about this. And I think the representations of the chairman of the Committee on Agriculture are very well taken. He makes a good point. We will have hearings, we will have an analysis of the problem, but to, in sort of an extremist way, say we are just going to cut this off now, without good knowledge, I think makes no sense.

So it does go too far too fast. With all due respect to the gentleman from California, I just think we need to be very careful about how fast and how deliberate we are on this whole issue.

The Interior bill, the one that we are going to vote on here today, takes an important, responsible, incremental step to management improvement. And that should be our goal, not this whacking away at this account and really harming the environment.

□ 1815

Frankly, I think that is what the consequences will be. Chairman SMITH, Chairman REGULA and the gentleman from Washington (Mr. DICKS) all mentioned the environmental protections that I think would be lost by adopting this amendment.

So I urge very clearly that we vote no on this amendment and continue our deliberation of this whole issue and try to resolve it in a reasoned manner, not slashing and cutting.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from California (Mr. MILLER), I hope to end this debate.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding.

Let me just say, it is suggested that somehow this is a radical amendment and somehow we are moving too far too fast in the name of trying to protect both the resources and the public treasury.

Again, I refer my colleagues to the Senate report. "Although concerned about the agency's history of poor commitment and accomplishment, the Committee is reluctant to establish caps on overhead expenses which may inhibit efforts to improve accountability. To improve accountability, it is needed."

Later they finally say, "The committee is concerned that a cap of 25 percent would lead to an automatic and in some cases unwarranted draw on these trust funds that would divert these needed funds from on-the-ground projects."

That is the United States Senate. That is the Committee on Appropriations dealing with forest policy. They are concerned that the answer that has been selected by this committee is exactly contrary to what needs to be done, that once they put a cap on they are ratifying the process and the process is nowhere in law, the process is growing up because of dysfunctional behavior by the Forest Service in not being able to live within a budget.

They have not been able to live within a budget because they have a honey pot over here called K–V funds and they just reach in there and grab out whatever they need when they have a little bit of a shortfall. That is why the Senate has this language in the report. That is why they have it here.

Because, with all due respect, we have not broken the habit of these people. This is this next fiscal year. This is this next fiscal year. This is the money that is going to go into effect in October. And if we do not change this, these people are going to be right back in there reaching in there right up to the old armpit with the taxpayers' money because they cannot get Congress to approve of something.

The Senate recognizes this. The gentleman from California (Mr. MILLER) did not discover this. The Senate Committee on Appropriations discovered this, and they recognize that a cap is to ratify bad behavior.

This is like giving a drunk a beer instead of a straight shot. These people are incapable of keeping their hands off of this money that is supposed to go into improving our forest and reforesting the forest after we have these timber sales. They have violated this law across the board, and all of a sudden we are supposed to believe that they repent.

Well, the Senate did not believe it, and that is a pretty fairly conservative body, Republican dominated; and it is dominated by people from the Western states who have an interest in the forest practices, and they have determined that this is against the public interest and bad for the environment.

Mr. DICKS. Mr. Chairman, reclaiming my time, I want to say that I join the chairman and say I want to work with him on this as well. We have got to get an answer on this. I have been a strong supporter of the K–V funds, which use of money for reforestation.

The gentleman from California (Mr. MILLER) has made his point. We will see what happens on the amendment. But even if it does not succeed, I still think we have got to work on this. And I certainly am going to want to work with the gentleman from Oregon (Mr. SMITH) and those who pledged to the gentleman in the well that we will come back with a substantive answer on this. I think the point is that we have got to fix this, it is broken.

Mr. MILLER of California. Mr. Chairman, if the gentleman would yield further, I thank the gentleman; and I would say I appreciate and I listened. The gentleman from Ohio (Mr. REGULA) is a man of his word and he is a man of honor, and he was at the hearing and he was as disturbed by this as I am now, and that is serious, and I want to just say also the gentleman from Oregon (Mr. SMITH) because he obviously has great pride in the Forest Service and has spent his entire public career dealing with this agency.

I do not doubt their word for a moment. All I am saying is we cannot start out this year by ratifying this practice that is nowhere allowed on the books of the Congress.

Mr. DICKS. Mr. Chairman, I yield to the gentleman from Ohio (Mr. REGULA), the chairman.

Mr. REGULA. Mr. Chairman, I would ask the gentleman from California (Mr. MILLER), does the Senate address what happens to the "honey pot" or do they just send it back to the Treasury? Because, apparently, they take out the money to administer the fund but do not address the problem.

Mr. DICKS. Mr. Chairman, reclaiming my time, I do not think they did anything. They just did not deal with the issue.

Mr. REGULA. If the gentleman would further yield, that is what I mean, they walked away from it.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California.

Mr. MILLER of California. Because, apparently, as they point out in the report, they anticipate this language, so they have taken a position. Rather than ratifying the practice, they will deal with it when they get to conference.

Mr. DICKS. Mr. Chairman, I think it is time to vote. We have had a very good and spirited debate.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by the gentleman from California (Mr. MILLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentleman from California (Mr. MILLER) will be postponed.

The point of no quorum is considered withdrawn.

The Committee will rise informally.

The SPEAKER pro tempore (Mr. NETHERCUTT) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Committee resumed its sitting.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

As evidenced by the prior vigorous debate, all of us come to the floor of the House with our own passions and concerns.

Let me first thank the chairman and the ranking member for being sensitive to some needs and concerns that I have that were debated at the time of the Johnson amendment on the National Endowment for the Arts but raised in a different context from the arguments that I will make today.

I am prepared and was prepared to offer two amendments, because I do believe that the National Endowment for the Arts should have been funded at its fullest level of $136 million, and today I was prepared to offer that amendment.

In fact, both the ranking member and the chairman realize that, in earlier years, the National Endowment for the Arts was funded up to at least $170 million and that was not enough. I also recognize and we recognize that the arts that are funded by the National Endowment for the Arts, despite the opponents, really do fund most of the nonprofit arts in this Nation.

The reason why I have come to the floor to express my concern that the debate around the Johnson amendment was more to keep or to bring back $98.5 million, of which I believe is not enough, is because it strikes home.

In Houston, Texas, the Alley Theater is an excellent representation of the value of the NEA and the arts in Texas. The Alley Theater is not a fabulously rich theater, and it represents a lot of our small theaters around the Nation. In fact, Houston represents the arts funding center, if you will, beyond the Mississippi, because that is the argument. Everything is East Coast or West Coast, and we stand up to represent middle America as someone who believes in the NEA.

The Alley Theater is a family-oriented theater with over 200,000 persons attending productions annually. To quote its director Paul Tetreault, the managing direction of the Alley Theater in Houston, "the NEA has given meaningful support to the Alley and its audiences for many years."

However, this year, Mr. Chairman, the Alley was denied funding for a production as a result of reduced budgets, and the director states that, "It was a great surprise and disappointment to see that support interrupted at a time when the Alley is realizing great artistic achievements."

The director goes on to say that, "Many other deserving theaters, museums, dance and opera companies have been even more deeply affected by having their grant requests denied. Their losses, like that of the Alley's, will have a collateral effect on the quality of life in the communities they serve, to the detriment of arts, education, commerce, and tourism."

Mr. Chairman, it is not only the Alley, but it is the Ensemble, it is the Mecca, it is many arts communities in our Nation and in our community.

Mr. Chairman, I was prepared to offer at this time an amendment that would have supported the NEA at $136 million.

Before I conclude, let me address the other amendment that I was prepared to offer. I would like to yield for a moment to the ranking member when I mention my other amendment that was to offer additional support up to $122 million for the National Endowment for the Humanities.

We can discuss a lot of things, and we have many interests, from the interests of our forests and our trees, to the protection of our fish and wildlife, and certainly to the protection of our native Americans and the responsible treatment of them. But the NEA deals with our educational systems.

Have my colleagues ever been to a library? Do they appreciate the culture of our Nation, the many different cultures? Have they ever visited the exhibition of The Many Realms of King Arthur at the local library? Have they ever read the diary of a 17th century New England midwife? That is the humanities. Do they watch an episode of the Civil War? Have they appreciated the history of slavery in America, philosophy, history, religion, art? That is about the humanities.

What we have done by funding it or underfunding it and not giving it the amount that the administration had is to deny our country with the ability to teach its children of its great history.

I do respect the chairman and I respect the ranking member, and let me just mention the fact very briefly that the chairman worked with me on the issue dealing with the Sojourner Truth Monument, and I am still working on that. But I do believe these are good amendments. It is my intent to withdraw these amendments, not without the frustration and concern that we are cheating our Nation's children, we are cheating our Nation's cultural arts, we are cheating our Nation's libraries.

The CHAIRMAN pro tempore. The time of the gentlewoman from Texas (Ms. JACKSON-LEE) has expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 2 additional minutes.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to yield to the

gentleman from Washington (Mr. DICKS) to ask the question, recognizing the hard work, recognizing what we did with both the Democratic effort but as well the Johnson amendment, can we work together, recognizing the responsibilities that we have on this issue of funding for NEH and NEA?

Mr. DICKS. I appreciate the strong commitment of the gentlewoman from Texas (Ms. JACKSON-LEE) to the National Endowment for the Arts and Humanities.

And I do remember, I served on this committee now for 22 years under the leadership of the gentleman from Illinois (Mr. YATES) a time when we did have better funding for the National Endowment for the Humanities and the Arts, and frankly, I think the need is out in the country, in Texas, in Washington State, in Ohio, in Illinois, in Oregon. Everywhere in the country there are needs for these resources.

I hope, as we get back to a balanced Federal budget, which I think we will achieve at the end of this fiscal year, and as we go to the next Congress, hopefully those of us who return can continue to work to see if we cannot get a more reasonable level of funding. That is certainly my objective.

We have had to deal with the realities of balanced budgets, and caps makes it difficult. But certainly, with the better future, with a balanced budget, I hope we can revisit this item, and I appreciate the leadership of the gentlewoman on these important issues.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, might I just make a special note of the ranking member of this committee as well, the gentleman from Illinois (Mr. YATES), who has done a yeoman's task on this issue dealing with humanities and arts.

The gentleman from Ohio (Mr. REGULA) did not hear me. I thanked him for our discussion on the Sojourner Truth, and I want to continue that. Remember, we had that discussion just a year ago.

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentlewoman for yielding. I understand she will withdraw the amendment. We are faced with many needs and limited resources. We have done the best we can with what we have available.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I hope, however, recognizing that we can all gather maybe a commitment that those are valuable entities and look to further funding of those entities as we move forward.

Mr. Chairman, I include the following for the RECORD:

Mr. Chairman, I speak with great expectation that my amendment to H.R. 4193—the Department of the Interior and Related Agencies Appropriations Bill of 1999 will be adopted.

The committee's proposed budget for the National Endowment for the Arts (NEA) does seem generous at first ($98 million), especially when you consider that the level was originally pegged at $0. Although the committee's recommendation keeps the NEA at its 1998 levels, I firmly believe that we should provide the level of funding proposed by the Administration. Therefore, my amendment restores the funding for the NEA to $136 million.

This restoration is offset by a reduction in the United States Fish and Wildlife's construction fund and a reduction in the national park Service's operation fund.

Although some seek to keep funding for the NEA at its 1998 levels, we should strive for progress, not stagnation. The opponents of funding for the NEA are quick to trot out the occasional bad choices made by the NEA. However, it is important to highlight and inform the American public of the vast majority of activities funded by the NEA.

Mr. Chairman, that is what this debate is about. The quality of life for Americans and their families and children throughout this country. This is not about the few bad choices made by the NEA in the past. This is about the ability of children and families to view productions of plays and musicals; the ability of children and families to experience art and art education; the ability of a child to travel across town to an outdoor play with his father and mother and share in a meaningful family outing where the love of a family can be shared; where a community can come together in peace; where the quality of life for residents in a city can be improved by an arts event that both educated and entertains.

What is the need to summarily eliminate an area of the Federal Government that is working. Funding for the NEA represents less than six-ten-thousandths (0.0006%) of the entire Federal budget. With that six-ten-thousandths percent (0.0006%), the NEA is still the largest single source of funding for the nonprofit arts in the United States. This investment of the United States Government is an investment in the quality of life for families and children. It spawns investment and giving to the arts by the American people, private and corporate donors. However, increased demands on all sectors of private giving have recently presented corporate and individual donors with tough choices. How can we expect private donations to the arts to increase, when we do not keep our commitment to the NEA. This is the time that the Federal Government should be making an investment in the NEA; not closing it.

Who are we really hurting if we do not fund and support the arts? We are hurting middle class and poor America. Seven point five (7.5%) of funding for the NEA goes directly to projects in under-served communities. Through access and outreach related grants, the NEA has helped to make the arts accessible to millions of Americans who could not otherwise afford them. What does that mean? It means that children in poor communities will not have access to plays, musicals, stage productions, and arts education that serve to increase the quality of life and overall educational value of American children. We are hurting the very people that we are sent here to help. We are hurting families who are trying to raise their children to respect the community. Mr. Chairman, we are hurting America.

Keeping funding for the NEA at the 1998 level will not only negatively affect cities, but it will also negatively affect rural, small town communities. NEA grants serve communities in both urban and rural areas. In most small towns across the country, traveling tours, exhibits, and concerts are the major exposure to the live performing arts that children receive. The small town and rural communities can not afford to support a full symphony, orchestra, or museum.

Funding for the NEA is not a Republicans versus Democrats issue. There are even Republicans that support level funding for the NEA. It is not a conservative versus liberal issue. Funding for the NEA is a cultural issue. Important cultural, educational, and artistic programs are funded by the NEA. Business leaders, educators, cities, States, and even law enforcement officials support funding for the NEA. After schools arts programs keep kids off the streets. We have all heard the phrase an idle mind is the devil's workshop. If we are able to reach kids and take them off of the streets via an after school arts program, then why don't we. Funding for the NEA exposes inner city minority children to Hamlet and to Othello.

The NEA makes the arts accessible to all Americans. There is no doubt that a people and culture without a preservation of the arts in history are doomed. I urge support of this amendment.

Mr. Chairman, I speak with great expectation that my amendment to H.R. 4193—The Department of Interior and Related Agencies Appropriations Bill of 1999—will be adopted.

My amendment raises the appropriations level for the National Endowment for the Humanities (NEH) from the $96,800,000 recommendation by the Appropriations Committee to the $122,000,000 level requested by the Administration. The offsets will come from the U.S. Fish and Wildlife fund and the National Park Service Operation fund.

I work with my local librarian.

The NEH is vital to our educational systems and provides numerous services in the area of the humanities. The NEH provides grants to individuals and institutions. These grants support valuable aspects of the humanities such as research in the humanities; educational opportunities for teachers; preservation of texts and materials; translations of important works; museum exhibitions, television and radio programs; and public discussion and study.

The humanities encompass a wide variety of subject matter. They are all around us and evident in our daily lives. When you visit an exhibition on "The Many Realms of King Arthur" at your local library, that is the humanities. When you read the diary of a seventeenth-century New England midwife, that is the humanities. When you watch an episode of The Civil War, that is the humanities, too. The humanities include the study of literature, history, philosophy, religion, art, history, and archaeology.

NEH also provides many educational tools for children. Most recently, the NEH has provided students with the educational foundations necessary for the use of the internet. NEH maintains EDSITEment, a gateway Web site that provides links to 49 sites carefully selected for their quality of educational content and design. Instead of having to sift through more than 65,000 humanities-related sites on the Web, anyone seeking the best humanities education materials on the Internet can easily find and access them through EDSITEment. Each site comes with lesson plans offering suggestions on how to use the materials effectively in the classroom.

NEH works closely with schools and is currently awarding grants to schools around the nation through an initiative called "Schools for a New Millennium," which will enable those schools to become models of how teachers, principals, librarians and the community can fully incorporate CD–ROMs and the Internet into their everyday teaching.

NEH also continues to fund the development of excellent new humanities Web sites and CD–ROMs in areas such as the American wars in Asia, ancient cultures of North America, Spanish colonial history, U.S. women's history, and Chinese history and culture.

The Internet places a vast, sometimes disorienting wilderness of information at everyone's fingertips. NEH seeks to provide teachers, students and other curious people with a map to the educational treasures that can be found out there.

To increase its efficiency, the NEH is organized into three divisions—Education and Research, Preservation and Access, and Public Program—and three offices—Challenge Grants, Federal/State Partnership, and Enterprise.

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I include the following statement for the RECORD in support of the Regula-Skaggs-Fox amendment, and I thank the chairman for his leadership in this bill and in the House:

Mr. Chairman, I wish to thank the gentleman from Ohio, the Chairman of the Committee, for working with Mr. SKAGGS and myself to develop this alternative that addresses the concerns we had raised in our previous amendment. I believe that the amendment as offered will go a long way to help in addressing our concerns about energy conservation and, in particular Weatherization assistance. I appreciate the willingness of the Chairman to work with us on this alternative and commend him again for his hard work on this very difficult appropriations bill. I also wish to thank Mr. SKAGGS for his help in working with me on this issue of mutual importance and commend him for his commitment to this cause.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that the bill through page 123, line 14, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the bill from page 92, line 12 through page 123, line 14, is as follows:

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1995.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: *Provided*, That if no funds are provided for the AmeriCorps program by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 311. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 312. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 1999, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole

responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 313. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of acquiring lands in the counties of Gallia, Lawrence, Monroe, or Washington, Ohio, for the Wayne National Forest.

SEC. 314. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208 and 105-83 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 1998 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 315. Notwithstanding any other provision of law, for fiscal year 1999 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" component of the President's Forest Plan for the Pacific Northwest to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, and northern California that have been affected by reduced timber harvesting on Federal lands.

SEC. 316. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds $500,000.

SEC. 317. None of the funds made available by this Act may be used to require any person to vacate real property where a term is expiring under a use and occupancy reservation in Sleeping Bear Dunes National Lakeshore until such time as the National Park Service (NPS) indicates to the appropriate congressional committees and the holders of these reservations that it has sufficient funds to remove the residence on that property within 90 days of that residence being vacated. The NPS will provide at least 90 days notice to the holders of expired reservations to allow them time to leave the residence. The NPS will charge fair market value rental rates while any occupancy continues beyond an expired reservation. Reservation holders who stay beyond the expiration date will also be required to pay for appraisals to determine current fair market value rental rates, any rehabilitation needed to ensure suitability for occupancy, appropriate insurance, and all continuing utility costs.

SEC. 318. (a) None of the funds made available in this Act or any other Act providing appropriations for the Department of the Interior, the Forest Service or the Smithsonian Institution may be used to submit nominations for the designation of Biosphere Reserves pursuant to the Man and Biosphere program administered by the United Nations Educational, Scientific, and Cultural Organization.

(b) The provisions of this section shall be repealed upon enactment of subsequent legislation specifically authorizing United States participation in the Man and Biosphere program.

SEC. 319. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 320. Of the funds available to the National Endowment for the Arts:

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 321. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate Endowment for the purposes specified in each case.

SEC. 322. (a) WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.—For fiscal years 1999 and 2000, appropriations for the Forest Service may be used by the Secretary of Agriculture for the purpose of entering into cooperative agreements with willing State and local governments, private and nonprofit entities and landowners for protection, restoration and enhancement of fish and wildlife habitat, and other resources on public or private land or both that benefit these resources within the watershed.

(b) DIRECT AND INDIRECT WATERSHED AGREEMENTS.—The Secretary of Agriculture may enter into a watershed restoration and enhancement agreement—

(1) directly with a willing private landowner; or

(2) indirectly through an agreement with a State, local or tribal government or other public entity, educational institution, or private nonprofit organization.

(c) TERMS AND CONDITIONS.—In order for the Secretary to enter into a watershed restoration and enhancement agreement—

(1) the agreement shall—

(A) include such terms and conditions mutually agreed to by the Secretary and the landowner;

(B) improve the viability of and otherwise benefit the fish, wildlife, and other resources on national forests lands within the watershed;

(C) authorize the provision of technical assistance by the Secretary in the planning of management activities that will further the purposes of the agreement;

(D) provide for the sharing of costs of implementing the agreement among the Federal Government, the landowner(s), and other entities, as mutually agreed on by the affected interests; and

(E) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to be in the public interest; and

(2) the Secretary may require such other terms and conditions as are necessary to protect the public investment on non-Federal lands, provided such terms and conditions are mutually agreed to by the Secretary and other landowners, State and local governments or both.

SEC. 323. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 324. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 325. None of the funds in this or any other Act may be used to relocate the Woodrow Wilson International Center for Scholars from the Smithsonian Institution to the Ronald Reagan Building in Washington, D.C.

SEC. 326. The Auditors West Building (Annex 3) located at Raoul Wallenberg Place and Independence Avenue Southwest, Washington, District of Columbia is hereby named the Sidney R. Yates Building and shall be referred to in any law, regulation, document or record of the United States as the Sidney R. Yates Building.

SEC. 327. (a) IN GENERAL.—Notwithstanding any other provision of law, not later than December 11, 1998, the Secretary of Agriculture shall grant Chugach Alaska Corporation an irrevocable and perpetual 250-foot-wide easement for the construction, use, and maintenance of public roads and related facilities necessary for access to and economic development of the land interests in the Carbon Mountain and Katalla vicinity that were conveyed to Chugach Alaska Corporation pursuant to the Alaska Native Claims Settlement Act. The centerline of the easement is depicted on the map entitled "Carbon Mountain Access Easement" and dated November 4, 1997. Nothing in this section waives any legal environmental requirement with respect to the actual road construction.

(b) SUBMISSION OF SURVEY; RELINQUISHMENT OF UNNEEDED PORTION OF EASEMENT.—Not later than 90 days after completion of construction of roads and related facilities on the easement granted pursuant to subsection (a), Chugach Alaska Corporation shall submit to the Secretary of Agriculture an as-built survey of such roads and related facilities and relinquish to the United States those portions of the easement Chugach Alaska Corporation deems not necessary for future use.

(c) CONSTRUCTION AND MAINTENANCE.—Construction and maintenance of any roads pursuant to subsection (a) shall be in accordance with the best management practices of the Forest Service as promulgated in the Forest Service Handbook.

SEC. 328. Section 101(c) of Public Law 104–134, as amended, is further amended as follows: Under the heading "Title III—General Provisions" amend section 315(f) (16 U.S.C. 4601–6a note) by striking "September 30, 1999" after the words "and end on" and inserting in lieu thereof "September 30, 2001" and striking "September 30, 2002" after the words "remain available through" and inserting in lieu thereof "September 30, 2004".

SEC. 329. Notwithstanding any other provision of law, none of the funds in this Act may be used to enter into any new or expanded self-determination contract or grant or self-governance compact pursuant to the Indian Self-Determination Act of 1975, as amended, for any activities not previously covered by such contracts, compacts or grants. Nothing in this section precludes the continuation of those specific activities for which self-determination and self-governance contracts, compacts and grants currently exist or the renewal of contracts, compacts and grants for those activities.

SEC. 330. (a) PROHIBITION ON TIMBER PURCHASER ROAD CREDITS.—In financing any forest development road pursuant to section 4 of Public Law 88–657 (16 U.S.C. 535, commonly known as the National Forest Roads and Trails Act), the Secretary of Agriculture may not provide for amortization of road costs in any contract with, or otherwise provide effective credit for road construction to, any purchaser of national forest timber or other forest products.

(b) CONSTRUCTION OF ROADS BY TIMBER PURCHASERS.—Whenever the Secretary of Agriculture makes a determination that a forest development road referred to in subsection (a) shall be constructed or paid for, in whole or in part, by a purchaser of national forest timber or other forest products, the Secretary shall include notice of the determination in the notice of sale of the timber or other forest products. The notice of sale shall contain, or announce the availability of, sufficient information related to the road described in the notice to permit a prospective bidder on the sale to calculate the likely cost that would be incurred by the bidder to construct or finance the construction of the road so that the bidder may reflect such cost in the bid.

(c) SPECIAL ELECTION BY SMALL BUSINESS CONCERNS.—(1) A notice of sale referred to in subsection (b) shall give a purchaser of national forest timber or other forest products that qualifies as a "small business concern" under the Small Business Act (15 U.S.C. 631 et seq.), and regulations issued thereunder, the option to elect that the Secretary of Agriculture build the road described in the notice. The Secretary shall provide the small business concern with an estimate of the cost that would be incurred by the Secretary to construct the road on behalf of the small business concern. The notice of sale shall also include the date on which the road described in the notice will be completed by the Secretary if the election is made.

(2) If the election referred to in paragraph (1) is made, the purchaser of the national forest timber or other forest products shall pay to the Secretary of Agriculture, in addition to the price paid for the timber or other forest products, an amount equal to the estimated cost of the road which otherwise would be paid by the purchaser as provided in the notice of sale. Pending receipt of such amount, the Secretary may use receipts from the sale of national forest timber or other forest products to accomplish the requested road construction.

(d) POST CONSTRUCTION HARVESTING.—In each sale of national forest timber or other forest products referred to in this section, the Secretary of Agriculture is encouraged to authorize harvest of the timber or other forest products in a unit included in the sale as soon as road work for that unit is completed and the road work is approved by the Secretary.

(e) CONSTRUCTION STANDARD.—For any forest development road that is to be constructed or paid for by a purchaser of national forest timber or other forest products, the Secretary of Agriculture may not require the purchaser to design, construct, or maintain the road (or pay for the design, construction, or maintenance of the road) to a standard higher than the standard, consistent with applicable environmental laws and regulations, that is sufficient for the harvesting and removal of the timber or other forest products, unless the Secretary bears that part of the cost necessary to meet the higher standard.

(f) TREATMENT OF ROAD VALUE.—For any forest development road that is constructed or paid for by a purchaser of national forest timber or other forest products, the appraised value of the road construction shall be considered to be money received for purposes of the payments required to be made under the sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (35 Stat. 260, 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (35 Stat. 963; commonly known as the Weeks Act; 16 U.S.C. 500). To the extent that the appraised value of road construction determined under this subsection reflects funds contributed by the Secretary of Agriculture to build the road to a higher standard pursuant to subsection (e), the Secretary shall modify the appraisal of the road construction to exclude the effect of the Federal funds.

(g) EFFECTIVE DATE.—(1) This section and the requirements of this section shall take effect (and apply thereafter) upon the earlier of—

(A) March 1, 1999; and

(B) the date that is the later of—

(i) the effective date of regulations issued by the Secretary of Agriculture to implement this section; and

(ii) the date on which a new standard timber sale contract, which is designed to implement this section and has been published for public comment, is approved by the Secretary.

(2) Notwithstanding paragraph (1), any sale of national forest timber or other forest products for which notice of sale is provided before the effective date of this section, and any effective purchaser road credit earned pursuant to a contract resulting from such a notice of sale or otherwise earned before that effective date, shall continue to be subject to section 4 of Public Law 88–657 and section 14(i) of the National Forest Management Act of 1976 (16 U.S.C. 472a(i)), and rules issued thereunder, as in effect on the day before the date of the enactment of this Act.

SEC. 331. Section 6(b)(1)(B)(iii) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(b)(1)(B)(iii)) is amended by striking "One" and inserting "Two".

SEC. 332. (a) CONDITIONAL EFFECTIVE DATE.—This section shall take effect only if the Energy and Water Development Appropriations Act, 1999, does not appropriate at least $6,000,000 in new funds for the management by the Tennessee Valley Authority of the Land Between the Lakes National Recreation Area in the States of Kentucky and Tennessee.

(b) TRANSFER OF JURISDICTION, LAND BETWEEN THE LAKES NATIONAL RECREATION AREA.—The Tennessee Valley Authority shall transfer, without reimbursement, the Land Between the Lakes National Recreation Area to the administrative jurisdiction of the Secretary of Agriculture.

(c) MANAGEMENT.—Upon the transfer of jurisdiction under subsection (b), the Land Between the Lakes National Recreation Area, hereinafter Recreation Area, is established as a unit of the National Forest System, and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall administer the Recreation Area in accordance with this section and (except as provided in subsection (d)) the laws, rules, and regulations pertaining to the National Forest System. Except as provided in subsection (d), land within the Recreation Area shall have the status of land acquired under the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 515 et seq.). The Secretary shall manage the Recreation Area for multiple use as a unit of the National Forest System, in conjunction with the original mission statement of the Recreation Area emphasizing outdoor recreation, environmental education, fish and wildlife conservation, and regional development. The Secretary shall conduct an inventory of all cemeteries located in the Recreation Area and ensure public access to such cemeteries for purposes of burials, visitation and maintenance.

(d) FEES AND OTHER CHARGES.—The Secretary of Agriculture may charge reasonable fees for admission to and the use of designated sites in the Recreation Area or for activities in the Recreation Area. No general entrance fees shall be charged within the Recreation Area. Notwithstanding any other provision of law, all amounts received from charges, user fees, and natural resource utilization, including timber and agricultural receipts, arising from the Recreation Area shall be deposited in a special fund in the Treasury to be known as the "Land Between the Lakes Management Fund", which shall be available to the Secretary, without subsequent appropriation, for the management of the Recreation Area, including the payment of salaries and expenses.

(e) PAYMENTS.—Federal lands within the Recreation Area shall be subject to the provisions for payments in lieu of taxes under chapter 69 of title 31, United States Code. Notwithstanding the transfer of jurisdiction, the Tennessee Valley Authority shall continue to be responsible for payments under section 13 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831l).

(f) TRANSITION.—(1) The transfer of jurisdiction under subsection (b) should be effected in an efficient and cost-effective manner to minimize the disruption of the personal lives of the Tennessee Valley Authority and Forest Service employees affected by the transfer. Not later than 30 days after the date on which this section takes effect, the Secretary of Agriculture and the Tennessee Valley Authority shall enter into a memorandum of agreement to provide procedures for the orderly withdrawal or transfer of officers and employees of the Tennessee Valley Authority, the transfer of property, fixtures, and facilities, the interagency transfer of officers and employees, the transfer of records, and such other transfer issues as the Tennessee Valley Authority and the Secretary consider to be appropriate. The agreement shall provide for a transition team consisting of Tennessee Valley Authority and Forest Service employees.

(2) In order to provide for a cost-effective transfer of the law enforcement responsibilities between the Forest Service and the Tennessee Valley Authority, the law enforcement authorities designated under section 4A of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831c-3) are hereby granted to special agents and law enforcement officers of the Forest Service. The law enforcement authorities designated under the 11th undesignated paragraph under the heading "SURVEYING THE PUBLIC LANDS" of the Act of June 4, 1897 (30 Stat. 35; 16 U.S.C. 551), the first paragraph of that portion designated "GENERAL EXPENSES, FOREST SERVICE" of the Act of March 3, 1905 (33 U.S.C. 873; 16 U.S.C. 559), the National Forest System Drug Control Act of 1986 (16 U.S.C. 559b-559g) are hereby granted to law enforcement agents of the Tennessee Valley Authority, within the boundaries of the Recreation Area, for a period of one year from the date on which this section takes effect.

(3) Unless terminated for cause, all permanent Tennessee Valley Authority employees at the Recreation Area shall be guaranteed employment by the Tennessee Valley Authority for a minimum of five months following the date on which this section takes effect. The Tennessee Valley Authority shall provide affected employees of the Tennessee Valley Authority at the Recreation Area with a severance/compensation package based on established practices of the Tennessee Valley Authority. Funding for the activities prescribed for the Tennessee Valley Authority in this section is to be derived only from one or more of the following sources: nonpower fund balances and collections; investment returns of the nonpower program; applied programmatic savings in the power and nonpower programs; savings from the suspension of bonuses and awards; savings from reductions in memberships and contributions; increases in collections resulting from nonpower activities, including user fees; or increases in charges to private and public utilities both investor and cooperatively owned, as well as to direct load customers. Such funds are available to fund the activities under this paragraph, notwithstanding sections 11, 14, 15, 29, or other provisions of the Tennessee Valley Authority Act, as amended, or provisions of the TVA power bond covenants. The savings from, and revenue adjustments to, the TVA budget in fiscal year 1999 and thereafter shall be sufficient to fund the aforementioned activities such that the net spending authority and resulting outlays for these activities shall not exceed $0 in fiscal year 1999 and thereafter. Within 30 days of enactment of this Act, the Chairman of the TVA shall submit to the House and Senate Committees on Appropriations an itemized list of the amounts of the proposed reduction and increased receipts to be made pursuant to this section in fiscal year 1999. By November 1, 2000, the Chairman of the TVA shall submit to the House and Senate Committees on Appropriations an itemized list of the amounts of the reductions and increased receipts made pursuant to this paragraph for fiscal year 1999.

(g) ADVISORY BOARD.—Within 90 days after the date on which this section takes effect, the Secretary of Agriculture shall establish a 17-member citizen advisory board to advise the Secretary on environmental education in the Recreation Area and means of promoting public participation for the land and resource management plan for the Recreation Area.

SEC. 333. (a) Any appropriations contained in this Act or any other Act for the operation or implementation of the Interior Columbia Basin Ecosystem Management Project (hereinafter "Project") shall be obligated or expended only as provided in this section.

(b) Within 120 days of the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall—

(1) prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate the report required by section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1998 (111 Stat. 1543, 1596-7), including any additional information necessary to correspond with the requirements of this section;

(2) distribute for advisory purposes to each national forest and each resource area or other relevant planning unit of the Bureau of Land Management within the region encompassed by the Project (hereinafter "Project forest") all relevant scientific findings of the Project and the report required by paragraph (1); and

(3) conduct and complete the orderly closing of the offices of the Project.

(c)(1)(A) Within 90 days after the completion of the requirements of subsection (b), each Forest Service Supervisor of, or Bureau of Land Management official with jurisdiction over, a Project forest shall review the resource management plan or other land use plan for the Project forest (hereinafter "plan"), and, as they may relate to the specific resources and conditions existing on the Project forest as of the date of enactment of this Act, the scientific information and report provided pursuant to subsection (b)(2) and any policies made applicable to the Project forest prior to the date of enactment of this Act, and determine whether an amendment to or revision of the plan is warranted.

(B) If the determination is made pursuant to subparagraph (A) that a plan amendment or revision is warranted, preparation of the amendment or revision shall be completed within 12 months or 18 months, respectively, of the date of the determination.

(2) To the maximum extent practicable, any plan amendment or revision prepared pursuant to paragraph (1)(B) shall provide for management standards appropriate to the specific conditions of individual sites and avoid the imposition of general standards applicable to multiple sites.

SEC. 334. Amounts deposited during fiscal year 1998 in the roads and trails fund provided for in the fourteenth paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The Secretary shall commence the projects during fiscal year 1999, but the projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 335. Section 5 of the Arts and Artifacts Indemnity Act (20 U.S.C. 974) is amended as follows:

In subsection (b) strike "$3,000,000,000" and insert in lieu thereof "$5,000,000,000".

In subsection (c) strike "$300,000,000" and insert in lieu thereof "$500,000,000".

In subsection (d)(4) strike the final "or".

In subsection (d)(5) strike "$200,000,000 or more" and insert in lieu thereof "not less than $200,000,000 but less than $300,000,000" and strike the final period and insert in lieu thereof ";".

After subsection (d)(5) insert the following 2 new subsections:

"(6) not less than $300,000,000 but less than $400,000,000, then coverage under this chapter shall extend only to loss or damage in excess of the first $300,000 of loss or damage to items covered; or

"(7) $400,000,000 or more, then coverage under this chapter shall extend only to loss or damage in excess of the first $400,000 of loss or damage to items covered.".

TULARE CONVEYANCE

SEC. 336. (a) IN GENERAL.—Subject to subsections (c) and (d), all conveyances to the Redevelopment Agency of the City of Tulare, California, of lands described in subsection (b), heretofore or hereafter, made directly by the Southern Pacific Transportation Company, or its successors, are hereby validated

to the extent that the conveyances would be legal or valid if all right, title, and interest of the United States, except minerals, were held by the Southern Pacific Transportation Company.

(b) LANDS DESCRIBED.—The lands referred to in subsection (a) are the parcels shown on the map entitled "Tulare Redevelopment Agency-Railroad Parcels Proposed to be Acquired", dated May 29, 1997, that formed part of a railroad right-of-way granted to the Southern Pacific Railroad Company, or its successors, agents, or assigns, by the Federal Government (including the right-of-way approved by an Act of Congress on July 27, 1866). The map referred to in this subsection shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management.

(c) PRESERVATION OF EXISTING RIGHTS OF ACCESS.—Nothing in this section shall impair any existing rights of access in favor of the public or any owner of adjacent lands over, under or across the lands which are referred to in subsection (a).

(d) MINERALS.—The United States disclaims any and all right of surface entry to the mineral estate of lands described in subsection (b).

SEC. 337. The final set of maps entitled "Coastal Barrier Resources System", dated "October 24, 1990, revised November 12, 1996", and relating to the following units of the Coastal Barrier Resources System: P04A, P05/P05P; P05A/P05AP, FL-06P; P10/P10P; P11; P11AP; P11A; P18/P18P; P25/P25P; and P32/P32P (which set of maps were created by the Department of the Interior to comply with section 220 of Public Law 104-333, 110 Stat. 4115, and notice of which was published in the Federal Register on May 28, 1997) shall have the force and effect of law and replace and substitute for any other inconsistent Coastal Barrier Resource System map in the possession of the Department of the Interior. This provision is effective immediately upon enactment of this Act and the Secretary of the Interior or his designee shall immediately make this ministerial substitution.

Section 405(c)(2) of the Indian Health Care Improvement Act (42 U.S.C. 1645(c)(2) is amended by striking "September 30, 1998" and inserting in lieu thereof "September 30, 2000".

□ 1830

AMENDMENT OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KILDEE:

Page 123, after line 14, insert the following new section:

SEC. 338. Section 123(a)(2)(C) of the Department of the Interior and Related Agencies Appropriations Act, 1998 (111 Stat. 1566), is amended by striking "self-regulated tribes such as".

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

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

There was no objection.

Mr. KILDEE. Mr. Chairman, my amendment would clear up an ambiguity caused by last year's Interior appropriations bill regarding the ability of the National Indian Gaming Commission to carry out its congressional mandates. It is technical in nature, and it is supported by the administration as well as the majority and minority of the Committee on Resources.

Mr. REGULA. If the gentleman will yield, I am aware of the amendment. On this side of the aisle we will accept the gentleman's amendment.

Mr. YATES. Mr. Chairman, we accept the amendment as well.

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

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 504, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 18 offered by the gentleman from Mississippi (Mr. PARKER); and amendment No. 15 offered by the gentleman from California (Mr. MILLER).

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

AMENDMENT NO. 18 OFFERED BY PARKER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Mississippi (Mr. PARKER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 135, noes 289, not voting 10, as follows:

[Roll No. 319]

AYES—135

Aderholt
Armey
Barcia
Barrett (WI)
Bartlett
Bateman
Bilbray
Bishop
Blagojevich
Bliley
Boehner
Bonior
Bono
Boswell
Brown (CA)
Bryant
Burr
Camp
Capps
Cardin
Clay
Clyburn
Combest
Condit
Coyne
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Dicks
Dixon
Doolittle
Engel
English
Fattah
Filner
Fossella
Furse
Greenwood
Hall (TX)
Hastert
Hastings (FL)
Hayworth
Hefley
Hefner
Hilleary
Hilliard
Holden
Hooley
Hulshof
Jackson (IL)
Jefferson
Jenkins
Johnson (WI)
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Lampson
Latham
Lazio
Lee
Levin
LoBiondo
Manton
McDermott
McGovern
McHale
McIntosh
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Minge
Moran (KS)
Nussle
Oberstar
Obey
Pallone
Parker
Pastor
Payne
Peterson (MN)
Pickering
Pitts
Pombo
Pomeroy
Ramstad
Rangel
Redmond
Reyes
Riley
Rivers
Rohrabacher
Rothman
Rush
Sabo
Salmon
Sandlin
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Shays
Smith, Adam
Spratt
Stabenow
Stokes
Stupak
Sununu
Taylor (MS)
Thomas
Thompson
Thurman
Torres
Traficant
Turner
Vento
Waters
Waxman
Wexler
Weygand
Wicker

NOES—289

Abercrombie
Ackerman
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Blumenauer
Blunt
Boehlert
Bonilla
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Conyers
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (VA)
Deal
DeGette
Diaz-Balart
Dickey
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastings (WA)
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
LaTourette
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Meehan
Metcalf
Mica
Miller (CA)
Miller (FL)
Mink
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Pascrell
Paul
Paxon
Pease
Pelosi
Peterson (PA)
Petri
Pickett
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Regula
Riggs
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Ryun
Sánchez
Sanders
Sanford
Sawyer
Schumer
Sensenbrenner

Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stark
Stearns
Stenholm
Strickland
Stump
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thornberry
Thune
Tiahrt
Tierney
Towns
Upton
Velázquez
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—10

Ford
Gonzalez
Green
Hunter
Markey
Moakley
Poshard
Radanovich
Serrano
Young (FL)

□ 1856

The Clerk announced the following pairs:

Messrs. BURTON of Indiana, ROEMER, BERRY, LUTHER, GEJDENSON, LAFALCE and ABERCROMBIE, and Ms. LOFGREN, Ms. HARMAN, Ms. JACKSON-LEE of Texas and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "aye" to "no."

Messrs. MORAN of Kansas, ADERHOLT, BLILEY, LEVIN, TORRES, FILNER, HILLEARY, HASTERT, STUPAK, ARMEY, PETERSON of Minnesota, FOSSELLA, VENTO, BOB SCHAFFER of Colorado, REYES, BARCIA, LoBIONDO, and DEUTSCH changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. MILLER OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 15 offered by the gentleman from California (Mr. MILLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 236, noes 182, not voting 16, as follows:

[Roll No. 320]

AYES—236

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Ballenger
Barcia
Barrett (WI)
Bartlett
Becerra
Bentsen
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Chabot
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Fossella
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Ganske
Gejdenson
Gephardt
Gibbons
Gilman
Goode
Gordon
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klug
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Morella
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Paul
Payne
Pelosi
Petri
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roukema
Roybal-Allard
Rush
Salmon
Sánchez
Sanders
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Shays
Sherman
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Upton
Velázquez
Vento
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—182

Aderholt
Archer
Armey
Bachus
Baker
Barr
Barrett (NE)
Barton
Bass
Bateman
Bereuter
Bliley
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cooksey
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Everett
Ewing
Foley
Fowler
Frelinghuysen
Gallegly
Gekas
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klink
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Northup
Norwood
Nussle
Oxley
Packard
Parker
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pryce (OH)
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Ros-Lehtinen
Royce
Ryun
Sabo
Sandlin
Sanford
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Turner
Visclosky
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOT VOTING—16

Clay
Ford
Gonzalez
Green
Hunter
John
Kelly
Lewis (GA)
Markey
Moakley
Poshard
Radanovich
Serrano
Smith, Linda
Stearns
Young (FL)

□ 1902

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. JOHN. Mr. Chairman, during rollcall vote No. 320, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 3 amendment printed in House Report 105–637 offered by Mr. YOUNG of Alaska:

Page 123, after line 14, insert the following new section:

SEC. 338. (a) MORATORIUM ON FEDERAL MANAGEMENT.—None of the funds made available to the Department of the Interior or the Department of Agriculture by this or any other Act hereafter enacted may be used prior to October 1, 2000, to issue or implement final regulations, rules, or policies pursuant to title VIII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over the navigable waters transferred to the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska Statehood Act of 1959.

(b) EFFECTIVE DATE OF 1997 ANILCA AMENDMENTS.—Section 316(d) of Public Law 105–83 is amended by striking "December 1, 1998" and inserting "October 1, 2000".

(c) REPEAL.—Subsections (a) and (b) shall be repealed on December 1, 1998, unless on or

before that date an amendment to the constitution of the State of Alaska has been adopted which the Secretary of the Interior has determined would enable Alaska statutes to be enacted which provide the priority required in section 804 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3114) in the taking on public lands of fish and wildlife.

The CHAIRMAN. Pursuant to House Resolution 504, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 15 minutes.

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

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

Mr. Chairman, this amendment is a component of a broad effort in Alaska to resolve a long running debate over subsistence hunting and fishing. This amendment affects no other State. It concerns only Alaska.

My amendment extends until October 1, 2000, a current moratorium on a Federal takeover of Alaska's fish and game resources. However, the extension of the moratorium is effective only if the State of Alaska adopts a constitutional amendment to resolve the subsistence debate. If a constitutional amendment is not in place by December 1, 1998, the moratorium does not extend under this amendment.

Now the State of Alaska has until election day to decide whether to amend its Constitution. I am hopeful my State can come to a resolution in time. But I strongly believe my amendment is necessary to forestall and prevent a Federal takeover while the State proceeds in this effort.

A Federal moratorium is necessary because Federal control of Alaska fish and game would be devastating to the wildlife, and especially the people of Alaska. A Federal takeover is not my choice, and should not be Alaska's choice either.

Mr. Chairman, I urge the passage of my amendment.

The CHAIRMAN. Does any Member claim the time in opposition to the amendment?

Mr. YOUNG of Alaska. Mr. Chairman, I yield back the balance of my time, and I move the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DEFAZIO: Page 107, beginning at line 19, strike section 328 (and redesignate the subsequent sections accordingly).

Mr. DEFAZIO. Mr. Chairman, this is an important issue before the House. A number of years ago, in the 1996 Budget Act, the demonstration program in the appropriations bill was extended to collect fees among the various Park Service, Forest Service, BLM and Fish and Wildlife Service units. The idea was to see if it was feasible, see if it could be done in a way that was accountable, see if it could be done in a way that would augment the scarce resources of these agencies for meritorious purposes, and then come back with a review. That review will come to the Congress, by law, next March. So next March, this Congress will receive a full accounting of the fee demonstration program among the various units of the Federal Government, and there are problems with this program.

There is such a multiplicity of programs with exclusive and overlapping jurisdictions out there that, in my own home State, if you visit the Deschutes Forest and you buy a pass to park at the Deschutes Forest, you cannot use it next door in the Willamette Forest, and if you buy a parking pass in the Willamette Forest, you cannot use it in some parts of the Deschutes Forest. And if you buy a pass in the Deschutes Forest and the Willamette Forest, you cannot use it in the Siuslaw Forest. If you have one for the Siuslaw Forest, the Willamette Forest and the Deschutes Forest, you cannot use it at Crater Lake.

Now, this is going on in other people's districts and States throughout the West. People who live in rural areas, who live adjacent to forests, who live on in-holdings in forest, to park at a trail head have to pay $25.

It has also seen very steep increases in fees at various park units around the country. We have seen the fees go from $3 to $10 per person and $5 to $20 per person at Yosemite, $10 to $20 per vehicle at Yellowstone, and the list goes on.

We need to review this program. We are going to receive a report, the United States Congress will receive a report, on this unauthorized tax. Make no mistake about it. If you oppose this amendment, you are voting to continue a tax on millions of Americans who visit our public lands in the United States in a mishmash fashion with no accountability, for no purpose that you can actually discern in many cases, because the accounting at the Forest Service and other agencies is so poor.

Eighty percent of the money was supposed to go in the Forest Service last year. Fifty-three percent of the money collected went to administration, and they were not enforcing it and offering tickets last year. This year they are going to be writing tickets. There is going to be even more overhead expense in the program. This program needs to be reviewed. It needs to be properly authorized by the committees.

My amendment would not terminate the program, it would merely say that the appropriators, this bill, cannot extend for two years beyond 1999 into the next century this program without authorization.

I do not think it is too much to ask, that a tax like this levied upon millions of Americans recreating on their public lands be authorized by Congress, that we review it, that we have some accountability.

We will hear that some of the money, particularly in the Park Service, is being spent for meritorious things. That may well be true, but let us have a full accounting. Let us authorize it. Let us do it in a way so that you do not have to plaster your whole windshield with passes until you are peering through a little tiny slot there as you drive around the western United States and trying to figure out what additional passes you need to paste and which ones you are going to have to take off at 25 bucks a hit or more.

This is not a program that is well run. There is too much overlap, too much multiplicity, and it is very egregious upon people who live close to public lands.

So I would urge Members to vote for this amendment, which means you are voting simply to say we will receive a report in March, and then we will authorize or not authorize an extension of these fee programs. Maybe it will be authorized for the Park Service and not for the Forest Service, and maybe other restrictions will be placed on it. Maybe we will require intergovernmental or interagency agreements so people will only have to buy one or two passes, instead of five or ten different passes at a very, very high cost to them.

Mr. Chairman, I would hope that the committee might accept this amendment and decide that it would be wise to get this authorized before the tax is extended.

Mr. HANSEN. Mr. Chairman, I rise in opposition to the amendment. As chairman of the Subcommittee on National Parks and Public Lands and having sat on that committee for 18 years, we have played with this idea for a long time. It is interesting to go to our national parks. In 1915, it cost $10 to go into Yellowstone National Park. In 1996, it cost $10 to go into Yellowstone National Park.

Look at the 374 units of the Park Service and how difficult it is to maintain them. I do not think a day goes by that I do not get a call from a superintendent or a forest supervisor or a BLM land manager that says, "Mr. Chairman, I need this, that or the other, and I do not have enough money." That puts us in a position of going back and looking for a supplemental thing or something else.

The best deal in America by far is the public lands and the national parks. Where else can you take your family and go into the Yellowstone National

Park for now, what, $10 or $25, or the Grand Canyon, all these places that are visited on a regular basis.

I like to go around and talk to people who go into those parks. It is kind of a fun thing to do. The next time I would advise some of our Members to do that. Walk into Yellowstone in the area and look at that retired CEO who is driving in in an $80,000 Winnebago and pulling a $30,000 Suburban. And, oh boy, we are going to ask for another 10 bucks? Big deal.

In fact, it is not uncommon for those of us on the Subcommittee on National Parks and Public Lands to get money from people who say, "Boy, no one ripped us off like we ripped you folks off." And now we give these people an opportunity to pay a little money to go into our national parks, to go into the public lands. I still think it is the best deal we have got. And to take away that tool that we have now given forest supervisors, that we have now given park superintendents, to have some money they can use in their own hands, to me it would be foolish and disregarding the history we have, which is extremely successful, and I do not feel that would be a wise thing to do.

I strongly oppose this amendment. If we do not defeat this amendment, we will just be back asking for more money and it will have to come out of the general fund, and I do not think that is a very good idea.

□ 1915

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, does the gentleman think, and I realize he is on the authorizing committee and we have not authorized this, but does the gentleman think it is reasonable that two adjoining forests should require two different $25 trail head parking fees? I mean, that seems a little bit steep, and then the next forest over is requiring yet a third one. So one can cover an 80-mile stretch and have to pay $75 just to park at trail heads. I think there needs to be a little bit better coordination. Would the gentleman at least agree to that point? It is an actual case example from my home State.

Mr. HANSEN. Mr. Chairman, I am not sure I understand the gentleman's question.

Mr. DEFAZIO. Mr. Chairman, the question is, if I go to the Deschutes Forest and pay $25 for a trail head parking pass, it is not good in the next door Willamette Forest, and it is not good in the Siuslaw Forest. If I buy one in the Willamette Forest, it is not good in the Siuslaw Forest. But the one in the Willamette Forest is good in some other forest. I mean, one has to get a road map to figure out which of the forests have reciprocity and which do not. It is very, very, very complicated and potentially very costly.

Mr. HANSEN. Mr. Chairman, reclaiming my time, let me say this. This has been kind of an experimental thing we have been moving into. Little by little I would hope we would come to the point that we are able to encourage the States to have one.

I am not saying this is a perfect program; I do not think anybody does. But we have started down the road of having people pay a user fee, so to speak, or a camping fee, and I think it is coming out very well.

I would admit to the gentleman, yes, there are some bugaboos in it, there are some problems, but I think right now we are headed in the right direction and we will be able to take care of our parks.

Let me just say to the gentleman, we have a tremendous amount of backlog on in-holdings and repair. I could come up to billions of dollars just on our parks alone that we cannot figure out how to get the money. We had 28 miles of impassable road in Yellowstone; no one could drive down it. We had a water system out in the Grand Canyon, a sewer system out in Yosemite. We have a problem down in the Everglades. I could give the gentleman a list a mile long, but nobody is coming up with the money. I think it would make a lot of sense to have a users' fee to take care of this.

Mr. Chairman, I strongly oppose the gentleman's amendment.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me read the list of people and organizations that support the fee program: National Parks and Conservation Association; Natural Resources Defense Council; National Trust for Historic Preservation; the Secretary of the Interior. And I quote Secretary Babbitt: "We believe that the strong support for the fee program is because most receipts remain in the recreation area in which they are collected to be used to improve visitor services and protect resources." He goes on to say that this is a great program.

The Secretary of Agriculture states: "I firmly believe that changes in the program would be detrimental to the recreation fee demonstration program." Again, the Department of Interior, the Director of the Fish and Wildlife Service: "The demonstration program begun in 1996 has been a tremendous success."

Again from the Department of Interior: "All the agencies strongly support this program. I have spoken to superintendents in a number of parks. They are very strongly in support of it."

I asked the superintendents, how does the public feel? They said, "We have no complaints." People think this is one of the great bargains to come in when they know that the money is staying in the park. That is the important feature here.

Under the old law, the fees that were collected, before we changed the law as part of creating the demonstration program, the fees collected went to Treasury instead of staying in the park. Now they stay in the park, and they are using them to enhance the visitor experience, improve the camp sites, fix the sanitary facilities, things that are important to visitors.

Mr. Chairman, our delegation recently visited Muir Woods and the superintendent told me many people say, "That is not enough. Here, take a couple of extra dollars as part of the fee program."

This is working wonderfully well.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to say to the gentleman, and I completely understand the gentleman's concern about proper authorization, nothing that we have done here would stop the authorization committees from going ahead and maybe correcting some of the problems that Mr. DEFAZIO has properly pointed out. But what I see based on our trip is that we have such a huge backlog of maintenance that needs to be done.

The national parks are the crown jewels of this country, and in every park, the Olympic, Mt. Rainier National Park, the North Cascades, Yosemite, they have a backlog of work that totals billions and billions of dollars. For the first time we have gotten people used to the idea of a user fee, and that they ought to pay a little something when they visit the parks.

A few people complained when the fee program first started. Now however, overwhelmingly, when they know we are on the level, when they know that 80 percent of that money is going back to their park, then they support this program. Also, Secretary Babbitt has asked for it to be extended. Secretary Glickman, our former colleague, has asked for it to be extended.

We had the chairman of the committee, the gentleman from Utah (Mr. HANSEN), supporting the fee program. No one has done a better job of demonstrating concern for our parks than he has been. The gentleman from Ohio (Mr. REGULA) has been the champion on the Committee on Appropriations. We have all supported him. I think we ought to keep this program, and I urge the gentleman from Oregon (Mr. DEFAZIO) to go ahead and work on any refinements to the authorization.

The basic concept is solid, and the American people overwhelmingly support it. We have a lot of work to do. We have a chance here to stop the decline of the parks and start seeing them restored. This is a historic opportunity,

and I urge that we stay with the committee position because it is the right thing to do.

Mr. REGULA. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments. I would point out this will generate $500 million over five years, and as my colleagues can see, it is strongly supported.

The gentleman mentioned 80 percent stays in the park, and the other 20 percent goes to parks such as Golden Gate where we do not have a fee, where there is not a single collection point, but it all stays in the park or the forest system, National Wildlife Refuge, and or BLM. All of the agencies support it; the public supports it. I think the program is absolutely very constructive, and I would strongly urge the Members to defeat this amendment.

Mrs. CHENOWETH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I find myself in a very interesting position here. I find myself opposing the demonstration fee program, and having to find myself on the opposite side of my own Chairman.

However, the fact is that I think that we have had sufficient time to see how the demonstration fee program is really working, and as it was first conceived, it has not worked well as far as the public is concerned.

The fact is that I really do think that the gentleman from Utah (Mr. HANSEN) is right, and perhaps for the national parks where there is a lot of high maintenance, and where there are facilities that need upkeep, we need to revisit that with the demonstration fee program. But as the demonstration fee program has been conceived of and is being extended in this bill, it is not working well.

Mr. Chairman, let me give an example. Last weekend I was home in Idaho and a woman who has 8 children told me about the fact that they were able to take their family to their church camp, and as always the family looked forward to going to the church camp, and as the little children piled out of the car and they gleefully set up camp and got their bunks all ready and everything set, the little boys took off to climb the hill behind the church camp. They had been doing this for years, and it was a favorite hill, but the ranger said, "Oh, I'm sorry, you can't climb that hill anymore, you must stay on the church camp property."

"Why can't we climb the hill?"

"Well, you need a pass, and it will cost $5 a person to go climb the hill," the hill that family had been climbing for years.

"Well, then let us go down to the lake."

"Oh, no, you can't go down to the lake, you can't go on that trail. That too takes a permit."

So what was a properly conceived of idea, for good reasons, is working out poorly. And I have received hundreds of calls in my office about how confusing and discouraging it is for people in Idaho and the Western States to be able to access the recreation and the outdoors that we have in our Western States and that we are so proud of, and, by the way, should be sustained with taxpayers' money.

So I would like to see us revisit this. I think the way it is conceived of now is not right, and I do again want to say, I do support fees for the high maintenance areas that have a lot of buildings and maintenance.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I appreciate that very much. In fact, I was in the gentlewoman's State in the Sawtooth National Recreation Area, one of the most beautiful places in the country, and we need to do a lot of good work there.

But the point I was trying to make earlier, the gentlewoman is on the authorization committee, and there is nothing that we are doing here today that would stop the authorizers from making certain refinements in this program. And what I would urge the gentlewoman to do, with the gentleman from Utah (Mr. HANSEN) and the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from California (Mr. MILLER), is for the authorizing committee to come up with whatever refinements are necessary to make this even a more acceptable program.

The thing that I worry about is, it is the old adage, you pay for what you get. And if we want the parks to be stellar and world class, we are going to have to fix them up. We are way behind on maintenance.

So I would really urge the gentlewoman to try to, in the gentlewoman's committee, and I know the gentlewoman is a leader in her committee, to try to help us refine this program, because we need it.

Mrs. CHENOWETH. Mr. Chairman, reclaiming my time, I appreciate the gentleman's thinking there, as I usually do in these issues. The gentleman has been a leader in these issues for years.

But the fact is, as the demonstration fee program has been conceived of and as extended for 2 years, it is not working well, and the gentleman from Oregon (Mr. DEFAZIO) also sits on the committee, and I know that we would all like to see a new program of some sort put forth. I certainly have my ideas, as I have expressed on the floor. But as it is conceived of now, and as it is being extended, it is not working well.

Mr. DEFAZIO. Mr. Chairman, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, the key here is the word "demonstration." Demonstration to me means let us go out and see if it will work, and then let us review it. In fact, there is a logical review point: Next March.

This bill extends for 2 years beyond October 1, 1999 the demonstration program, after it is no longer a demonstration, with all of its faults intact. The logical thing to do is not extend it now. The Committee on Appropriations could come forward next year with an extension, if we fail to authorize it in the authorizing committee, and again legislate on an appropriations bill.

The CHAIRMAN. The time of the gentlewoman from Idaho (Mrs. CHENOWETH) has expired.

(On request of Mr. DEFAZIO, and by unanimous consent, Mrs. CHENOWETH was allowed to proceed for 1 additional minute.)

Mrs. CHENOWETH. Mr. Chairman, I yield to the gentleman from Oregon.

Mr. DEFAZIO. So the key here, Mr. Chairman, is that as to the demonstration program, there is going to be a report rendered. We may very well find that the Park Service is doing a tremendous job with it. I think we will find that the Forest Service and some of the other agencies have tremendous problems with the program.

We can then authorize it in due time, have an authorization in place for the Committee on Appropriations for next year. This is not a crisis. The program will be continued between this year and next year under existing law. It is just I object to extending it for another 2 years, because then I do not believe the authorizers will ever get to it.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, just briefly, the point is that if we wait until 1999 to do this, then we get to the end of the fiscal year. There would be uncertainty about whether we have the program or not. The thing that is good about having this now, is that we have established it and people are used to it. They have accepted it. Now we should not create uncertainty.

Mrs. CHENOWETH. Mr. Chairman, reclaiming my time, the gentleman does have a very good point, but the fact is that in the authorizing committee we can come up with a new program that has been properly authorized.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words. I thank the Chairman for the recognition to me as a member of the Committee on Appropriations.

As the night is wearing on and these very important amendments are being debated, I want to speak out of turn. As my colleagues may know, this appropriations bill of the Subcommittee

on Interior is the last one that our distinguished ranking member from Illinois (Mr. YATES), will be participating in.

□ 1930

I wanted to take the opportunity to just interrupt the debate for a moment before the evening goes on too long to pay tribute to the gentleman.

In the course of the development of this legislation in the subcommittee and the full committee and the rest, I think many members of the Committee on Appropriations have sung his praises, have talked about his great leadership, and I know that I can speak for every person in this body on this one subject, that the gentleman from Illinois (Mr. YATES) is indeed a gentleman.

People have praised the fact that he is a legislative virtuoso. He has taught us all a great deal and we have commended him not only as a teacher and a legislator and a gentleman and a person who has been a mentor to so many of us, but I want to comment on him as a great American patriot.

As chairman for a long time of this subcommittee, and as ranking member, he has protected the beautiful natural resources of our great country. Thank you for your patriotism, SID.

As the chairman and ranking member of this subcommittee, he has spoken out so eloquently about protecting freedom of expression in this country. Thank you very much for doing that, SID, and for protecting the freest of expression in the arts and the rest.

So he is not only a great leader, teacher, mentor, legislator, gentleman, but a great patriot.

I am reminded of what was said about Pericles when I think of the great SID YATES when it was said of Pericles, "He was a lover of the beautiful and he cultivated the spirit without a loss of manliness." I cannot think of anyone that applies to more than the distinguished, the very distinguished gentleman from Illinois (Mr. YATES).

Mr. Chairman, I thank you very much, Mr. YATES, for your leadership.

Mr. MILLER of California. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I thank the gentlewoman from California (Ms. PELOSI) very much for yielding to me. I want to join and associate myself with her remarks and to add a couple of my own, just to say that for 24 years I have served with the gentleman from Illinois (Mr. YATES) about half as long as Mr. YATES has served, and I wish to say what an incredible pleasure it has been for me as a public servant to watch him and to admire his beliefs in our public institutions.

I know him as one deeply involved in the issues of this subcommittee, the Interior and natural resources issues and the arts and the cultural issues. He has witnessed many political trends and political fads and schemes of popularity and unpopularity. But I think what we have seen is that he has stood fast for a great portion for the protection of not only our free speech and our free expression, but the protection and the preservation of our culture and our history in the way that no other Member of Congress has.

He embodies the very, very best, the very, very best in public service. At a time when we see so much venom and so much attack in our public arena, to have you here, SIDNEY, has been a gift to all of us who try to hold our profession, this institution, the American public in the highest possible regard that we can.

His span of service and commitment is something that if each us every day that we walked into this Chamber, and every day we exited, if we could just recommit ourselves in his image of that public service, we would do this country a great favor.

I thank the gentleman so very, very much for giving so much of his life to this country. I admire him and wish him the very, very best.

Ms. PELOSI. Mr. Chairman, reclaiming my time, to SID YATES, the patriot, thank you for protecting our culture, our Constitution, and our countryside. It has been the greatest privilege of my political career to call you colleague. Thank you, Mr. YATES.

Mr. KOLBE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, a few hours ago the gentlewoman from California (Ms. PELOSI) and I were clashing over the issue of normal trade relations for China. But at this moment, I want to rise to associate myself completely with the remarks that she just made about our distinguished ranking minority member, SID YATES.

It is going to be hard to imagine a debate on this bill next year without SID YATES being involved in it, but we shall survive somehow. But his spirit will certainly linger with us as we continue the debate next year and in following years on this legislation.

His advocacy, not only for the arts, but his advocacy for national parks and for preservation of lands in the United States has been extraordinary. And even though I have disagreed with him many times on many of the issues, I have always admired the perseverance that he has shown, the knowledge base that he comes from, and as the gentlewoman said, the civility with which he always approaches these issues.

It is a lesson which many of us in this body who are so much newer, and we are all much newer than SID YATES around this place, know that we could all take to heart.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Minnesota.

Mr. REGULA. Mr. Chairman, I thank the gentleman from Arizona (Mr. KOLBE) for yielding me this time. I have said this to "my chairman" many times, that he is the epitome of everything that is good about citizenship in these United States. He has been everything that we have heard. I will not enlarge upon it. But I will make an additional comment, and that is that he has had a wonderful helpmate in his wife Addie. They have really been a great team. Many times she has been at the hearings and we love her as much as we do you, SID. We carry the message to her that we have appreciated her, and I am sure she has been a wonderful influence on your life.

Mr. KOLBE. Mr. Chairman, reclaiming my time, I do want to use a moment to address the amendment at hand. Back to the business of the Congress.

Mr. Chairman, I do rise in opposition to this amendment. As a member of the Subcommittee on Interior Appropriations, we have worked very hard, under the chairman's leadership, to address the operation on the maintenance shortfalls which exist at so many of our national parks, our Fish and Wildlife Refuges, on our other lands which are heavily utilized by the public.

No one wants our parks or forests or refuges to deteriorate. These represent in many cases some of the most spectacular and beautiful treasures that we have in our country. In my own State of Arizona, the Grand Canyon park is certainly one of the most spectacular natural splendors in the world. We cannot and must not let the quality of this park slip through our hands. Yet the increasing pressure of the public is enormous.

We have an enormous backlog of capital needs in all of our land management agencies and this is a problem that demands our attention, even as we seek to balance the budget and struggle to reduce our national debt. The utilization of our public lands is rising. We cannot expect appropriated funds to meet all of the increasing needs. We need to look for other solutions to this very troubling problem.

That is what the fee demonstration program is about. I believe it is having a positive effect. I have to tell my colleagues it is in my area. It is used in one of the national forests in the heart of my district, and it was unpopular with a lot of people. But I think as people have begun to see that the money is staying there in the forest, that it is being used to address the problems of maintenance and operation that is so badly needed to build new restrooms for example, to build new trails, I think people begin to understand this is good. It is a user fee that really is doing what it ought to do.

In Arizona, the Grand Canyon expects to collect $38 million in new

money over 3 years. And at the Grand Canyon, this will be used to improve a transit center, a maintenance facility, back country trails, archaeological site, stabilization initiatives.

Eliminating the program is not going to help address the critical backlog that we have on our Federal lands. So I hope that my colleagues will think very seriously about this amendment. Yes, we need to have the evaluation of it, but we need also to have some more time for it. We need to get more data.

So I strongly oppose this amendment and hope that we will keep the demonstration fee program in effect. It is doing what Congress intended it do. Defeat this amendment.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. KOLBE) has expired.

(On request of Mr. VENTO, and by unanimous consent, Mr. KOLBE was allowed to proceed for 2 additional minutes.)

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I will join the gentleman from Arizona (Mr. KOLBE) reluctantly in opposition to this. I have heard some discussion here about authorizing this type of program. The fact is, when I served in the capacity of subcommittee chairman, we tried several times to authorize this type of program. In fact, we did do some authorization with regard to it.

The fact is that some of the fees that are included under this in terms of what I would call user fees, not entrance fees but user fees, are authorized and have long been authorized by the various land management agencies. But they choose, without the moral authority of Congress, to not implement those types of fees.

Because of this fee demonstration program I think they are now into the swing of things. And the fact is as far as the entrance fees in terms of the parks and forests and some of the other areas which are authorized by this and necessary and working, they are dealing with buses, they are dealing with the tour boats that come into Saint Croix, as an example, that were paying no fees in terms of entrance. The buses, they are paying considerable fees now when they go through our various parks and they were paying literally nothing before.

So the fact that it is in place, I would certainly work with the gentleman from Oregon (Mr. DEFAZIO), and others that are concerned about the fact that there is a problem with regards to parking, with regards to user fees and so forth in these various areas. We need to work that out. But the fact is to assume that we are going to keep this authorized or get it reauthorized in the absence of keeping it in this appropriation bill, I think would be a big mistake.

We not only need this; we need the pressure of this type of appropriation to keep the authorizing committee working and doing it. In the absence of that, I think it is going to get lost in the shuffle.

So, I join in opposition to this amendment and in support of this program.

Mr. KOLBE. Mr. Chairman, reclaiming my time, I thank the gentleman from Minnesota (Mr. VENTO) for his comments, and I would point out, as the gentleman mentioned, they have the authority now to have those fees, and that is absolutely true. But the reason they have not all too often is because it takes resources away from the parks or the forests to collect them, someone who could be doing law enforcement or building trails, and they could not keep the money in the park.

Now they have the incentive to do so, because the money gets to stay in the park or national forest to do exactly the kind of maintenance and operational backlog work that needs to be done. So I think the gentleman is exactly correct.

Mrs. CAPPS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today I join with my colleagues, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from California (Mr. HERGER) to offer a bipartisan, common sense amendment that will put an end to an outrageous tax increase on American families.

Two years ago, the recreational fee demonstration program was slipped into a huge budget bill without adequate hearings or debate. This legislative maneuver authorized a variety of so-called user fees throughout our national forests and our national parks, but these fees are nothing more than regressive taxes on families who can least afford to pay them.

Our amendment will delete this section of this bill that extends the life of these taxes for 2 more years. If our amendment passes, this tax will expire in 1999, as was originally planned. It was planned as a pilot project to see if this is a good way to raise funds for our forests and parks. Before we extend the fee demonstration program, we need to stop and find out if it is a good plan.

Mr. Chairman, in my district this new tax is called the Adventure Pass, and it has truly been a terrible adventure for thousands of my constituents who visit Los Padres National Forest, which is in our backyard up and down the central coast of California.

While it is a very local issue for my district, it affects 40 of the 155 national forests throughout this country. It is in all of our backyards.

Since coming to Congress in March, I have received more angry calls, letters, and e-mails on this topic than almost any other matter of Federal policy, and I brought with me today here a sampling of the letters that I have received from people who have never contacted their Federal representatives on any issue and have been motivated to express their deep concerns to me.

My hometown newspaper, the Santa Barbara NewsPress, which is the largest in the district, has eloquently captured, as colleagues can see the title here, "End the adventure." This is the sentiment for this new tax and this editorial ends with this statement: "The Forest Service should end the Adventure Pass for an extended and permanent hike."

Wealthy people might not think much of paying $5 to take their family for an afternoon hike or a twilight drive to watch the sunset. But for many working families in my district, this tax has basically eliminated a popular recreational activity and diminished our quality of life.

Mr. Chairman, to make matters worse, American families already pay some of their hard earned money to the U.S. Government to maintain our national parks and forests.

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This much user fee, therefore, represents a double tax and it is wrong.

Let me be clear. I support adequate funding for the U.S. Forest Service, but let us find more equitable sources for this money. I support the DeFazio amendment that will require mining companies to pay their fair share for extracting profit from the public lands. And I support the Furse proposal to reduce the inflated subsidies paid to timber companies who make their money cutting down trees in public forests.

It is just not fair that our constituents must pay a fee to hike, picnic or see a sunset in our national forests when big logging and mining companies get subsidies for their activities on these same public lands. What this amounts to is a direct subsidy from the pockets of working families to the offices of corporate America, and this is wrong.

Mr. Chairman, I want to make a special appeal to my Republican friends. I have joined many of them to cut other unfair taxes, specifically the capital gains tax. Please join with us today to eliminate the unwarranted extension of an equally egregious tax on working Americans.

Let us end the Recreational Pass Demonstration Project misadventure. This adventure pass which is a misadventure. Let us go back to the drawing board. Let us have hearings on this demonstration program and conduct a full and open debate on its merits.

And perhaps in discussing it we need to separate the parks from the forests, because I believe there are different ways of collecting resources for each of these. And, also, it is a good idea that 80 percent of the fees do come back to

the local entity. But what is our surmise, and actually we have not studied this enough, but people are telling us that half of this amount of money in our local forests goes to enforcing the law; that we have turned our Forest Service workers into meter maids collecting these fees. That is what it appears to be like.

That is what we need to study, and that is why I ask for support for the DeFazio-Herger-Capps amendment.

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Mrs. CAPPS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I would like to quote for the gentlewoman from the Santa Barbara News Press. Their editorial, entitled Adventure Pass Praise, states "Let me start by saying I am proud to have purchased my adventure pass, and I strongly support the concept of user fees in our national forests." They are not a tax, they are user fees.

The CHAIRMAN. The time of the gentlewoman from California (Mrs. CAPPS) has expired.

(On request of Mr. REGULA, and by unanimous consent, Mrs. CAPPS was allowed to proceed for 2 additional minutes.)

Mr. REGULA. Mr. Chairman, will the gentlewoman continue to yield?

Mrs. CAPPS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, this editorial is by Mark Lurie, whom the gentlewoman knows. Continuing to quote, "What's the big deal? A carload of people for only $5." That's a carload. Not one person, a carload, for $5. "How much for the same carload to go to the movies, five to seven times the cost?"

The whole editorial says it is a great program. He strongly endorses it. And this, of course, is in the Santa Barbara News Press.

Mrs. CAPPS. Reclaiming my time, Mr. Chairman, I acknowledge the gentleman's letter to the editor. Here are some other letters.

Mr. REGULA. If the gentlewoman will continue to yield, this is an editorial writer.

Mr. CAPPS. Well, this is their official position on this topic at this time. Again, I ask for time to study this idea. I appreciate the gentleman's comments.

Ms. HOOLEY of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join with my colleague from Oregon in his concern about extending this so-called pilot program that charges due fees for patrons who recreate in our national forests and our national parks and use the Bureau of Land Management lands and Fish and Wildlife Services' wildlife refuges.

I have to tell my colleagues that when the subject of pilot projects comes up in my State, people sort of roll their eyes and they go, "Is that Washington-speak for a program that we say we will evaluate and it is supposed to go away but never goes away?" This user demonstration fee program is a perfect example of why so many of my constituents distrust what we do in Washington, D.C.

Again, this program was scheduled to last no more than 3 years. It was to be used in a limited number of sites. These tests were there to provide us with a snapshot view of what happens when we do a pilot program: What does this look like? What are the things good about it, what are the things wrong about it?

But since the time that this pilot program was initiated, it is like somebody added a little bit of yeast and a little bit of sugar and it has just grown and grown and grown. They probably put it in a hot oven, too. Now it is used in over 100 sites and it is a program that is so confusing. I mean if we want to go and use the bathroom, we have to buy a 3-day pass.

I support the parks, and I know we have huge needs in our parks. But what happens is in one of our programs it is not about building new trails, it is not about building new bathrooms. We have somebody who is getting rid of the volunteers so they can add a new person to collect the fees.

And what do we get for these fees? Well, unbelievably, we do not know. Now, of the four agencies that have jurisdiction over this bill, the Forest Service, has made their numbers available to us, and what they show is this program barely pays for itself. So far, 53 percent of the funds that are collected has to be spent on collection costs. I do not think that is a very good deal.

Now, maybe the other three agencies are doing a terrific job, but we do not know, and we will not find out until March of 1999. I would like to have the information before we continue this program. But what I do not think we should do is continue this program. It is sort of like saying, well, what we do not know will not hurt us and we are going to extend the program for another 2 years. I have to tell my colleagues that makes no sense to me.

I think it is time to step back, take a look at the program, look at what works and what does not work. I urge my colleagues to support this amendment.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the DeFazio-Herger-Capps amendment which would strike from this bill the automatic 2-year extension of the demonstration program.

Many of us here in the House probably did not even know that we voted to authorize this program back in 1996 when we voted for the Balanced Budget Down Payment Act. And many of us probably would not have known that we were voting to extend the program for an additional 2 years if it were not brought to our attention by this amendment.

Without the passage of this amendment, we will be perpetuating a program that has never had a hearing, never been debated in the committees of jurisdiction, and that is, unfortunately, putting a visit to a national forest, park, or recreation area out of the financial reach of many working Americans.

I just want to give an example of the last point, and that is the Sandy Hook Unit of Gateway National Recreation Area, which is in my district. Sandy Hook is an extremely popular location and is highly valued by its 2.5 million annual visitors. These people come from throughout the New York, New Jersey, Philadelphia metropolitan area to take advantage of the recreational, historical and educational resources at Sandy Hook, including bathing beaches, fishing areas and historic structures.

Sandy Hook has always been really the one place in the area where people of all economic backgrounds have been able to enjoy a day at the shore, and we would like to help them keep it that way. Sandy Hook is a national resource, and as such it should remain affordable to everyone, and that includes moderate and low-income people.

Now, under this recreational fee demonstration program, daily per-vehicle beach user fees at Sandy Hook were doubled as of June 20th of this year from $4 to $8 on weekdays and from $5 to $10 on weekends. Such an increase, in my opinion, is exorbitant. It will put the cost of visiting Sandy Hook out of the reach for many working Americans, in effect turning them away from this national recreation area.

I heard mention that people have not complained about these fee increases. Let me tell my colleagues that many of my constituents have complained to me, and loudly.

I am also concerned about the false promises that have been made to justify the fee demonstration program. The extra money from the Feds is in no way sufficient to satisfy the multimillion dollar backlog of repair and rehabilitation needs at Sandy Hook. The fee demonstration program gives false incentives, in my opinion, to individual park units to raise park fees. The program gives the impression to Sandy Hook visitors that their increased generosity will result in significant park improvements from which they will benefit in the near future, and there is no reason to believe that that is the case at Sandy Hook.

So I would simply urge my colleagues, again I used one example but I know there are many more, I would

urge my colleagues to support this amendment so we can examine this program more closely before considering its extension.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, let us revisit where we are at with this amendment. It does not eliminate this demonstration user fee program, but what it does do is say it will not be extended for 2 more years beyond 1999. Beyond October 1st of 1999.

What it says is we will receive a report, as required by the original demonstration fee program, on 3½ years of data in March of 1999. Then we will know. We will know how much is going to overhead, we will know how well this is working, we will know where the money is being spent, and then we can make decisions.

If, indeed, the authorizers are incapable of acting, and I would question if it is this popular, knockdown popular as everybody says it is, that people are just thrilled to pay this money and they know it is going to a good cause, why would the authorizing committee have any problem in moving a bill? I know the gentleman from Alaska (Mr. YOUNG) would be happy to do that, if it is so popular.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I would like to remind the gentleman we had the discussion on this issue in the committee last year and the year before. We had this discussion, and if I remember correctly, the gentleman at that time opposed any movement of any bill. Is that correct?

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I opposed the form which the——

Mr. YOUNG of Alaska. The form. The gentleman opposed it.

Mr. DEFAZIO. It is my time, Mr. Chairman, and I would continue.

So the point here is we are going to get a report in March of 1999. We will know who is good and who is not.

The Forest Service spent 53 percent on administration last year, probably more this year, including law enforcement personnel. A lot of money replacing their newest vandalism, which is the fee signs. The amount of money collected by the Forest Service last year was enough money to meet .06 percent of their backlog. Not 6 percent, not six-tenths of a percent, but 6/100ths of 1 percent of their backlog.

At that rate, yes, in 1,600 years of collections we could meet today's backlogs. But of course there would be a few more backlog projects in the 1,600 years.

Yes, we do need additional funds. They should be appropriated. They should be requested by the administration and they should be appropriated. Perhaps we should ask the mining companies to pay a small fee for using the public lands, as opposed to dumping it on the back of individual taxpayers.

The key thing here is that we are being asked to buy a pig in a poke. We do not know how well it is working or where the money is going. This is just like the previous debate, the debate on the K–V funds, where the gentleman from California (Mr. MILLER) was successful. We are creating an unaccountable slush fund.

And if I am not successful with this amendment, in 2 or 3 or 4 years we will be back with an amendment because of all the money that cannot be accounted for and all of the moving around within accounts and all of the administrative overhead being paid for by this program. We will be back here.

But, no, let us act rationally now. Do not extend it for 2 years. Do not buy a pig in a poke. Let it go on for the next year, get the report in March, and then, even if the authorizing committee is not capable of acting, the Committee on Appropriations could extend the program for another year at that point. If it is so knockdown, dragout popular, and the money is being spent so well, and it is reflected in a report that we actually receive on this program as opposed to hearsay, then I do not think that will be a problem.

But if, indeed, the problems are as bad as a number of us have heard, I think there will be a need for very significant adjustments in this program before we extend it into the next millennium.

I thank the gentleman for yielding.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

I will be very brief. It is time to vote. I just want to say that nothing that has happened here today in this appropriation bill stops or thwarts the gentleman from doing his job on the authorization committee. He does not have to come here and cry to the appropriators and cry to the Congress. He should just do his job; okay? That is all I am saying. The gentleman has a committee and they have said they will work with him. Go do the job.

The problem we have got is, if we do not extend this thing at this juncture, then next year the thing will expire at the end of the fiscal year. What if we do not get the bill passed by the start of the fiscal year? We are going to have to stop doing these demonstrations all over the country? That would be utterly ridiculous.

I think we should go forward and keep this program going. It is working. And let the gentleman and the authorizers do their job.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

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AMENDMENT OFFERED BY MR. BUYER

Mr. BUYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUYER:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used to establish a national wildlife refuge in the Kankakee River watershed in the northwestern Indian and northeastern Illinois.

Mr. BUYER. Mr. Chairman, I would like to extend special compliments to the gentleman from Ohio (Mr. REGULA) and the gentleman from Illinois (Mr. YATES) not only for this bill, but I appreciate their willingness to work this out.

Right now in northwest Indiana and northeast Illinois, there are two existing projects with regard to the Kankakee River Basin. One is a Corps of Engineers study, and the second is a U.S. Fish and Wildlife project referred to as the Grand Kankakee Marsh National Wildlife Refuge.

The location and size with regard to this, the Kankakee Watershed drains a total of 5,167 square miles. That is 2,990 square miles in Indiana, 2,177 square miles in Illinois, and 7 square miles in Michigan. The watershed extends to the high waters of the Kankakee River near the City of Southbend, Indiana, to its confluence with the Des Plaines River near Kankakee and the Des Plaines River southwest of Joliet, Illinois.

The Kankakee River Basin area of northwest Indiana and northeast Illinois has been suffering from extreme flooding and siltation for many years. The river back at the turn of the century would meander and then there would be low-level lakes and then it would meander again.

Indiana dredged and straightened the river in Indiana, which has caused the siltation to build up in Illinois, and the river to flood. This brought on years of lawsuits between Illinois and Indiana.

I was pleased to work with Senator LUGAR and Senator Simon, TOM EWING of Illinois, and others, to help put an end to the court cases, and instead look for a long-term solution.

We were able to secure authorization and funding for an Army Corps of Engineers study to address the flooding and environmental concerns.

The Corps is currently in the feasibility study stage. Through the bipartisan cooperation of Congressmen CONYERS, VISCLOSKY, ROEMER, TOM EWING, JERRY WELLER, and myself, the House this year appropriated $940,000 for the second phase of the feasibility study.

WILDLIFE REFUGE

In 1996 the Fish and Wildlife Service contacted my office to inform us of their plans to look into designating a wildlife refuge in the Kankakee river basin area.

Since then, I, along with Congressmen WELLER, EWING, VISCLOSKY, and ROEMER, have been active in (1) ensuring that the local residents are well informed of the Service's plans and intentions, and (2) that the Service address their concerns.

We asked the Service to hold two hearings, one in each State, to listen to the locals' concerns and to take them into consideration as they examine whether to establish a wildlife refuge in the area. In Indiana alone, over 600 people showed up to learn more about the project and to express their views.

The local residents are rightly concerned about the impacts upon their properties and lives, and have not received answers to their questions and concerns.

It is not appropriate for the Service to push for the establishment of the refuge and for federal funding before the outstanding issues have been resolved.

SOLUTION

I believe that a solution can be found which will integrate the Corps findings and construction with the Service's refuge. By meshing them together, solutions can be found to address the (1) flooding, (2) siltation, and (3) environmental restoration problems.

I have been working with the Corps and the Service to get these two agencies to work together in a compatible manner.

In response to my efforts, Director Clark sent a letter to me, stating that the Service, "will not finalize the draft Environmental Assessment for the refuge proposal until we have ensured, in a mutually satisfactory manner, that effective coordination has occurred between the Service and the Corps on these two projects."

Until that occurs, it would be irresponsible and premature to designate federal funds for land acquisition for the proposed refuge.

Therefore, I am offering this amendment which will limit funds under this bill to be used for the designation or land acquisition of proposed refuge in the Kankakee River Basin. I have no intention by this amendment to prevent the U.S. Fish and Wildlife from expending funds in the planning function of its proposal to protect biodiversity in the Kankakee River Basin.

I urge the adoption of this amendment which will help ensure a common-sense solution.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we are prepared to accept the amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, let me ask the gentleman. Is this a proposal by the Fish and Wildlife Service? Is that what I understand?

Mr. BUYER. Mr. Chairman, reclaiming my time, there is an existing proposal by Fish and Wildlife. I have two projects at once. I have a Corps of Engineers study, and then the U.S. Fish and Wildlife has a study.

Let me do say this, though, that would be important for me to say. I have no intention by this amendment to prevent the Fish and Wildlife from extending funds in the planning function of its proposed project to protect the biodiversity.

Mr. DICKS. If the gentleman would yield further, so they can go ahead and do the planning?

Mr. BUYER. They can go ahead and do the planning. They cannot go in and designate and purchase lands.

Mr. DICKS. At this juncture. Because this would be one of the rare times when somebody does not want to have a wildlife refuge in their district.

Mr. REGULA. If the gentleman would continue to yield, I understand that the gentleman from Indiana (Mr. VISCLOSKY) supports the amendment and the gentleman from Illinois (Mr. YATES) accepted the amendment.

Mr. DICKS. We will agree to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BUYER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MC DERMOTT

Mr. McDERMOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McDERMOTT:

Page 118, beginning at line 8, strike section 333 (and redesignate the subsequent sections accordingly).

Mr. McDERMOTT. Mr. Chairman, this amendment will strike an unwise legislative rider intended to halt the National Environmental Protection Act's planning process by terminating the Interior Columbia Basin Ecosystem Management Plan.

In 1993, the then Speaker of the House Tom Foley, reacting to a legislative gridlock that had been developed in this whole process, and the Clinton administration together sought to develop a "scientifically sound and ecosystem-based strategy for east side forests." Those are forests in the eastern two-thirds of the State of Washington, and Oregon and Idaho and Montana.

The Forest Service and the BLM jointly established the Interior Columbia Basin project, which includes 72 million acres of public lands in eastern Oregon, Washington, Idaho, and parts of 4 other States.

The intent of the project is to provide long-term management direction for 35 national forests, 17 Bureau of Land Management districts, ultimately amending 74 land management plans in a coordinated plan.

The Interior Columbia project builds upon the science of the Northwest Forest Plan, the Sierra Nevada Ecosystem in California and other regionwide efforts. What we have learned from those experiences is that individualized land management plans have failed to address systemwide problems like the protection of endangered salmon and other species.

Currently, the Federal agencies in the Interior Columbia Basin are operating under short-term directives to address anadromous fisheries and other issues. The risk of terminating the overall plan as proposed by this rider is that resource activities on these lands will shut down under a cloud of litigation as was the case of the west side forests in Washington and Oregon.

In May 1997, the BLM and the Forest Service released two draft EISs for public comment. One EIS applied to eastern Washington and Oregon, the other to the Upper Columbia Basin for Idaho and other States. Public comment on these drafts have been extensive.

Frankly, I do not think that the draft-preferred alternative in these plans goes far enough in protecting old growth, roadless and riparian areas. The science, for example, clearly supports concentrating active management in the more degraded road areas rather than the roadless regions.

The science, moreover, shows that many areas and many resources in the project area are in serious trouble and will get worse under current management plans.

So while I do not endorse the preferred alternative in the draft plans, I strongly endorse the process. It will be a serious mistake to terminate this project now as the sponsors of this rider propose.

Let me conclude by quoting from an analysis of the rider prepared by the Department of Interior—quote:

> The effect of the House rider would be to terminate the project, wasting 5 years' worth of scientific inquiry, taxpayers' resources and project staff time. Limitations on the use of funds as called for in the action would, by implication, make it illegal to publish the decision documents in which 5 years' worth of planning and community involvement were intended to culminate. Enactment into law of this provision would guarantee a continuing legal stalemate in the project area, with the outcome being the substitution of endless court battles for the sound management of natural resources.

Both the Departments of Agriculture and Interior strongly oppose this rider and OMB has issued a veto threat if this rider is included in the bill. I urge Members to support sound management of natural resources by voting against this amendment. I urge Members to support this amendment which strikes section 333.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, June 24, 1998.

Hon. BOB LIVINGSTON,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to provide the Administration's views on the Department of the Interior and Related Agencies Appropriations Bill, FY 1999, as approved by the House Subcommittee. As the Committee develops its version of the bill, your consideration of the Administration's views would be appreciated.

The Administration appreciates efforts by the Subcommittee to accommodate certain of the President's priorities within the 302(b) allocation such as funding for national park operations. However, the allocation is simply insufficient to make the necessary investments in programs funded by this bill. As a result, a variety of critical programs are underfunded, as discussed below, and the National Endowment for the Arts (NEA) is terminated.

The only way to achieve the appropriate investment level is to offset discretionary spending by using savings in other areas. The President's FY 1999 Budget proposes levels of discretionary spending for FY 1999 that conform to the Bipartisan Budget Agreement by making savings in mandatory and other programs available to help finance this spending. In the recently enacted Transportation Equity Act, Congress—on a broad, bipartisan basis—took similar action in approving funding for surface transportation programs together with mandatory offsets. The Administration urges the Congress to consider such mandatory proposals for other priority discretionary programs.

In addition, the Administration urges the Committee to pass a clean bill that does not attempt to roll back environmental protections and circumvent the proper process by attaching riders to appropriation bills. The Subcommittee failure to fund the NEA, its underfunding of other priority programs, and its inclusion of damaging riders, such as the provisions concerning the Interior Columbia Basin Ecosystem Management Project and the road easement in Alaska's Chugach National Forest, would lead the President's senior advisers to recommend a veto if the bill were presented to the President in its current form.

Below is a discussion of our specific concerns with the Subcommittee. We look forward to working with you to resolve these concerns as the bill moves forward.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

The Administration strongly objects to the Subcommittee's elimination of funding for the National Endowment for the Arts (NEA) as well as to the Subcommittee's reduction in funding for the National Endowment for the Humanities ($26 million below the President's request) and the Institute for Museum and Library Service ($3 million below the President's request). The elimination of the NEA would result in the loss of important cultural, educational, and artistic programs for communities across America.

DEPARTMENTS OF THE INTERIOR AND AGRICULTURE

Interior Columbia Basin Ecosystem Management Project (ICBEMP). The Subcommittee has included a rider that would terminate this high priority interagency effort ICBEMP is an ecosystem planning project that will cover 72 million acres of Forest Service and Bureau of Land Management lands in the states of Oregon, Washington, Idaho, Nevada, Utah, Wyoming, and Montana. The environmental impact statement and the record of decision are scheduled to be finalized by mid-1999. The Bureau of Land Management and the Forest Service are now working under short-term directives to address anadromous fisheries (PACFISH), native fisheries (INFISH), and mature forests in Oregon and Washington (Eastside Screens). The Project will replace these interim directions with a coordinated, long-term management strategy that will foster both conservation and resource use and development. Replacing current interim measures with a long-term plan will provide necessary long-term protections for aquatic species. The shared environmental planning goals of the region can be effectively translated into individual forest and land management plans only through a coordinated process such as the ICBEMP, and this process provides more certainty to those who make their livelihoods from the Federal lands and live in the region.

Land and Water Conservation Fund. The Administration strongly objects to the Subcommittee's deep cuts in land acquisition funding to protect our national parks, forests, refuges, and public lands. The Subcommittee has reduced by almost half the $270 million requested, with Everglades land acquisition funds cut by 75 percent. This drastic reduction in funding, in combination with the Subcommittee's silence on the promised congressional release of the $362 million appropriated in FY 1998 for Federal priority land acquisitions, would prevent the Administration from making significant land acquisitions such as Cumberland Island National Seashore in Georgia, West Eugene Wetland in Oregon, Channel Islands National Park in California, the Appalachian Trail, and the Valles Caldera in New Mexico.

Clean Water Initiative. The Subcommittee has failed to provide the majority of the requested $128 million increase for Interior and the Forest Service to implement the Clean Water Action Plan. These reductions would prevent the initiation of watershed improvement and planning projects on public lands, including the remediation of abandoned hardrock mines, a serious source of water pollution in the West. The reductions would also curtail plans to increase research, assessment, and monitoring activities designed to help us understand the sources, transport and fates of non-point contaminants.

FY 1999 INTERIOR APPROPRIATIONS BILL: EFFECTS OF HOUSE AND SENATE ACTION ON THE INTERIOR COLUMBIA BASIN ECOSYSTEM MANAGEMENT PROJECT

BACKGROUND

At the direction of President Clinton in July 1993, the Interior Columbia Basin Ecosystem Management Project (Project) was initiated by the Forest Service and the BLM to respond to landscape-scale issues, including forest and rangeland health, the listing of Snake River salmon, bull trout protection, economies of local communities, species associated with old forest structure, and treaty and trust responsibilities to American Indian tribes.

While the project area includes over 144 million acres in the interior Columbia River Basin, the Upper Klamath, and parts of the Great Basin, the project would apply only to the approximately 72 million acres of public land administered by the Forest Service and BLM in the geographic area.

Two draft environmental impact statements were released for public comment in May 1997: the Eastside EIS for eastern Oregon and Washington, and the Upper Columbia River Basin EIS for Idaho and portions of Montana, Wyoming, Utah, and Nevada. These EISs outline seven ecosystem management alternatives that replace, where applicable, interim conservation strategies in up to 74 land and resource management plans. The preferred option of the DEIS-Alternative Four, announced on April 23, 1997—aims to "aggressively restore ecosystem health through active management using an integrated ecosystem management approach."

Public involvement has been a cornerstone of the project, with over 200 public meetings to date, a newsletter, an Internet home page, and a mailing list of over 8,000 people. The public comment period on the EISs was extended three times, and closed on May 6, 1998.

A Steering Committee of regional executive from land management, science, and regulatory agencies guide the project. An interagency team is located in Walla Walla, Washington, and Boise, Idaho. The team and Steering Committee have met periodically with various tribal governments. County governments have been active participants throughout the process.

After the final environmental impact statement is completed, the Record of Decision will have the effect of amending or completing conformance determinations on individual land use plans for each of the 48 administrative units of the BLM and the Forest Service.

COMPLIANCE WITH RECENT CONGRESSIONAL DIRECTION

Sec. 323 of the FY 1998 Interior appropriations bill modified a provision included by the House which required the Secretaries of Agriculture and Interior to analyze the economic and social conditions of communities within the Project area. This analysis was to be published for pubic comment and later incorporated into the final EISs. The two departments published and circulated this "socioeconomic analysis" in March, 1998.

The 1998 appropriation also provided that the two Secretaries submit a report—prior to the release of the FEISs—that provides a description of all planned "project decisions," the costs and time required to make those decisions, and an estimate of goods and services to be produced from Federal lands in the Project area over a 5-year period. The two departments fully intend to comply with this provision, though it should be noted that satisfying this requirement will significantly extend the Project planning timeline.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 4193—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, FY 1999

(Sponsors: Livingston (R), Louisiana; Regula (R), Ohio.)

This Statement of Administration Policy provides the Administration's views on H.R. 4193, the Department of Interior and Related Agencies Appropriations Bill, FY 1999. Your consideration of the Administration's views would be appreciated.

The Administration urges the House to pass a clean bill that does not attempt to

roll back environmental protections and circumvent the proper public process by attaching riders to appropriation bills. Regrettably, the Committee bill under-funds priority programs and includes damaging riders, such as the provision concerning the Interior Columbia Basin Ecosystem Management Project. In addition, it is our understanding that, if adopted, the rule for consideration of the bill will permit a single Member to strike all funding for the National Endowment for the Arts. Based on these concerns, if the Committee bill, as modified by the rule and associated motion, were presented to the President, the President's senior adviser would recommend that he veto the bill.

The Administration appreciates efforts by the Committee to accommodate certain of the President's priorities within the 302(b) allocation such as funding for national park operations. However, the allocation is simply insufficient to make the necessary investments in programs funded by this bill. As a result, a variety of critical programs are under-funded. The only way to achieve the appropriate investment levels is to offset discretionary spending by using savings in other areas. The President's FY 1999 Budget proposes levels of discretionary spending for FY 1999 that conform to the Bipartisan Budget Agreement by making savings in mandatory and other programs available to help finance this spending. In the Transportation Equity Act, Congress—on a broad, bipartisan basis—took similar action in approving funding for surface transportation programs together with mandatory offset. The Administration urges the Congress to consider such mandatory proposals for the other priority discretionary programs.

Below is a discussion of our specific concerns with the Committee bill. We look forward to working with the House to resolve these concerns as the bill moves forward.

DEPARTMENTS OF THE INTERIOR AND AGRICULTURE

The Administration appreciates the Committee's funding of maintenance programs, particularly those for health and safety, in Interior's land management agencies. However, the Administration strongly objects to inadequate funding provided by the Committee for high priority programs within the Department of the Interior and the Department of Agriculture, including Committee actions that would: reduce by more than half the $270 million requested from the Land and Water Conservation Fund to protect our national parks, forests, refuges, and public lands, with Everglades land acquisition funds cut by 75 percent. This drastic reduction in funding would prevent the Administration from making significant land acquisitions such as Cumberland Island National Seashore in Georgia and West Eugene Wetland in Oregon; provide no funding for the Millennium program protecting artifacts of our National heritage (see discussion below); deny most of the requested $128 million increase for Interior and the Forest Service to implement the Clean Water Action Plan; fail to provide the requested $15 million for the Disaster Information Network providing enhanced data to protect Americans; deny $29 million of the $36 million increase requested for the Endangered Species funding, including landowner incentive grants; fail to provide requested increases for the Bureau of Indian Affairs education operations and construction, the Indian Country law enforcement initiative, and the land consolidation pilot project and other trust system reforms; provide little or no funding for hazardous fuels reduction in most of California by allocating a disproportionate amount of available funds to the "Quincy Library Group" project in California; make significant reductions to the Forest Service's Wildlife and Fisheries Management, Rangeland Management, and Watershed Improvement programs, which would limit rangeland vegetative restoration and limit watershed improvements with approximately 12,250 fewer watershed acres protected or restored; and, eliminate the Forest Service's Stewardship Incentive Program and significantly reduce its Forest Legacy Program. Both of these programs support local communities and private landowners and effectively leverage Federal funds.

Forest Service General Administration. The rule would shift $67 million from General Administration to wildland fire suppression. This is unnecessary since the Committee mark is at the request level and a $250 million contingency is available for use if necessary. Such a transfer would deprive individual national forests of important on-the-ground natural resource management capability, delay needed Forest Service computer system and financial accountability improvements, and unwisely eliminate key agency leadership positions.

Priority Land Acquisition Funding. The Administration objects to the Committee's continued inaction on the promised congressional release of the $362 million appropriated from the Land and Water Conservation Fund in FY 1998. As requested by Congress, the Administration has submitted a list of proposed land acquisitions. In response, the Committee has not only held back the FY 1998 Title V funding but also has funded some items on the Administration's FY 1998 list with FY 1999 funding, resulting in critical acquisitions planned for both years being delayed and unfunded.

Millennium Program. The Administration strongly urges the House to provide funding in FY 1999 for the "Millennium Program to Save America's Treasures." The Committee has failed to provide any funding for this important effort. The President's budget requests $50 million to increase the Historic Preservation Fund to make a special effort to preserve our history and culture as we enter the new millennium. This program is designed to leverage Federal, State, and private funding to have the greatest collective impact on our rapidly deteriorating national treasures.

Purchaser Road Credit Program. The Administration fully supports the Committee's decision to eliminate the Purchaser Road credit program. The Committee bill includes a provision that would ensure that the value of road construction by purchasers continues to be included in calculations for the Payments to States. To permit increased certainty and better local planning more directly, we urge the House to adopt the Administration's proposal to provide a high, fixed level of payments to States.

Timber Sales. The Administration objects to the increase of $12 million over the request for timber sales in order to produce 3.6 billion board feet, 200 million board feet over the budget estimate.

LANGUAGE PROVISIONS

The Administration strongly objects to certain language in the Committee bill, including provisions that would: unwisely terminate the Interior Columbia Basin Ecosystem Management Project in six Northwest States, forcing individual amendments to 74 land management plans; remove 75 acres in Florida from the coastal barrier protection system, providing taxpayer subsidies for private development of environmentally fragile barrier islands; prevent the BIA and the Indian Health Service from entering into any new or expanded self-determination "Section 638" contracts or self-governance compacts with tribes, contrary to our government-to-government policy; prohibit improvements—even planning or design of improvements—to Pennsylvania Avenue in front of the White House; transfer the jurisdiction over the valued Land Between The Lakes National Recreation Area from the Tennessee Valley Authority, where it has been successfully managed for over sixty years, to the U.S. Forest Service, a disruptive change that would involve additional transition costs without improving service; and, impose a road easement across the Chugach National Forest in Alaska, thereby preventing the Government from making modifications to protect the environment while authorizing environmentally damaging management practices and undermining an ongoing discussion to determine the most appropriate road corridor based on a 1982 agreement.

INDIAN HEALTH SERVICE (DEPARTMENT OF HEALTH AND HUMAN SERVICES)

The Administration is concerned that the Committee has not included a $10 million increase requested for prevention and treatment of alcohol/substance abuse and breast/cervical cancer, which is part of an HHS-wide effort to reduce health disparities in minority populations. The Administration intends to work with the Congress to fund these important initiatives within funds available for the Indian Health Service. The Administration is also concerned that the Committee has included authorizing language, without hearings or tribal consultation, that would require contract support costs to be distributed to tribes and tribal organizations on a pro-rata (proportional) basis.

DEPARTMENT OF ENERGY

The Administration strongly objects to the House's severe reduction to the Department of Energy's Energy Conservation program. While the Committee mark appears to be $18 million higher than the FY 1998 enacted level ($630 million vs. $612 million), it includes $43 million for a program that previously has been funded in the Fossil Energy R&D account. The House's funding for the programs traditionally included in the Energy Conservation Account is $587 million, a cut of $25 million from the FY 1998 level and a reduction of $222 million from the President's request of $809 million. Within this reduction, particularly severe damage is done to the Partnership for a New Generation of Vehicles (PNGV), for which the Committee mark is $14 million (roughly 10 percent) less than the current appropriation and $45 million below the request.

These cuts would eliminate all of the Administration's requested increase in Energy Conservation for development of technologies to improve industrial, transportation, and building efficiencies and to reduce carbon emissions. The inclusion of several special-interest earmarks in the Committee Report also would reduce the President's ability to gain maximum benefit from the available funds. The inclusion of the $43 million in the Energy Conservation account to fund a utility-scale turbine program that would continue to be managed by the Fossil Energy program is an inefficient management practice that would dilute accountability and should be avoided.

The Committee mark eliminates all of the funding requested for the Energy Information Administration to work on carbon emissions accounting and analysis ($2.5 million), and eliminates all of the requested increase in Fossil Energy R&D for high-priority carbon sequestration research ($10 million). The President's budget also requested $36 million for payment to the State of California for the Retired Teachers System, which is not included in the Committee mark. The Administration prefers that this payment be appropriated consistent with P.L. 104–106.

The Administration would like to work with the Congress to restore fundings to these important Department of Energy programs as the bill moves through the process.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

The Administration appreciates the Full Committee's restoration of funding for the National Endowment for the Arts (NEA). The Administration strongly objects to striking NEA funding and strongly supports the amendment to restore such funding. We urge the House to provide funding for NEA and NEH at the President's requested level of $136 million each and for the Institute for Museum and Library Services at the requested level of $26 million.

YEAR 2000 COMPUTER CONVERSION

In the FY 1999 Budget, the President has requested more than $1 billion for Y2K computer conversion. In addition, the budget anticipated that additional requirements would emerge over the course of the year and included an allowance for emergencies and other unanticipated needs. It is essential to make Y2K funding available quickly and flexibly. The House action striking the emergency fund in the Treasury and General Government Appropriations bill is very troubling, particularly in light of several Subcommittees, including the Interior Subcommittee, deciding to not fund the base Y2K request for several agencies.

SMITHSONIAN INSTITUTION

The Committee's $397 million overall funding level for the Smithsonian, which is $22 million less than the Administration's request, would prevent the Institution from addressing current pressing needs. The Administration is concerned with the lack of support for the Smithsonian's National Museum of the American Indian. The Administration encourages the Committee to provide the $16 million request for the construction of the Museum on the Mall, as well as the full $11 million requested for the programs and operations of the Cultural Resources Center. In addition, the Administration urges that the $3 million request for digitization of Smithsonian exhibits be restored.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The Administration urges the House to provide the full $33 million requested for the Kennedy Center. In particular, we ask that the Committee provide the full construction request of $20 million, which is also included in the Administration's pending authorization bill.

HOLOCAUST MUSEUM

The Administration urges the House to provide the full $32.6 million requested for the Holocaust Museum.

INFRINGEMENT ON EXECUTIVE AUTHORITY

There are several provisions in the Committee bill that purport to require congressional approval before Executive Branch execution of aspects of the bill. The Administration will interpret such provisions to require notification only, since any other interpretation would contradict the Supreme Court ruling in *INS* vs. *Chadha*.

Mr. NETHERCUTT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in very strong opposition to the McDermott amendment, for a number of reasons. I have been listening to my colleague from Washington State make mention of the reasons why he supports his own amendment. Obviously, he does, and I respect that.

However, let me put a clear perspective on this study, and that is exactly what it is, Mr. Chairman, it is a study.

In 1993, without authorization, and I say that again, without any authorization, without one single hearing, without any consideration by the authorizing committee of this Congress, some money was stuck into an appropriations bill to do a study of Washington and Oregon to look at the so-called ecosystem of these two regions relative to endangered species.

What developed from that ministerial duty, I will say, of putting some money in and saying let us do a study, has developed into a 7-State, 144 million acre monstrosity. Volumes of documents and scientific analyses have apparently been done, and so now this so-called initial study on the short-term has taken on a life of its own that has become a nightmare in the Pacific Northwest and in the 7-State region that this study encompasses, all in the name of so-called ecosystem management.

Let me tell my friends why this is so serious to the Pacific Northwest and all the Western States. It is a study that is never ending. It is a study that will cost the taxpayers an estimated $1.25 billion over the next 10 years.

The country has already spent $40 million on a study, a study, that has now created volumes of documents, staff galore, a lot of bureaucracy frankly, in the name of ecosystem management.

What this amendment does is essentially continue this bureaucracy that has existed since 1993, at a cost of $40 million unauthorized.

Let me tell my colleagues who is against this amendment by the gentleman from Washington (Mr. MCDERMOTT): The National Labor Management Committee, the Pulp and Paperworkers, which consists of the pulp and paperworkers and the carpenters and the machinists. It is opposed by 65 percent of all of the county governments of the 7-State, 144 million acre region.

I have that documentation right here, the Western Legislative Forestry Task Force, have all of the counties that oppose this study and oppose the continuation of the expense of this study. Here is volumes of material, letters and messages saying this study has gone beyond its original expectations; it is going to ruin the Pacific Northwest and the 7-State region, not only from a resource management standpoint but from a private property rights standpoint.

What we need to do in this case is reject the McDermott amendment and allow the amendment that we put into the subcommittee that passed without any objection, went to the full appropriations subcommittee without any objection and now is here on the floor, again without one hearing by the authorizing committee, a $40 million cost to the taxpayers already.

What we do is we say, let us terminate this project. Let us use the science. I object to my colleague asserting that the science is wasted. It is not. Particularly in our amendment, it says, let us use the science that has been accumulated. Let us also use the social and economic information that has been accumulated to make sure we do not ruin the small communities of the Pacific Northwest, the timber communities and the resource areas of our great part of the world.

What this amendment will do will be to perpetuate the bureaucracy, and I must say the environmental community is not pushing this. They do not like the study, the east side ecosystem study, the Interior Columbia Basin study for different reasons that I do not like it, but they still do not like it. They are not here on board supporting the McDermott amendment, to my knowledge. It is the White House, and it is Mr. GORE's office who really is pushing for this concept nationwide, worldwide, of ecosystem management, and the test case, the test place for it, is the Pacific Northwest.

So I would say to my friends, to my colleagues, we must reject this amendment. It is a destructive amendment to the way of life of people in the Pacific Northwest. It is a waste of taxpayers' money to continue this massive study that has gone beyond its original purpose. It is opposed by labor. It is opposed for other reasons, I am informed, by the environmental community, and what we need to do here is oppose this amendment so that we can be sure that there is a way of life in the Pacific Northwest relative to resource management.

There is nothing in the ecosystem study that prevents lawsuits, but it does allow the scientific information to be used in the forests that are affected by this scientific information. I think it is significant that 65 percent of the county governments, which were supposed to be an integral part of this study and its findings, have rejected the findings and the study and the continuation of the study by the Department of Interior and its land agencies.

So I know there are other Members here who want to speak out on this

today because it is a very serious breach, in my judgment, of the initial expectation of this study and it is a breach of the property rights of those of us in the Northwest who want to preserve the environment but also not shut down the entire forest system and public land system in the Pacific Northwest in the 7-State region containing 144 million acres that are covered by this study.

So I implore my colleagues, reject this amendment. Make sure that we preserve the resources of the Pacific Northwest.

□ 2015

Mrs. CHENOWETH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join in the comments of the gentleman from Washington. This study that was undertaken several years ago has ended up moving from a study that was supposed to last for 9 months and cost only $5 million, has now moved into a study of 4 years in duration and has cost $40 million.

Mr. Chairman, that is a 700 percent increase, 700 percent over budget. The McDermott amendment continues to fund this project, a project that environmentalists hate, that industry loathes, that private property owners fear, and that very frankly local Forest Service and BLM employees say cannot be implemented. When I go home, and even in work back here, I have had so many Forest Service people say, "Please don't run this over the top of us. Please don't implement this ICBEMP," as they call it. Why do we want to continue to fund a project that is unacceptably overdue, over budget and cannot be implemented? The land managers themselves tell us, "Please don't implement this. It won't work."

The problem with this program is that what started out to be a study now will end up to be a superagency, imposing itself over a number of States and imposing restrictions on State water rights and private property rights. It also will lead to a paralysis of analysis in terms of getting our forest plans out.

What we can do in this case is to oppose the McDermott amendment. By opposing the McDermott amendment, we empower the local Forest Service and the BLM managers to again use the science and information gathered during this very intensive and extensive multistate project and multiyear project to create custom-fit solutions instead of forcing them to accept a one-size-fits-all Federal fiat that cannot be implemented at all.

Do we really want to support an amendment that will lead to more litigation and more gridlock and no improvement in land management? I do not think so. Or do we want results and better managed lands and local solutions? I think we do. It is better for our land and our communities. The McDermott amendment is bad policy and it is bad for the health of our land. I urge the opposition of the McDermott amendment. Please vote "no."

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Washington. It is a sound amendment, it is an important amendment and it is one that as he has pointed out is in opposition to the rider in this legislation that would throw overboard essentially this plan, it would terminate this plan, it would require the closing of the office and would not let us get to the final status of the EIS report. To do so is to stick our heads in the sand and to pretend that we have learned nothing in the last 25 years.

The gentleman from Washington (Mr. MCDERMOTT) comes from the region. He was here at the center of much of the controversy around the spotted owl where we started to learn a lesson because of piecemeal management, of uncoordinated management, of one agency not talking to the other agency, of the various departments and agencies that are responsible for land management doing their own thing, if you will, while not taking into account the impacts upstream, downstream or on other resources in the area. This effort is to remedy that situation.

Why do we do that? We do that because we have learned that if we do not do this, the region will be thrown into turmoil. It will be thrown into turmoil because once again we will be warned as we were with the spotted owl of the decline of the resource base in the area. What will that do? That will then force us back into court. That will force us back into litigation. This is an effort based upon a region-wide basis, on an ecosystem-wide basis to come to grips with all of the problems that are causing the decline in the various resources in the area and their impacts on fish and wildlife, their impacts on the total environment in that area. The same effort is being made in the Everglades of California; the same effort is being made in the Central Valley, in the Sacramento San Joaquin Delta in California, because we know that what happens 100 miles upstream dramatically impacts downstream. We know now that commercial fishermen on the coast of California are impacted by the cut in the forest that is 150 miles away. We know if we cut on the steep slopes as we have been doing for many, many years, we will experience landslides, we will experience the filling in of the streams and we will experience the diminishing of the fish population. We know that now. We have learned that.

Many people have said that this is over the top of the Forest Service. If you look on the front of the report, if you look on the status of the Interior Columbia Basin, on the cover is the Forest Service, is the Bureau of Land Management, is the Department of Agriculture. Why? Because all of those local land managers were brought in just as we did in the gymnasium in the Pacific Northwest where we brought together these people and we started to make them talk to one another, talk about what they needed in terms of resource management in their area, what they expected in cuts, what they could sustain, what they thought the productivity would be of the lands and make that fit and coincide with what was happening elsewhere in the region. The result of that is a greater recognition of how badly devastated this region in fact is. Because there are not many people arguing with the science of this report. Even the authors of this rider suggest that the science is valid, that it should be distributed to the local agencies on a site-specific basis and they can do what they want.

What does the science tell us? It tells us that they have a road system that is in absolute disarray, that is in decline, that is not able to maintain the maintenance because of declining budgets, and there is progressive degradation of the road and the drainage structures and increases in erosion.

What does it tell us about the integrity of the aquatic systems? It says if this is an important goal of this region, and there is nobody from this region that believes that the integrity of the aquatic systems is not an important goal in the Pacific Northwest, then dramatic and decisive action is required to stop further alterations and restore the areas that are already degraded.

What does it say about the ecosystem integrity of this vast region of the Pacific northwest? Sixty percent of these lands are of low ecological integrity value. That is why we did the science. Because we have learned from the train wrecks and the disasters of litigation, of shutting down industries, of invoking the Endangered Species Act time and time again until a region is so bound up in controversy that you start to lose your economy, you start to lose your tourism, you start to lose the uses of these lands.

This is an effort to do it right the first time, to recognize the mistakes that were made in the past. That is why this administration feels so strongly about this rider.

The CHAIRMAN. The time of the gentleman from California (Mr. MILLER) has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, we have an opportunity to do it right. One of the reasons this has been so extensive is because my colleagues

on the other side, rightfully so, we were doing this in the Sacramento San Joaquin Delta in the Central Valley of California, the agencies were directed to go out and to meet and to confer and to deal with local governments, with the site managers on the public lands, on the forests and the resource agencies and to take this into account and to work with these people. That is very extensive. It is also a very expensive proposition. If we had not done that, we would have obviously been criticized, the report would have been criticized for not consulting with these individuals. Now, it would have been less expensive but we would have found another basis on which to criticize the report. But the point is that people understand that the science here is valid.

I appreciate just as we did not like to hear in our region of California that we would now have to spend $1 billion correcting the past mistakes if we are in fact going to protect the San Francisco Bay and the San Francisco Delta and be able to provide for agriculture in the Central Valley. We got bad news, too. So did the people in the Everglades because of the history of terrible actions. They now have to go back and repair that. This is an opportunity to go back and to restore the environmental integrity of this region and forgo the litigation. This rider is simply Christmas in July for the attorneys.

Mr. NETHERCUTT. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Washington.

Mr. NETHERCUTT. Mr. Chairman, I would make a point to the gentleman. The estimate is that it will cost $125 million a year to implement any scientific findings and there is, in this study, no prevention from there being any litigation. Does the gentleman realize that?

Mr. MILLER of California. I understand that. And that is the whole budget. The gentleman from Ohio (Mr. REGULA) has been besieged by people all day who said the real cost of this is $350 million. He only had $26 million. We are going to do the best we can. This delegation will have to make a decision. We have a big bill and the Everglades has a big bill and other places have a big bill that are going through this. Every year we are asking for money and we are making it and we are trying to make the decisions and work in the worst areas first and we are setting those priorities. It is all a big bill. Why? Because we have made some horrible mistakes. Many of those mistakes were made out of ignorance. We did not know the science. We did not know the ramifications of those actions. Today we cannot plead ignorance. That is why this study, the EIS is so terribly important to making the kind of progress necessary in the Pacific Northwest.

Mr. NETHERCUTT. If the gentleman will yield further, I do not know if the gentleman knows that there was a hearing between the Senate and the House of these land agencies.

The CHAIRMAN. The time of the gentleman from California (Mr. MILLER) has again expired.

(On request of Mr. NETHERCUTT, and by unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. NETHERCUTT. The testimony was that if they could not get the money, and this budget is strapped, they would do nothing. So, therefore, the forests deteriorate more and they are stuck sitting there without any kind of a management plan as long as this study continues.

My argument is, let us use the science that is there and let the managers on the ground implement these plans and take the findings and get something done rather than wait.

Mr. MILLER of California. I would just say to the gentleman that that is not free and the science dictates that same. This study is very involved in a very, very active management program. Your solution is not necessarily any cheaper. We just happen to think that the provision of the study and the follow-on EIS is simply much better coordinated and may in fact be somewhat less expensive in the long run if these people are in fact working together as opposed to just rolling back the clock to how we used to do business, where all of these 75 different land management agencies just go back to sort of what they were doing before.

Mr. HASTINGS of Washington. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I really do not quite know how to start after hearing the gentleman from California, the debate on this and hearing the gentleman from western Washington with his remarks, but let me put it in perspective from my point of view. What we have heard so far on those that are proponents of this amendment are ironically people that do not live in the area that is affected. I suppose that is not unusual when we talk about resource issues. But I think in this particular case it would be worthwhile to find out from those of us that represent the people that live in this area and the potential impact that it has on them.

Let me back up to when I got involved in this issue. This came about in 1993 or 1994. Obviously when I was elected to this body in 1994, it was brought to my attention by local people, local county commissioners, and they were asking questions, "What is this ecosystem management project and what is the end result?" At that point I could not really answer them. But I did do this. I advised them very strongly that they should be at the table, they should be at the table no matter what comes out of this, because if you are not at the table, then you can hardly criticize what decisions may be coming down the line.

□ 2030

So those that I talked to took my advice and others' advice that that would be the procedure that they would follow. So they have been sitting at the table, starting in 1994, 1995, 1996, 1997, 1998 through this year.

We have moved the comment period back from time to time. I think that was good policy. The reason why is because the feedback I got from the elected officials that represent those counties in my district, they were hearing things that they did not quite like to hear. They wanted more information.

So as they got more information, they could see that this is becoming very, very quickly a top-down plan. Because, as was pointed out by my colleague, the gentleman from Washington, this was never authorized by this body. It was only funded in an appropriations bill, and it kind of grew like topsy and grew and grew. We are going to have this expenditure grow out for what?

So at the end of the day, what has happened is that those county commissioners in my district and in the adjoining counties said, "What can we do in order to change the way this thing is headed?" We suggested that maybe one thing we ought to do is cut off the funding and use the data that has been collected and use it on a local level. Because, after all, if you come from the school that the government closest to people is best able to react to the wishes of those people, then that is a pretty good model with this data.

So over 65 percent of the county commissioners in these affected counties have written, saying something like this: "We would like to see this program terminated. We will use the data as we think best in our own particular areas." I think and I trust those county commissioners to use that data in a way that is the right way to go about it.

Again, I want to make this point, so many times when we talk about resource issues, these resource issues are trying to be decided by somebody outside of the affected area.

The fact is that most of the discussion here, at least from my friend, the gentleman from California, talked about the forest areas. But this area is 144 million acres, and a good portion of it has no forest land. In fact I can tell you my district, which is all impacted, has very little forest land.

What we come to and why my local elected officials are apprehensive about this whole process is simply this: It is the unintended consequences that come out of this data. In my district, and I dare say throughout all of the affected area, the rainfall by and large is

less than 10 inches. So if you have an unintended consequences of controlling the water resources, what does that do to the agriculture industry? What does that do, for goodness sakes, to the fish? These are things that are not being addressed, in my view, by this. We are just studying, studying, studying.

I think if we are going to come to grips with what has been compiled so far in a program that was only supposed to have been funded for 1 year, it seems to me we ought to put that data in place. The county commissioners in my district are prepared to take that data and put it in a place where they think appropriate. But I think it is very important to give them the opportunity to make that decision on their level as they see appropriate.

So I would urge my colleagues to vote against the McDermott amendment. I think it is bad policy. I think we ought to terminate this program as the Committee on Appropriations has suggested. So I urge my colleagues to vote "no" on the McDermott amendment.

Mr. HILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when it was first proposed, the Interior Columbia Basin Ecosystem Management Project actually held great promise. The goal was to produce a document that would provide a broad framework through which individual forest management plans would be updated. These updates would provide the framework through which local communities and local citizens would see an end to the management of our public lands and our public forests through conflict.

The promise was that local governments and local citizens and local business owners and local labor unions and local conservationists would work together to restore predictability in the management of these public lands. This was very important, Mr. Chairman, because these local communities of the Northwest have seen their economies devastated and they have seen their small town culture wiped away by the breakdown in the process by which we made public land management decisions.

As we have heard from others, when the project started, the promise was that it would be completed in 9 months. When the project started, local governments were promised a place at the table. When the project started, local forest supervisors were to be given authority to manage their individual forests according to their individual needs. When the project started, the Congress was told that the cost would be $5 million.

So where are we today? Well, we are faced with a host of broken promises. The 9 months turned into 4 years, $5 million turned into $40 million. Local governments, who almost universally endorsed this project in the beginning, have almost universally now withdrawn their support for the process. Local citizens have been driven from the process and have been given no voice. In fact, what happened is the process that is supposed to be bottom line is replaced with a top-down mandate.

I found it interesting to listen to the gentleman from California as he read from the cover of the document saying that this was a document that was to be a consultation between various agencies. Mr. Chairman, I did not read the cover. I read the whole document. Let me tell you what I found out, is a process that was supposed to be inclusive and participatory has turned into one that is full of mandates and directives from the top down.

Is the science good? The science is good on the large footprint. But if you talk to any of the rangers out there that are managing these resources, if you talk to the forest supervisors, they will tell you the science for their individual forest management is useless.

I will tell you what else we determined in the joint hearing, and that is that the economics is off.

I just urge my colleagues to defeat this amendment and support this provision in the bill.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, I find this is a very interesting debate because it is characterized as sort of people from somewhere else jumping in.

This plan was put in place by the former Speaker of the House because he recognized all the problems we had had on the west side. On the west side we had every forest shut down for long periods of time. Not a stick of wood was cut anywhere. So he said to himself, let us not repeat the mistakes of the west side. Let us develop a coordinated plan from the outset between all the forests and all the Bureau of Land Management and get this thing done in a way that will actually work.

What I am hearing from my colleagues here in defending this rider is they do not want to have any of the plan. They do not want to have it implemented by the Bureau of Land Management. They want to turn it back into one fight after another in the courts.

If you have 74 land management plans, that means you have got district by district inside those forests. If one ranger wants to do it one way in one district and another ranger wants to do it in the next district differently, who is going to coordinate that? Not according to my colleagues. They do not want it coordinated. They simply want to let everybody have the book and look in it and say, "Well, that looks pretty good for our area. I think we will do that." But who coordinates that? My colleagues know that will not work.

So what my colleagues are willing to do tonight is roll the dice. They are willing to say let us throw away 5 years of trying to coordinate this thing, and we will go back and take our chances and cross our fingers that we do not get 74 lawsuits.

When my colleagues tell me that the environmentalists do not like this plan, I agree. They do not. I am not here defending the plan. I am defending the process. They do not like this because they do not think it got far enough.

Now, if we read that and we listen to the environmentalists talk about it, they are saying this plan does not go far enough. What does that imply if it does not get put in place? They are going to go to court. If my colleagues do not think there is a judge someplace in the Northwest who is going to look at this and say, "Well, here is what the National Environmental Policy Act says, and here is what you are doing. They do not match, so we are closing down the forest till we get a new plan."

We all know, everybody in the Northwest knows that we are right on the edge of having salmon as an endangered species. The salmon spawning in every single river in the Northwest is in danger. We are going to have a coordinated plan for salmon restoration. If you think it is going to be done by one county commissioner in one county and another county commissioner in another county, it simply will not work because the streams run through more than one county.

Mr. HASTINGS of Washington. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I would like to make this point. No less than 4 weeks ago, in the northern part of my district, there was a Habitat Conservation Plan that was agreed to by all the parties. It includes essentially all of the Columbia River north of Wenatchee and including all the tributaries on up to the Canadian border.

That is a locally developed plan. I am just suggesting to you that that ought to be a model that we ought to pursue, not only on the river, I hope is done downstream, but also as a model that we can pursue. Because the one thing that we have, I think that you will agree with me, I hope you do, and that is this: One size does not fit all in as diverse an area as we have in the West. There has to be a new way to look at it.

The HCP that was agreed to by the PUDs in the northern part of our district, frankly, can be a model, not only on the river, but also in the forested areas.

I would hope that defeating the gentleman's amendment would lead to that because this is where the county commissioners are. This is exactly where the county commissioners are in their rejection of the one-size-fits-all. That is why I think that with that HCP as a guide, which I say was signed no more than 4 or 5 weeks ago, this could be an opportunity for us. So I think that it is appropriate that, in fact, we defeat the gentleman's amendment, and this is the reason why.

Mr. McDERMOTT. If the gentleman from New York will yield, Mr. Chairman, would the gentleman from Washington just tell me which watershed that is? It is the mid-Columbia watershed?

Mr. HASTINGS of Washington. That is exactly right.

Mr. McDERMOTT. So the gentleman thinks that it will go section by section through the entire Northwest and it will all be coordinated.

The CHAIRMAN. The time of the gentleman from New York (Mr. HINCHEY) has expired.

(On request of Mr. HASTINGS of Washington, and by unanimous consent, Mr. HINCHEY was allowed to proceed for 2 additional minutes.)

Mr. HASTINGS of Washington. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, that is precisely the point. This is the first step. That is what makes HCP in north central Washington so significant, because all parties involved, the environmental community, the farming community, the tribes, because, after all, they are involved in this as a reservation of the north part of my district, they all bought off on this idea.

The end result at the end of the day, at the end of this time period and, by the way, it is scheduled to last for 50 years, and at the end of this time period they believe that those fish runs will be enhanced. Everybody up there, all parties agree to that.

I would just suggest to you, as hard as they have worked on this plan on that issue, we ought to move from the old model of top-down, one-size-fits-all and look at that possibility, because it is true, it is real, it is right in that ecosystem that we are talking about.

So, yes, in answer to the gentleman's question, I believe that that can happen. I believe that we will, in fact, I believe in the near future we may have another one of those HCPs involving some more dams. I think that we will continue down that line. Because at the end of the day, the beauty of this whole system is that the people that are affected will make the decision.

Mr. McDERMOTT. Mr. Chairman, if the gentleman from New York will yield, I wish that I had the belief that my colleague does in a system, because I saw what happened on the west side, and it did not happen. The fact that one area has done it in 5 years that we have been talking about, we have got to ask ourselves, where is Oregon? Where is the rest of Washington? Where is Montana? Where are all the other affected areas? They have had 5 years. They could see it coming down the track at them, and they have not done it.

All these county commissioners who were going to get together, we have got one example on 72 million acres. We say, well, if we wait long enough, we will have it covered. Yes, we will, in about 25 years, after which we have had about 25 lawsuits. The problem with it is, if we do not start in a coordinated way at the start, we will never get it coordinated.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I listened with interest to my friend, the gentleman from Washington (Mr. McDERMOTT), make his points.

With regard to the environmental community which opposes this study, I do not think I am overstating it. The gentleman from Washington (Mr. McDERMOTT) said, well, certainly they will sue. They are opposed to the study, and they are opposed to a record finding because it does not go far enough.

□ 2045

So they probably will. But what I think is so very important in this case is that if you have the scientific information that is being used to amend the 74 plans, they are all going to have to be amended anyway, if there is a record of decision. But the difference is there is not one preferred alternative that affects all seven States and all 144 million acres. So we have got one particular record decision and preferred alternative for Oregon and Montana and Washington and Nevada, and that may not apply to eastern Washington.

What we are trying to do by terminating the study, but using the scientific findings in the interests of amending the plans anyway, we are not trying to have the alternative that may apply to Oregon, which has a different climate than my east side of the State of Washington, have it apply there. So the method in this madness is to use the science, and not be stuck with a one-size-fits-all policy that assumes that this entire region is one region, and we all have the same issues and the same environmental conditions, and preserve this local autonomy that my friend, the gentleman from Washington (Mr. HASTINGS), mentioned so well.

I have great respect for my predecessor. Certainly he stuck the money in. But he stuck the money in so the bull trout would not be listed. Well, guess what? The bull trout has been listed. After five years, roughly, of $40 million of expenditure, we are still fighting that issue. I do not buy the argument that if there had been some record of decision, it would not have been that somehow the bull trout would not have been listed.

I just think this is a continuation of bureaucracy that will never end, and I mean that sincerely. I think now they want another $5.8 million this year in our bill. We could not afford that. We are trying to save money for parks and other things, but still not waste the science and $40 million that has been out there. So this local decisionmaking and wise use of the information that meets the alternatives and the needs of the local communities, I think, just makes sense.

I must say to my friend, you have got the labor union movement that is affected in my part of the country saying, "Don't do this. We object to the continuation of this study. We think it ought to be terminated, because it means jobs for those who are in the pulp and paper industry."

Now, I want to preserve jobs too, and I just do not think there is any sense that this record of decision that affects all seven States with one preferred alternative is going to be the salvation of jobs in the Pacific Northwest and in the whole Western States region.

So I just urge my colleagues, look at it again. It is 144 million acres, it is $125 million conservatively of implementation costs. If you just look at the Northwest Forest Plan, you can about quadruple that number, if not more than that, in terms of cost, in doing the sub-basin studies. It is a tremendous cost.

So my view is, let us let these local decisionmakers make judgments about the needs of the regions that differ from one another. Use the science, but do not have a one-size-fits-all policy at a cost that this Congress and the taxpayers cannot afford.

I yield back to my chairman, with the understanding that there is not the money in this budget. We are tight as it is, trying to get this all done.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, having suffered through the other side of the State and having seen the problems associated with that, I worry a little bit, I must say to my friend from Spokane, who I have worked with, and my friend from the Tri-Cities, who I have worked with, two of my colleagues, that the idea that you can just do this without

some kind of a comprehensive strategy leaves you vulnerable to the lawsuit by the environmental action groups that you enjoin.

They take the scientist in there and they put him under oath.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. REGULA) has expired.

(By unanimous consent, Mr. REGULA was allowed to proceed for 2 additional minutes.)

Mr. REGULA. Mr. Chairman, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, they say is the plan that you have got sufficient to restore the Chinook salmon run, or is it sufficient to restore the steelhead run, or is it sufficient for the bull trout?

If the scientist says no, the judge enjoins you, and then, instead of having the harvest rate up here at maybe 50 percent of what it was, you get enjoined, and then you have to come in and come up with a new plan. You will be back in Federal Court, they will demand you go out and have a plan for the entire area. Then when you have that plan developed, it will take you down further.

I can remember when I stood up here and we could have gotten $2.5 billion in Region VI on the spotted owl, but the people said no, no, no, that is too much, we cannot do that, and they objected to the plan. We wound up with $1 billion in the whole region.

So I just say to my friend from eastern Washington, and the gentleman from Washington (Mr. NETHERCUTT) and I have been very hesitant not to get into this tonight, I just worry that if you do not have a strategy, if you are just going to leave it go to the local level, and I applaud, by the way, the gentleman from Washington (Mr. HASTINGS) in support of the Multi-species Habitat Conservation Plan, and, by the way, that is done under the Endangered Species Act. I think it is the ultimate tool. This is a tool Pacific Lumber is using in northern California.

So I just worry that if we completely blow this up, that we wind up having nothing, and you leave yourself completely vulnerable to lawsuit after lawsuit that will wind up getting your forest. Instead of being at 50 percent, you will be down at 10 percent, like I am at the Olympic National Forest, a 95 percent reduction because the plan was implemented on a regional basis, top down, and we got killed. My people up there were very upset and offended by it.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. REGULA) has expired.

(By unanimous consent, Mr. REGULA was allowed to proceed for 2 additional minutes.)

Mr. REGULA. Mr. Chairman, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I just worry that if you do not work out something that gets everybody around that table and provides some leadership, you guys may have to go out there and sit down with these people and get this thing going in the right direction, because somehow you have to have a plan.

Mr. REGULA. Mr. Chairman, I yield to the gentleman from Washington (Mr. NETHERCUTT) to close the debate.

Mr. NETHERCUTT. Mr. Chairman, let me respond to my friend. There is nothing in the Interior Columbia Basic Ecosystem Management Project that prevents lawsuits. The gentleman assumes that a seven-State, 144 million acre plan with one preferred alternative is the answer. It is not the answer.

I submit respectfully to the gentleman, I am willing to work through all of this. I have talked to the gentleman from Washington (Mr. MCDERMOTT) and said let us work through this in conference. The Senate has a little different feeling about this. But this is not the answer to not having lawsuits, and, in my sense, the courts are going to look and say is there a scientific study, which my predecessor was trying to accomplish. Have a study. There is a study. It did not say a preferred alternative or record of decision or a seven-State, 144 million acre study. It said a study.

We have a study. We have adequate scientific information to allow any court, in my judgment, to resist any challenges, notwithstanding the fact that there is not a record of decision.

So I understand the gentleman's concern, but I am concerned also. I want to have some productivity and multiple use out of our forest system, but I do not come to the conclusion that a Federal program, such as it has been identified, I think accurately, as a bureaucracy, that is top down, not locally decided, which is what was expected in the first place, is the answer. There is no assurance in this. We want to have some language that says "no lawsuits." I will join into that.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. REGULA) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. REGULA was allowed to proceed for an additional 30 seconds.)

Mr. REGULA. Mr. Chairman, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I want to say to the gentleman, I will be glad to work with all three gentlemen, my colleague the gentleman from Washington (Mr. MCDERMOTT) and my two colleagues from the eastern side of the State of Washington. We still need to work something out in conference on this issue, regardless of what happens on the McDermott amendment. But I want you to know I am still willing to work with you all to see if we cannot work out something that makes sense.

I do not want to see our bill get vetoed over this though. I would say to my colleague from Spokane, we cannot risk vetoing the bill. We have to work something out here.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. MCDERMOTT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MCDERMOTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentleman from Washington (Mr. MCDERMOTT) will be postponed.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to advise Members that we are going to rise temporarily for a matter, and then we will renew our efforts in title III after that. We are going to finish the bill tonight.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. LATOURETTE, 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. 4193) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4276, COMMERCE, JUSTICE, STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–641) on the resolution (H. Res. 508) providing for consideration of the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

POSTPONING FURTHER PROCEEDINGS ON MOTION TO INSTRUCT ON H.R. 3616, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that further proceedings on the question on

agreeing to the motion to instruct on H.R. 3616 be postponed until tomorrow.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3616, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The SPEAKER pro tempore. Without objection and notwithstanding postponement of further proceedings on the question on agreeing to the motion to instruct, the Chair appoints the following conferees:

FY 1999 DOD CONFERENCE APPOINTMENT (SENATE AMENDMENT TO H.R. 3616)

From the Committee on National Security, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. SPENCE, STUMP, HUNTER, KASICH, BATEMAN, HANSEN, WELDON (PA), HEFLEY, SAXTON, BUYER, Mrs. FOWLER, Messrs. MCHUGH, WATTS (OK), THORNBERRY, CHAMBLISS, JONES, PAPPAS, RILEY, SKELTON, SISISKY, SPRATT, ORTIZ, PICKETT, EVANS, TAYLOR, ABERCROMBIE, MEEHAN, Ms. HARMAN, Messrs. MCHALE, KENNEDY (RI), ALLEN, SNYDER, and MALONEY (CT).

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

Messrs. GOSS, LEWIS (CA), and DICKS.

From the Committee on Banking and Financial Services, for consideration of section 1064 of the Senate amendment:

Messrs. LEACH, CASTLE, and LAFALCE.

From the Committee on Commerce, for consideration of sections 601, 3136, 3151, 3154, 3201, 3401, 3403, 3404, 3405, 3406, and 3407 of the House bill, and sections 321, 601, 1062, 3133, 3140, 3142, 3144, 3201, and title XXXVIII of the Senate amendment, and modifications committed to conference:

Messrs. BLILEY, DAN SCHAEFER (CO), and DINGELL.

Provided that Mr. OXLEY is appointed in lieu of Mr. DAN SCHAEFER (CO) for consideration of section 321 of the Senate amendment.

Provided that Mr. BILIRAKIS is appointed in lieu of Mr. DAN SCHAEFER (CO) for consideration of section 601 of the House bill, and section 601 of the Senate amendment.

Provided that Mr. TAUZIN is appointed in lieu of Mr. DAN SCHAEFER (CO) for consideration of section 1062 and Title XXXVIII of the Senate amendment.

From the Committee on Education and the Workforce, for consideration of sections 361, 364, 551, and 3151 of the House bill, and sections 522, 643, and 1055 of the Senate amendment, and modifications committed to conference:

Messrs. PETRI, RIGGS, and ROEMER.

From the Committee on Government Reform and Oversight, for consideration of sections 368, 729, 1025, 1042, and 1101–1106 of the House bill, and sections 346, 623, 707, 805, 806, 813, 814, 815, 816, 1101–1105, 3142, 3144, 3145, 3162–3172 and 3510 of the Senate amendment, and modifications committed to conference:

Messrs. BURTON (IN), MICA, and WAXMAN.

Provided that Mr. HORN is appointed in lieu of Mr. MICA for consideration of section 368 of the House bill and sections 346, 623, 707, 805, 806, 813, 814, 815, and 816 of the Senate amendment.

From the Committee on International Relations, for consideration of sections 233, 1021, 1043, 1044, 1201, 1204, 1205, 1210, 1211, 1213, 1216, and Title XIII of the House bill, and sections 326, 332, 1013, 1041, 1042, 1074, 1084, 3506, 3601, 3602, and 3901–3904 of the Senate amendment, and modifications committed to conference:

Messrs. GILMAN, BEREUTER, and HAMILTON.

From the Committee on International Relations, for consideration of sections 1207, 1208, 1209, and 1212 of the House bill, and modifications committed to conference:

Messrs. GILMAN, BEREUTER, SMITH (NJ), BURTON (IN), ROHRBACHER, HAMILTON, GEJDENSON, and LANTOS.

From the Committee on the Judiciary, for consideration of sections 1045 and 2812 of the House bill and section 1077 of the Senate amendment, and modifications committed to conference:

Messrs. HYDE, BRYANT, and CONYERS.

From the Committee on Resources, for consideration of sections 601, 2812, and 3404–3407 of the House bill, and section 601, 2828, and Title XXIX of the Senate amendment and modifications committed to conference:

Messrs. YOUNG (AK), TAUZIN, and MILLER (CA).

From the Committee on Science, for consideration of sections 3135 and 3140 of the Senate amendment, and modifications committed to conference:

Messrs. SENSENBRENNER, CALVERT, and BROWN (CA).

From the Committee on Transportation and Infrastructure, for consideration of sections 552, 601, 1411, and 1413 of the House bill, and sections 323, 601, 604, and 1080 of the Senate amendment, and modifications committed to conference:

Messrs. SHUSTER, BOEHLERT, and CLEMENT.

From the Committee on Veterans' Affairs for consideration of sections 556 and 1046 of the House bill, and sections 618, 619, 644, and 1082 of the Senate amendment, and modifications committed to conference:

Messrs. SMITH (NJ), BILIRAKIS, and RODRIGUEZ.

From the Committee on Ways and Means, for consideration of Titles XXXVII and XXXVIII of the Senate amendment, and modifications committed to conference:

Messrs. CRANE, THOMAS (CA), and MATSUI.

There was no objection.

□ 2100

DESIGNATION OF EMERGENCY REQUIREMENT PURSUANT TO BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Ways and Means.

To the Congress of the United States:

Pursuant to section 3309(c) of the Internal Revenue Service Restructuring and Reform Act of 1998, I hereby designate the provisions of subsection (a) and (b) of section 3309 of such Act as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 22, 1998.*

LEGISLATIVE PROGRAM

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

Mr. REGULA. Mr. Speaker, just to advise Members, we will return to the Interior bill shortly. There will be no more votes tonight. However, I repeat, we will take all amendments tonight and stack votes until tomorrow. We intend to read through the end of the bill. It is important that if Members have amendments, they must offer them tonight. Tomorrow will be too late. This understanding has been worked out with the minority. Tomorrow we will only vote on the stack of amendments, plus final passage.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 504 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4193.

□ 2104

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R.

4193) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the request for a recorded vote on the amendment by the gentleman from Washington (Mr. MCDERMOTT) had been postponed, and title III was open to amendment at any point.

AMENDMENT NO. 21 OFFERED BY MR. GILCHREST

Mr. GILCHREST. Mr. Chairman, I offer an amendment, Amendment No. 21.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. GILCHREST:

Page 122, beginning on line 24, strike section 337.

Mr. GILCHREST. Mr. Chairman, I appreciate the opportunity to discuss this amendment.

The Coastal Barriers Resource System was created by the Reagan Administration in 1982. It was recognized at the time that coastal barrier islands are just that: they are barriers. They protect the mainland from storms, tidal floods and a number of other things. Absent human involvement, these islands are not stable systems. Even with human habitation, they are very unstable systems. These islands are frequently subject to hurricanes, flooding, and shifting coastlines. They basically, Mr. Chairman, are very unstable and on a regular basis they are very dynamic.

Oddly enough, however, they also represent prime oceanfront real estate and have been heavily developed in many areas. This development typically proceeds with full awareness of the risks involved, and worse, very often there is no thought given to the natural processes of these dynamic coastal barrier islands. As a result of that, we have seen for decades that large amounts of Federal assistance is provided then for disaster relief, flood insurance, beach stabilization, roads, et cetera, et cetera, after the inevitable storms roll through or nature takes its natural course.

When the Coastal Barrier Resource System was created in 1982, approximately a half a million acres was included in the system. In 1990 it was amended where it was up to about 900,000 acres, and today in our system we have about 1.3 million acres in 22 different States in the Atlantic, Gulf of Mexico, and Great Lakes coasts.

The Coastal Barrier Resources Act was designed to limit development on coastal barrier islands, therefore limiting Federal aid in new development projects. The act does nothing to prohibit new construction on land within the system. That means if one wants to build a house within the system on a national barrier island, one can do that; we just with the act limit the amount of Federal responsibility to one's particular choice.

The language in the Interior appropriation bill would remove 75 acres from the system in various areas around the State of Florida. It would designate 32 acres of a State park as otherwise, and it is already protected, but it would designate 32 acres of a State park as land within the system, and would add 7 acres to the Coastal Barrier System.

By comparison, Mr. Chairman, 75 acres does not sound like a lot when you compare it to 1.3 million acres in the system, but that is not the question. The question is and the problem is that this provision in this bill, in effect, has a negative effect on the integrity of the whole system. These areas were the areas in question tonight and, in my judgment, were legitimately included in the Coastal Barriers Resource system.

This provision in this bill sends a clear rifle shot signal to developers that the coastal areas are now, those coastal areas in this provision in the bill are now and must be the responsibility of the American taxpayers to be responsible for if a hurricane blows through.

In units of the Coastal Barrier System, the act prohibits Federal expenditures on items such as, and right now those areas within the coastal barrier system, the Federal Government cannot expend money for bridges, sewers, roads, housing, shoreline protection, that is beach replenishment projects, water supply, wastewater treatment facilities, disaster relief, flood insurance claim payments, and so on and so forth. If we take an area out of the Coastal Barriers island system, then the Federal Government will be responsible for all of those items.

Federal subsidies, according to the Congressional Budget Office, for coastal development costs the American taxpayer right now $82,000 per development acre per year on coastal barrier islands that are outside the Coastal Barrier Resource System. According to FEMA's own numbers, the Federal flood insurance program in 1997 had a net loss of $117 million, a net loss. Expanding opportunities to develop in high-risk areas will only worsen that condition for ratepayers and taxpayers.

The National Weather Service says that in this fiscal year, well, they do not go according to fiscal years I guess, but in 1998 they say there will be 10 storms, 6 of which will be hurricanes.

Mrs. FOWLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to the Gilchrest amendment, which affects property and constituents in my district. I have great respect for my good friend and colleague from Maryland, but I have to disagree with his approach to a Florida issue.

Two years ago this Congress and President Clinton approved section 220 of the Omnibus Parks Act of 1996 that removed a net of 36 acres that were mistakenly put in the Coastal Barrier Resource System.

Now, let me say from the outset that I support the Coastal Barrier Resource System. My district includes more than 100 miles of beautiful Atlantic coastline, and its continued beauty is essential to the ecology and the economy of my district. Tourism is the number one industry in our State and it is our beautiful coastline that brings people there.

Mr. Chairman, any argument that this correction was slipped through the legislative process, and I have heard that from some groups going around the Hill, is false. When originally introduced in the 104th Congress, this bill sought to exclude almost 200 acres from the system. But once it was scrubbed thoroughly by the committee process and Florida officials, only a net removal of 36 acres remained. Removal of these 36 acres was supported by the entire bipartisan Florida House delegation, both of our United States Senators, as well as the governor and the Florida Department of Community Affairs.

Now, let me put this into perspective. We are talking about 36 acres spread out over 8 different coastal barrier resource units, out of 285,000 acres that are in the system in the State of Florida, and 1.2 million nationwide. It is important to note that the Florida Department of Community Affairs, which is our State land agency, originally opposed exclusion of these acres, but once they reviewed the evidence on these net 36, then they endorsed their removal.

Any claims that these exclusions were not scrutinized, debated, or carefully considered are quite simply wrong. There have been congressional hearings on this issue and Florida environmental officials went over these properties with a fine tooth comb before lending their support.

So why are we back here today? Well, we are here because the Coastal Alliance, not willing to accept the judgment of every government official in the State of Florida, the United States Congress, and the President, brought a lawsuit against these changes. Now, without getting into all of the legalese of the suit, in short, a Federal judge overturned Congress's will because the Department of Interior said they did not have the new maps on file on the date of enactment.

The judge's ruling had absolutely nothing to do with the merits of this issue. The judge also ruled that the Department should ask Congress to address the problem of not being able to

carry out Congress's intent. So all that the language that is in the bill does is what the judge ordered. It carries out the will of this Congress.

Now, the Coastal Alliance and others think the judge's ruling is an opportunity to reopen debate on these properties. It is not. The judge specifically asked for a remedy to carry out the will of Congress. The language in the bill today is that remedy.

□ 2115

The entire Florida delegation; the governor; the gentleman from Alaska (Mr. YOUNG), the authorizing chairman; and the gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on Interior Appropriations, still support removal of these properties. In fact, I have a letter here from Governor Chiles urging defeat of the Gilchrest amendment, which I will ask to submit for inclusion as part of the RECORD.

The judge did not ask us to review these properties one more time, as some would like to do. He asked us to carry out the intent of Congress. I would ask my colleagues to join the Florida delegation in reaffirming the will of Congress and voting against the Gilchrest amendment.

STATE OF FLORIDA,
WASHINGTON OFFICE,
Washington, DC, July 20, 1998.

Hon. RALPH REGULA,
Chairman, Interior and Related Agencies Subcommittee, House Appropriations Committee, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in opposition to the Gilchrest amendment to the FY99 Interior and Related Agencies appropriations bill, dealing with Florida-specific provisions of the Coastal Barriers Resources Act (CBRA).

As I have previously stated, the State of Florida is very supportive of the purposes of the CBRA to protect and preserve Florida's many pristine barrier lands from development. However, the parcels that are referenced in the Interior appropriations bill are not pristine, undeveloped properties in need of protection, but instead are parcels which were mistakenly included in the original CBRA due to mapping errors. These errors were corrected in P.L. 104–33, which was later overturned in federal court on a technicality.

The State reviewed the provisions of P.L. 104–33 and believes that these properties should be excluded from the CBRA system. I would urge Members to oppose the Gilchrest amendment.

With kind regards, I am
Sincerely,

LAWTON CHILES.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is very hard for me to disagree with the gentlewoman from Jacksonville, Florida (Mrs. FOWLER), my good friend. I had the opportunity to work with her constituents for years and admire their concern and their interest. But with all due respect, I have a little difficulty with some of the characterization.

I think it was clear when President Clinton signed the legislation in effect in the last session that he was not agreeing to it. In fact, my reading of that indicated that there were grave reservations on the part of the administration.

I am here, I guess, because of my grave concerns about the process that have been raised by the gentleman from Maryland (Mr. GILCHREST). The way that we handle water resources and development in disaster-prone areas in this country is itself a disaster.

Despite spending over $40 billion, for instance, to prevent flooding since 1960, flood-related costs adjusted for inflation are about triple what they were in the early 1950s, before we started the program. Total Federal disaster payments between 1977 and 1993 topped $100 billion. Disaster costs have increased 550 percent in the last 10 years.

Recently, this last week, we were here debating remedy to the Salton Sea, which was itself part of an engineering failure on the part of efforts to try and impact the environment. I appreciate that disasters are not always predictable, but too much development occurs directly in harm's way with the taxpayer footing the bill.

In 1982, as the gentleman from Maryland outlined, the Reagan administration and a Democratic Congress passed the Coastal Barrier Resources Act. I am not going to go through the details that the gentleman from Maryland pointed out, but it has saved the taxpayers an estimated $11 billion, keeping Federal investment out of millions of acres of barrier islands and coastline.

Mr. Chairman, if people want to build where God does not want them, then they ought to step up and pay the price, not the American taxpayer. The bill before us invites Federal investments back into the path of disaster.

I personally have reservations in terms of dealing with this as a technical amendment in terms of a rider. There is substantive legislation that has been considered in the past in the Committee on Resources. I would like that dealt with in that fashion. I too have reviewed the various parcels. It seems to me that there was, in fact, an argument made that they were in fact properly categorized.

But it seems to me that what we need to do on this floor is to be more aggressive in the protection of these issues that protect the taxpayer. And, in fact, we should be pushing back, whether it is water reclamation projects in the West, mining costs, beach nourishment, disaster relief, flooding, levees. Time and time again the taxpayer has been stuck with the bill. We have been very, very slow to adjust our policies over time. And I am reluctant to see us this evening, through the process of the rider process, expand that. I would rather this go back to substantive committees.

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Oregon (Mr. BLUMENAUER) for yielding. I would just like to conclude that I compliment the gentlewoman from Florida (Mrs. FOWLER) for her cooperation in her disagreement tonight. I still have strong disagreements with the gentlewoman from Florida. I have strong agreements with the gentleman from Oregon, and I also want to compliment him on his efforts in bringing this issue to light before the Members.

This is not an issue of 32 acres being taken out of the system. It is not an issue of 75 acres being taken out of the system. It is an issue of creating an environment where we begin to lose a few acres every year. I do not want the system to leak.

Now, I have had discussions with the delegation from Florida, and Mr. Chairman, we have a strong commitment by the Florida delegation to work to ensure that we lose no more acres to the coastal barrier resource system in this country, that the 1.3 million acres that we have now in this system will stay intact.

Because of that commitment, and the dialogue that we have had before we reached the floor, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

Page 106, beginning at line 16, strike section 327 (and redesignate the subsequent sections accordingly).

Mr. HINCHEY. Mr. Chairman, this amendment would simply strike the provision of the bill that would grant an easement through the Chugach National Forest to the Chugach Alaska Corporation. Under a 1982 settlement, the corporation has a right to access its lands which are surrounded by the Chugach National Forest. However, under the agreement, access is to be granted through a negotiation with the Forest Service and any easement providing access is to be conditioned on environmental review and on public comment.

The rider, which is the subject of this amendment, would effectively override all of that process. Instead it would give the corporation the right to choose the easement and would exempt its decision from environmental review or public comment. Moreover, the grant itself would be unusual. The easement would be 250 feet wide, 10 times the width of a usual access road, and the easement would be permanent and irrevocable.

This easement would be granted over public lands; in other words, our lands, the lands of the public, all the people of the country. No private landowner would agree to such an arrangement, and we who are the custodians of this land for the public should not agree to it either.

We do not want to deny the corporation legitimate access to its lands. It is entitled to that. But the corporation has been negotiating with the Forest Service. Its president, in fact, testified before our committee earlier this year that the negotiations were proceeding amicably. The corporation and the Forest Service signed a memorandum of understanding in March that is supposed to produce an agreement later this year. The date is in fact December 11.

The corporation did not say that the Forest Service had been difficult or uncooperative in negotiations. But the corporation apparently wants to circumvent environmental laws and reviews that could just delay the process for a few months.

It apparently wants a better deal than the Forest Service is likely to propose. Who would not leap at a chance for such a special deal? But that does not mean that this Congress ought to approve it.

Some people may think we have no interest in the land up there, or that our constituents have no interest in it. Why not just give it away? However, this section of the Chugach is an unusual section. The law requires the Forest Service to manage this area for conservation of fish and wildlife and their habitat, the only such place in the Forest Service where this language pertains.

The proposed easement would lie in or near the Copper River Delta, said to be the richest habitat for waterfowl and shore birds in the Western Hemisphere and the site of the most prolific sporting ground for salmon that we have. That is why so many organizations oppose this rider. Like myself, they are not saying that we should cut off access. They are saying that we should take time, be careful, and follow the usual process and the reviews the corporation has agreed to. That is all I am asking.

Mr. Chairman, I want to make it clear that we are in no way suggesting that this road providing access into this land should not be built. It is quite clear the corporation has the right to that access. That access should be granted. But it should be granted just as any other access would be granted. It should be granted in accordance with the law.

We should not, as this present bill provides, override NEPA, override the Clean Water Act, override all existing Federal legislation in order to give a special grant under these special extraordinary circumstances.

Let us build this road. Let us provide this access under the provisions that are going forward. Negotiations are proceeding just as they ought to, just as they would proceed in any other case, and they will lead to a fruitful conclusion. In other words, an agreement will be made and a road will be constructed. But it ought not to be constructed by fiat from the Congress. It ought not to be done in any way that is extraordinary or special, and that is what is called for under the present language.

Let us build this road, but let us honor the process as we are doing so, and once it is done let us make sure that we have done it right.

With this rider in this appropriations bill, this inappropriate rider, this bill is certain to be vetoed. If we approach this in the right and proper and just way, then we can get both the bill and the road built.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman from New York (Mr. HINCHEY) for yielding, and I rise in support of his amendment.

The CHAIRMAN. The time of the gentleman from New York (Mr. HINCHEY) has expired.

(On request of Mr. MILLER of California, and by unanimous consent, Mr. HINCHEY was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, I associate myself with the remarks of the gentleman from New York (Mr. HINCHEY). I think he makes an important point about this amendment. That is that due much to the activity of our committee chairman, who has the knack of getting people's attention in the bureaucracy, I think we are all very confident that this agreement is going to be reached by the end of this year.

But it is a question of how we do this and whether we do it, as the gentleman said, by fiat, and whether we do it notwithstanding any other provision of law. That is a recipe for disaster. It is a recipe for a veto. It is a recipe for delay, because people now will drag their feet in these negotiations waiting to see whether or not this provision does or does not become law.

Mr. Chairman, I do not believe it will become law. We have had conversations with the administration, and yet we also want these negotiations to finish by the end of the year. As was pointed out, we all acknowledge, as the chairman of our committee has told us numerous times at various octave levels, this runs with this land. They are entitled to this right-of-way.

But as was also pointed out, this is an area that was early recognized by the House and the Alaskan Native Lands Conservation when they sought to make the area adjacent to this a national wildlife refuge. That was not achieved. But the special management for fish and wildlife was achieved in this forest; I believe the only forest like it with that mandate in the country.

This process has been stop again, start again, stop again, start again, by both parties. All the blame is not just with the Forest Service. The other parties have been hot and cold on this relating to whether or not there is a market for coal, whether or not there is a market for timber, and that has influenced this to some extent.

Mr. Chairman, the time has come to bring this issue to a closure, but the time to bring it to closure within the regular order and within the laws governing these kinds of activities. Mr. Chairman, I thank the gentleman from New York for his amendment.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not sure the gentleman from New York (Mr. HINCHEY) was talking about the same language we have in the bill. I would point out some things.

The statement was made that they need time. Well, they have had since 1971. That is when the Alaska Native Claims Settlement Act was given and that is when this right-of-way was given—1971.

The Secretary of Agriculture agrees that they are entitled to this easement, and both gentlemen likewise agreed. And in 1982, there was an agreement with the Secretary of Agriculture. So here we are, 16 years later. I think that is enough time.

The Chugach Alaska Native Corporation has been complying with the appropriate environmental requirements and will complete those on schedule by the end of December, 1998.

Now, in the full committee, the language was further amended by the gentleman from Virginia (Mr. MORAN) to include the following: The easement was reduced from 500 feet to 250 feet. Secondly, access was changed from private to public. And, thirdly, the easement must be consistent with all environmental laws.

I believe the gentlemen over there expressed a concern that this easement comply with environmental laws, and that is incorporated into the language.

□ 2130

Mr. HINCHEY. Mr. Chairman, will the gentleman yield?

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

Mr. HINCHEY. Is it not true, though, that the easement was not granted in 1971? In fact, the land area was set up for the tribe in 1971.

Mr. REGULA. That is correct.

Mr. HINCHEY. It was for the corporation. For the corporation in 1971.

Mr. REGULA. Right.

Mr. HINCHEY. The easement process was begun in 1982.

Mr. REGULA. That is correct.

Mr. HINCHEY. Since then, the corporation has broken off negotiations on the easement on a number of occasions. And since then they have sold the coal rights on their property to a South Korean corporation. So it is only now, or only recently that they have addressed the Forest Service, once again, only in the last year, to acquire access into this particular piece of property.

So I just want to make that clear; that several administrations have gone by during this process, but that there has not been a consistent attempt to establish this right-of-way either since 1971 or since 1982. That process has only been very recent.

Mr. REGULA. Reclaiming my time, would the gentleman agree, though, that they are entitled to the easement? Negotiations are underway. They are going to comply with the environmental requirements by the end of this year. Do we agree on that?

Mr. HINCHEY. If the gentleman will continue to yield, we do agree they are entitled to the easement, and they are entitled to negotiations to proceed expeditiously. And those negotiations are proceeding expeditiously.

And, in fact, the Memorandum of Understanding, upon which both the corporation and the Forest Service have entered into, requires that the negotiations be completed by December 11th. But they do not stipulate that the right-of-way should be 250 feet wide, which is 10 times as wide as the normal right-of-way.

Mr. REGULA. Well, reclaiming my time, I think the width of the right-of-way would be determined by topography, by the soil conditions, and a whole lot of variables in Alaska. And I think that that is a decision that should be made. The original we had in the bill was 500 feet. We agreed, by amendment from the gentleman from Virginia (Mr. MORAN) in the full committee to reduce it to 250 feet.

Mr. HINCHEY. If the gentleman will yield on that point, it is clear that what is attempting to be done in the legislation is to establish that this right-of-way would be extra negotiated, outside of the negotiations, and be established by fiat. And that the right-of-way would be a very extraordinary one, indeed, in that rather than the customary 25 feet wide, the right-of-way that would be established by fiat would be 250 feet wide.

Mr. REGULA. Staff advises me that the gentleman from Virginia got the information to establish the 250 foot right-of-way from the Forest Service, and that this was not an uncommon width in Alaska because of the unique topographical conditions as well as soil conditions that they need to address in establishing the access road.

Mr. HINCHEY. Yes, but it is true that the Forest Service has not agreed to that. This was simply some negotiations that went back and forth in the Committee on Appropriations, and that is very proper, I understand that, but the conclusion that was arrived at is a very inappropriate one indeed.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. REGULA) has expired.

(By unanimous consent, Mr. REGULA was allowed to proceed for 1 additional minute.)

Mr. REGULA. Mr. Chairman, reclaiming my time, the gentleman from Virginia established the 250 feet from information he received from the Forest Service. But, in any event, the Native Americans were promised this easement, and I think it is an obligation of this body to keep our word.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the requisite number of words, and I rise reluctantly, trying to be calm.

This is an outrage. The gentleman from New York has never been to Alaska, never been to Chugach, and now he is telling the American native people of Alaska that they are wrong; they have no rights. The Forest Service is correct and the Wilderness Society is correct.

Mr. HINCHEY: Mr. Chairman, will the gentleman yield.

Mr. YOUNG of Alaska. I am not yielding to the gentleman at all, period. I will tell him that right now. Just sit down.

Mr. HINCHEY. Well, I am sorry to hear that.

Mr. YOUNG of Alaska. I am not yielding.

I am telling the gentleman now that this is a deal this Congress made in 1971 to the Chugach native people. They had to go to court. In 1982, they had a decision from the court that said, yes, they had a right to 78,000 acres of land and a right of easement and it should be granted to them by, and shall be granted by the Forest Service.

And not through the delta, by the way. South of the delta to the Martin River. Nowhere near it. And that is what the court said should be done. The Forest Service, because they did not like that decision, as an agency have drug their feet again and again.

And why did the corporation back away from the Memorandum of Understanding? Because the Forest Service said we do not have the money to do the studies for the right-of-way. So they did the studies. They paid for it. Forest Service did it, but the native corporation paid for it.

Now they say they have got a Memorandum of Understanding and we are going to bring this to a conclusion by December 1. Let me read the gentleman the last page. It says nonenforceable. Nothing herein shall be construed as committing and obligating the United States Forest Service or the United States.

So what this tells me, after we go through this whole thing, this whole understanding, that the Forest Service, because they have not done it since 1982, they are going to say, forget it, American natives. We do not care what Congress has said. We are going to do what we want to do. That is how we are going to conduct our business. Congress does not count.

I had a 500 foot right-of-way, yes, because in Alaska it takes a little more room to build a highway, in that terrain and with the climatic challenges, than it does in the State of New York. But the corporation said they will never have a road wider than a standard road. It will be a two-lane road. It will have public access. And, in fact, the property will revert back to the Forest Service when they are done using it.

Now, the mention of coal being sold to Korea, as if it is an evil thing to sell their own property. For the gentleman's information, they are not going to mine that coal. What they want to do is develop some timber. Yes, they want to do that as their right.

So I am going to suggest that the gentleman's amendment is mischievous. It, in fact, is evil, because he is going against the intent of this Congress and the American native people that owned this land long before he was born. In fact, the gentleman ought to be ashamed of himself. What he is trying to do to these people is really wrong. * * * He is going back on the word of this Congress against the first citizens of this great Nation. It was their land, and the gentleman wants to take away their right that this Congress gave them under an act.

That just blows my mind, that someone from New York State, that has never been there, has never seen this area, never talked to the people can, in fact, promote something that has been given to him by one of the wilderness associations that promotes its ill will in this capital every day. No honesty, no direct influence at all, other than the fact that they think this is wrong.

I am ashamed, in fact, to see an amendment like this against the people of the great State of Alaska.

Mr. HINCHEY. Mr. Chairman, I ask that the words be taken down. I ask the gentleman's words be taken down.

The CHAIRMAN. The Clerk will report the words. Which words would the gentleman like?

Mr. HINCHEY. Immoral and corrupt.

The CHAIRMAN. The Clerk will report the words.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman from Alaska will state his inquiry.

Mr. YOUNG of Alaska. May I inquire, what words are being struck? What

words? Just to say he wants to strike the words, what words?

The CHAIRMAN. The gentleman is not stating a parliamentary inquiry. The Clerk is presently transcribing the words and when they are reported the House will determine that.

Mr. YOUNG of Alaska. Can the gentleman answer me that?

The CHAIRMAN. The gentleman from Alaska will suspend.

Mr. HINCHEY. Will the gentleman repeat the question?

Mr. YOUNG of Alaska. What words is the gentleman asking be struck?

Mr. HINCHEY. While I was asking the gentleman to yield, I believe that he used the words immoral and corrupt, and I am concerned about what context he used those words in and to whom they were referring.

The CHAIRMAN. Without objection, the gentleman from Alaska may explain.

Mr. YOUNG of Alaska. I think the amendment was; I was not referring to the gentleman.

Mr. HINCHEY. To whom was the gentleman referring, then?

Mr. YOUNG of Alaska. I was referring to the amendment itself as it is written. It strikes me it was really due to these American natives. If I am referring to the gentleman, I apologize for that. I will apologize for that.

Mr. HINCHEY. Is the gentleman suggesting that an amendment that I wrote is immoral and corrupt?

Mr. YOUNG of Alaska. I think, in fact, it is immoral, yes. I do not think it is corrupt.

Mr. HINCHEY. I think the gentleman used the word corrupt.

Mr. YOUNG of Alaska. I did, and I apologize for that.

I will withdraw the words if they are that offensive.

Mr. HINCHEY. I thank the gentleman. I appreciate it.

The CHAIRMAN. Without objection, the words are withdrawn.

There was no objection.

Mr. NETHERCUTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am rising in opposition to the gentleman from New York's amendment that affects this easement language that is contained in our subcommittee report and the bill.

I have lived in Alaska, spent a year continuously there, and spent 4½ years traveling literally throughout the entire State of Alaska and, in fact, worked on the Alaska Native Claims Settlement Act in the U.S. Senate as a staff person. So I have some sense of the agreement that was reached then and the respect under which it was given.

In fact, I agree, in many, many respects, with the gentleman from Alaska relative to the commitment that was made to the Native American peoples under the Native Claims Settlement Act.

I believe that the amendment of the gentleman from New York strikes a blow against the Native American private property owners. The amendment strikes a provision that is necessary for the Federal Government to keep a promise it made in 1982. I suggest that any of us in Washington State or New York or any other State of the Union would be offended if we had to wait from 1982 to 1998 to have the Federal Government fulfill a commitment that was made to our people.

I have great respect for the gentleman from Alaska for standing up for his State; he should and he is. All too common, Mr. Chairman, in this country, in this body, people from outside the area of concern are trying to influence what happens in the States, whether it is my western State, people from the East Coast trying to influence what happens in my State and tell our residents what is good for us. The same is true especially of Alaska.

I think this Congress many times has taken great liberty with the State of Alaska. I have lived there. I have seen what impact it has on the people who are there and this is another example of that.

In our bill, in the chairman's bill, the Subcommittee on Interior of the Committee on Appropriations, on which I serve, made clear that this 250 foot easement was just that, it is an easement for purposes of constructing a roadway into the land of the people who own it. It has been a 16-year saga of trying to get that decided.

This is not some superhighway or freeway that the native people there are trying to build. It is just not the case. It is a roadway to get from point A to point B into their own lands and use it for their own purposes, which are legitimate.

In our bill, we say nothing in this section waives any legal environmental requirement with respect to the actual road construction. It does not waive environmental laws. It is not trying to put up a high-rise on this 250 easement. But 250 feet in Alaska is different than 250 feet in the lower 48 in terms of the needs of the area there to do the construction that is necessary, to just build a two-lane road. And that is the commitment they have made.

So I really think it is offensive that the Native American people, the Chugachs, have to fight this battle for 16 years to try to get some relief. That is all this is, is trying to get some relief so they can get what is rightfully theirs.

□ 2145

It is clear that without this road, that the natives cannot get access to lands that Congress gave them. There was extensive debate in this body and in the other body settling the claims of the Alaskan natives. It is a breach of that commitment and that agreement and that settlement for now us having to be here fighting off this finality which I think is very important to the State of Alaska and the people of Alaska. In 16 years, the Federal Government has not given the natives the easement necessary for access to their lands, not somebody else's lands, their own lands. This bill grants that easement. The chairman is right. We sat in the full committee and acceded to the amendment of the gentleman from Virginia (Mr. MORAN) on the representation that this was what was necessary by the Forest Service and acceptable to the Forest Service for this construction and this easement to occur. This will go on and on and on in grand unfairness to the people of Alaska and the natives of Alaska if we do not resolve this today. The gentleman's amendment will enable the Federal Government to continue to breach its promise. I urge that it be rejected.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. I thank the gentleman for yielding.

Mr. Chairman, it has been suggested that without this rider, there will be no access to the Chugach. I want to make it perfectly understandable and plain that that is not true. There is a negotiation going on now between the Chugach Corporation and the Forest Service. The memorandum of understanding upon which they have entered into requires an agreement by the 11th of December. What this rider would do is override that process and it would establish this access by fiat, disregarding the laws established by this Congress on numerous occasions. That is precisely what this would do.

It has been suggested that this has been an interminable process, beginning back in 1982, and it has been obstructed, it has been suggested, by the Forest Service on more than one occasion. Again let me say that is not so. What has happened in the process of these negotiations is simply this. The leadership of the corporation has changed hands on several occasions. The direction of the corporation has changed on several occasions. It is only recently that they have come back to the table, wanting to conclude the negotiations, and those negotiations are going forward and they will conclude in an orderly, respectful fashion by the end of this year, given their own head. What this rider does is interrupt that. And it does something else, unfortunately. It is so wrong and so contrary to normal process that it is strongly objected to by the Forest Service and the Department, and it has been recommended to the President that on this basis alone if this bill passes with this rider that the bill be vetoed. That is how objectionable this rider is. The

sad part about it is it is so totally unnecessary. This is an exercise of imprudence at best. If it were not to happen, the access would be granted, the road could be built, and everything that the Chugach Corporation wants in this regard would be acceded to. But since it is being done in this particular way, in the context of this rider, it places the whole process in jeopardy. I hope that that is clearly understood. The likelihood that this process will conclude amicably and favorably is jeopardized by the presence of this rider. If the rider is removed, the likelihood that the process will conclude amicably and in due course and expeditiously is guaranteed.

I hope that all those who respect the law, respect this Congress and what it has done over the years, respect lawful process, and also wish the best end of this process for the Chugach Corporation will join me in opposition to this rider.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Ohio.

Mr. REGULA. I want to make it clear that we are not disregarding the law. This is simply to expedite this action and this provision in the bill is for that purpose. I think we agree that it ought to be done. They are entitled to it. What we are trying to do is to get for these natives something that they were given by an original agreement, that has been delayed through various bureaucratic problems. Let us get on with it.

Mr. HINCHEY. The gentleman must know that the rider says, "Without regard to any provision of law," and so it overrides the entire process. This document represents the agreement that is about to be signed within the next couple of months by everyone involved. This is the process that has been engaged in. What happens is that this rider overrides this whole process and throws out the law.

Mr. REGULA. If the gentleman will continue to yield, I just quote from the bill: "Nothing in this section waives any legal environmental requirement with respect to the actual road construction."

Mr. HINCHEY. If you read the first phrase, though, it says, "Notwithstanding any provision of law." Do not forget the read the first phrase. The introductory clause in this case is critically important.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. MILLER OF CALIFORNIA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. MILLER of California:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC.—. None of the funds made available in this Act may be used to construct any road in the Tongass National Forest.

Mr. MILLER of California. Mr. Chairman, I think we are toward the end of the amendments in this legislation and fortunately this is a very straightforward amendment.

It is intended to prohibit the Forest Service from using appropriated funds to construct new timber roads in the Tongass National Forest in Alaska. It saves money and it protects old-growth forest at the same time.

The Tongass already has over 4,600 miles of permanent roads which have been built with the help of taxpayer subsidies for the timber industry. In fiscal year 1997, the Tongass timber program lost over $33 million, by far the biggest money loser in the Nation, in part because of 79 miles of new roads that were constructed. Because of the difficulty in construction and the terrain, these are some of the most expensive roads within the Forest Service.

The recently revised Tongass Land Management Plan would allow construction for up to an additional 110 miles of new roads annually. While this is less than the last decade's average of 168 miles constructed annually, it represents a major impact on the environment and would require significant outlays of taxpayer dollars. Because this plan is being reviewed on appeal by the Secretary, the Forest Service has not included the Tongass in the draft proposed roads moratorium.

It especially does not make sense to use appropriated funds to build new timber roads in the Tongass when the Forest Service has already been waiving local processing laws in order to allow the logs to be exported to Japan and to other countries. During 1997, the Forest Service permitted the export of over 100 million board feet of timber cut from the Tongass.

Mr. Chairman, the committee's bill proposes to eliminate purchaser road credits and to reduce to $1 million direct spending to build new roads. This amendment would seek to assure that no such funds would be used to build roads in the Tongass. It is pro-taxpayer, I believe it is pro-environment, and I urge the Members to support this amendment.

I would also say that this amendment is necessary because we see a sort of Soviet style economic decision in the Senate which demands that the Tongass engage in over 240 million board feet annually, an amount more than double the current demand-driven cut of 100 million. So I think that this amendment is also important for that reason because of actions being taken in the Senate. I would urge passage of this amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, some things never change. This Tongass fight has been going on for a long time. In all regards to my good friend, the ex-chairman of the committee, I can remember in 1989 that the gentleman from California worked very hard to solve the Tongass problem. We very frankly thought we had solved it. In 1990, 400 million board feet were being cut. I was told by the gentleman from California that the mills would still run, there would be plenty of timber. In fact he quoted, if I may quote,

> Wilderness designation for the 23 areas would reduce the scheduled Tongass timber harvest of 450 million board feet annually by 49 million board feet. The impact of new wilderness on the scheduled timber base of 1.75 million acres is a loss of 238,000 acres. The remaining 1.5 million acres of land scheduled for harvest is capable of producing over 400 million board feet of timber per year.

Because of the Forest Service and this administration, a lot of inactivities and the continued taking away of lands, we are now down to very frankly 267 million board feet maybe if the Forest Service sells any. And, by the way, the efforts of the gentleman from California (Mr. MILLER) after 1990, we have no more saw mills, pulp mills left in the State. That is why there is no demand.

We are trying to develop three or four small mills. Very frankly that is what we are trying to do. We need roads in the area if we are to have any timber. You cannot get timber unless you have roads. Even the President agreed with this. Even the Forest Service agreed with this, that there has to be roads to get the timber out. What the Miller amendment does very frankly is to make sure there is no new timber cut in the Tongass. Otherwise there will be no more timber industry. I will be very frank with the gentleman from California that if he would say that is what he wanted to do in 1980 or 1990, I might have said, "Okay, that is the way the game is played," but not to tell me we are going to have plenty of timber.

The other thing I might remind people that he killed 4,600 jobs in my southeast area. There is no forestry. There are a lot of forest rangers but no forestry being done. Actually I believe a zero cut in the Tongass is the goal.

It was mentioned about roads in the Tongass. To just give my colleagues an idea, Mr. Chairman, we do not know how many roads will be built in the

new areas to get timber out. We have no idea. But I will tell my colleagues that in West Virginia, the Tongass is the same size, 17 million acres. West Virginia has 35,110 miles of road, and it is still called a rural State. Thank God for Senator BYRD. They have 35,110 miles of road and in the Tongass we have 2,000 miles of road. If you want to drive to Juneau, you cannot, the capital. If you want to drive to Petersburg, you cannot. If you want to drive to Sitka, you cannot. If you want to drive to Wrangell or any other place, you cannot, because we have no roads. There are 35,110 miles of road in West Virginia, the same size as the Tongass, and we have 2,000 miles of road. But what we are trying to do here is preserve what little remaining timber industry we have.

If we were to adopt the Miller amendment, if we were to adopt it, we would say no more timber shall be harvested in Tongass. If that is the intent of Mr. MILLER, I would suggest he offer that amendment, that he says there will be no more timber period ever harvested out of that area. Then we go back to 1990 where he said there would be approximately 400 million board feet still available after we set this aside for a wilderness area in the Tongass.

I am going to ask my colleagues just to consider this for a moment. In all due respect to my good friend, my ranking member, he does not want any timber harvesting left in the Tongass forest. I argue that we reached this agreement in 1990, we signed off on it with the environmental community. CEAC said in fact there will be peace in the valley. No longer any need to debate, this is behind us, let us go forth and do what is correct. Let us progress in more positive things. Yet here tonight at this late hour, we have a gentleman who it was involved in 1986, in 1989, in 1990, in three different Tongass bills. And we have it before us tonight.

I urge the defeat of this amendment. It is not only mischievous, I am going to suggest respectfully, it is an attempt to kill the forest industry.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for yielding. As he knows, I did not force the pulp mill to act in violation of criminal law and to be successfully prosecuted under criminal law so that they ended up losing their rights in the forest.

Mr. YOUNG of Alaska. Reclaiming my time, that was not both mills and the gentleman from California knows that. Do not say that.

Mr. MILLER of California. The gentleman knows why the pulp mills are not there, too.

Mr. YOUNG of Alaska. Because there is no more timber.

Mr. MILLER of California. There is no market.

Mr. YOUNG of Alaska. There is no market because you have no timber.

Mr. MILLER of California. No, there is no market for the pulp.

□ 2200

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thought we had settled the Tongass matter in 1997 with the law of the gentleman from California (Mr. MILLER), and apparently not, because we are getting another bite of the apple proposed tonight.

At the time the 1997 Miller Tongass law passed, 3,000 people were put out of work; 1,600 were left. If this amendment is agreed to, 600 more workers will be out of work almost immediately.

I am somewhat surprised, and I have not been to the Tongass, but there must be some concern about 600 families that are suddenly going to be out of jobs, because from what little bit I know of Alaska, I do not think they are making any steel or bearings or tires or refrigerators in Alaska. If these people do not work in the timber industry, where will they work?

Mr. Chairman, I yield to the gentleman from California. Maybe he can answer that.

Mr. MILLER of California. Mr. Chairman, I would answer that by asking the gentleman a question. Are there appropriated funds in this bill for roads in the Tongass?

Mr. REGULA. Mr. Chairman, reclaiming my time, I think the Forest Service would make that decision. There is money for road building.

Mr. MILLER of California. So out of the $1 million, that money can be appropriated to the Tongass?

Mr. REGULA. That is going to be their decision.

Mr. MILLER of California. But that is $1 million nationwide.

Mr. REGULA. It is for new roads.

Mr. MILLER of California. Right.

Mr. REGULA. That is correct. But does this amendment only apply to the $1 million?

Mr. Chairman, I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, it says no appropriated funds, whatever we end up determining is appropriated for new roads, that none of those appropriated funds would be used for new road construction.

Mr. REGULA. Is this applicable only to the $1 million?

Mr. MILLER of California. Yes, if that is the only appropriated monies for new roads.

Mr. REGULA. So what is the gentleman suggesting?

Mr. MILLER of California. Apparently my amendment is going to lay off 600 people. The gentleman's bill does not have any money in it for new roads to begin with. We are down to $1 million nationwide. So let us not pretend like somebody cares about people, and other people do not at this point.

Mr. REGULA. Mr. Chairman, let us clarify it. Does the gentleman's amendment apply to reconstructed roads?

Mr. MILLER of California. No.

Mr. REGULA. So if they could reconstruct roads to keep these jobs, that would be permissible.

Mr. MILLER of California. That is a very important point. This has been one of the most aggressive road building programs per board feet. I mean, let us not pretend like there is not timber to cut off existing roads.

With all due respect to the Alaska delegation, and admiration, they have done very well in pushing roads that far exceed the purpose of the road for the timber that was taken off of previous sales. So it is not like they cannot meet 100 million board feet off of existing roads.

Let us not pretend the road is only good for that one sale and we never go back. That is not the history of forest roads anywhere, and it is certainly not the history here when you look to the extent to which roads have been pushed into the Tongass already in the name of previous sales.

Mr. REGULA. Mr. Chairman, reclaiming my time, if these are reconstructed roads, then the gentleman does not have a problem with that?

Mr. MILLER of California. Exactly.

Mr. REGULA. The gentleman wants to help to keep the jobs.

Mr. MILLER of California. The gentleman is correct.

Mr. REGULA. So the gentleman is not interested in stopping logging in the Tongass; is that correct?

Mr. MILLER of California. No, I never have been. Ten years ago we made a deal, Senator STEVENS and I, and we said for 10 years, that that would be it on the Tongass. It was not a matter of months before riders started appearing on Senate appropriations bills directing cuts in the Tongass.

We all have great admiration for Senator STEVENS, but he is the one that continued, continued to alter that original agreement that we had. I do not like the results but I have got to admire the talent. He has never stopped, as those Members on the Committee on Appropriations, I see them all smiling here, they know exactly what I am talking about. They have never had an appropriations bill move where there is not something tricking up.

He tried to change the forest plans. He tried to go back to the old plans. He tried to increase the cuts. He tried to increase the roads. He tried to bail the industries out of problems. Bang-di-di-bang-di-di-bang. This guy has never slept. I guess I misunderstood. I thought we shook hands, and he said we were going to go away for 10 years. I think he said he was never going to

sleep for 10 years. That is what happened.

So this is not some unilateral course. As the Chairman knows, this is a very, very active subject matter in these appropriations bills, and it usually runs afoul of forest policy and the administration and all of the rest of it.

Mr. REGULA. Mr. Chairman, reclaiming my time, our bill presently does not mention the Tongass, as the gentleman knows.

Mr. MILLER of California. Right.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. REGULA) has expired.

(By unanimous consent, Mr. REGULA was allowed to proceed for 2 additional minutes.)

Mr. REGULA. Mr. Chairman, one other question: Does the gentleman think his amendment will in any way affect the contractual obligations of the Federal Government?

I yield to the gentleman from California.

Mr. MILLER of California. I do not know why it would. It would not affect the previous purchaser credits, no.

Mr. REGULA. Mr. Chairman, I think if there is some just possibility that it would, it could create a great liability. I would also point out that the Society of American Foresters and many labor unions oppose the Miller amendment, because they must have some concern that it will substantially reduce the employment base in Alaska.

Mr. MILLER of California. That has been a historical proposition.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. REGULA. Yes, I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, in answering the question of the contractual agreement of the forest, it will affect the ability to take trees off that forest. There is no doubt about that. With all due respect to the gentleman from California, I do believe his legal staff will tell him that.

I am going to suggest this issue is not in this bill. This is the first time I believe on this House floor that we have not had a Tongass provision in the committee bill that came to the floor. I never tried to put one in.

Mr. MILLER of California. He is quite correct. He is quite correct. Very rarely do they initiate over here.

The CHAIRMAN. The gentlemen will suspend. The gentleman from Ohio (Mr. REGULA) is not a mere spectator. The gentleman from Ohio (Mr. REGULA) controls the time.

The time of the gentleman from Ohio (Mr. REGULA) has again expired.

(By unanimous consent, Mr. REGULA was allowed to proceed for 2 additional minutes.)

Mr. REGULA. Mr. Chairman, I yield to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I want to stress that again. This issue I thought had been put to bed. The good Senator, bless his heart, never does sleep. But to be frank, I would suggest to the gentleman from California, if he wants to open up the Tongass, and he has his amendment adopted, he will really have an opportunity. And I will tell him, the gentleman from Washington (Mr. DICKS), and the gentleman from Ohio (Mr. REGULA) will tell him, he does not want to go through this.

So I was trying to do something correct for many times, dead serious, not to have the Tongass mentioned in the bill at all, so there would not be a door open for my good senior Senator who is very persevering.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, let me just say if this was the World Wrestling Federation, this tag team from Alaska would be the world's champions.

Mr. YOUNG of Alaska. I thank the gentleman.

Mr. MILLER of California. Mr. Chairman, I appreciate there is nothing in this bill, but we already know that the Senate is mandating more than doubling the cut of 240 million board feet. This is the Soviet Union saying we are going to cut this. There is no market. The price is falling. But what they need to make it all work is tax subsidized roads.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield again?

Mr. REGULA. Yes, I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, as I have said, I have left the Tongass, as the gentleman from Washington will say, out of this bill. We have reached an agreement on our side with those people that do not like road purchases of credit, et cetera, et cetera. We reached that agreement, so that is not in the bill. That has been agreed to.

Now the gentleman from California's amendment comes along and very frankly breaches that agreement. So I want to say, in all respects, if you open this box the agreement is off as far as the future in the conference.

Mr. MILLER of California. If the gentleman will yield, the gentleman does know that the Tongass is not part of the moratorium which is the basis for the agreement.

Mr. REGULA. Mr. Chairman, I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. That was done by the administration. That was done by the Forest Service rightfully due. I am saying that was rightfully done. We had a TLUMP process. We were told it followed the TLUMP. That is the planning program. We were told that. We have followed that. We are going to follow it if everything goes forth.

Mr. MILLER of California. We have this wonderful agreement over here on the other side. I can hear the heart beating over there and it is 240 million board feet.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman's amendment is adopted, I can guarantee him with my two Senators on the other side this is going to become one of the major issues. I tried very systematically to leave the Tongass out, on behalf of the gentleman from Ohio (Mr. REGULA), on behalf of the gentleman from Washington (Mr. DICKS), and leave the Tongass out of it.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. REGULA) has again expired.

(By unanimous consent, Mr. REGULA was allowed to proceed for 2 additional minutes.)

Mr. REGULA. Mr. Chairman, I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, in fact, I encourage the gentleman to withdraw the amendment and let this thing go over to the Senate side without the mention of Tongass and see what happens. But if the gentleman leaves it in there, I want to tell him, Katie bar the door, if he thinks El Niño is bad, try this one.

Mr. MILLER of California. That river boat is coming right to the forefront here.

Mr. REGULA. Mr. Chairman, based on that persuasive testimony, will the gentleman withdraw the amendment?

I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, the gentleman will not because he has such great admiration for this team over there. We know what is coming from the other side. It is clearly a decision to try and to drive additional roads and additional cuts far beyond the market-driven cut here. I think this is an important amendment. It is two old war horses up here.

Mr. REGULA. Mr. Chairman, let me just close by saying I urge all Members to reject this amendment. We closed the Tongass issue in the past, and let us move on.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will admonish all Members that referring to Senators by name, even in the context of being wrestlers, or referring to Senate action or inaction, is not appropriate.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is pretty hard for me to tell whether we are at the sublime or the ridiculous end of the evening given where we are at this point. My mind is certainly reeling from the discussion about the millions

of board feet in different ways that that would happen.

But the one thing that I think I pick up out of this is that we have built roads, and we have harvested timber. The Forest Service says that, in 1997, the timber program in the Tongass cost $33 million to the U.S. taxpayers. So the combination of road building and timber harvest costs us $33 million.

Going back some years before that, from 1992 to 1994, the GAO says that the costs over that 3-year period was $100 million. The cost to the taxpayers, which again means the roads that were built, whatever were built, and whatever access that provided, and whatever was cut on that basis has cost the taxpayers $100 million. In the more recent time that is at least a third, at least a third, more than a third of the total timber program losses that the U.S. Forest Service has sustained.

It would appear that each sale in the Tongass is yielding a loss in substantial part because of the costs to the taxpayers of building the roads. We are now being told, well, yes, but we are not talking about building new roads but only of reconstructing the old ones which certainly are expensive in their own right.

In order to get to more timber where the major part of the problem or a major part of the problem is that the markets and the weather extremes in the circumstances mean that logging is going to be basically not profitable without the substantial subsidy of the building of the access to it.

I suspect that the vast majority of Americans would recognize this combination as a bad deal for the taxpayers and prefer to stop digging the hole deeper as we go.

Earlier this year, and I recognize that the Tongass is not part of the agreement, that is part of the issue, that the agreement was reached by Congress and the Forest Service to end the subsidized road building in roadless areas in the national forests. Why? Because generally it is environmentally destructive. It produces erosion and siltation of the waterways and that that has an adverse effect upon habitat, particularly because of silt and waterways for fishing stocks.

So the program of building new roads into national forests has been ended essentially except for that in Alaska. So the bill creates a special case in Alaska to allow this road building to continue, whether new or I am not sure after the discussion, although I listened very carefully to it, whether it is new or just reconstruction of the roads that are already there to do this in Alaska in the Tongass, which is our only remaining temperate rain forest.

□ 2215

So the road building program there is really a jobs program. For those who want less government or smaller government, then I would suggest that we ought to be voting against it in order to cut out wasteful corporate welfare.

From my point of view, coming from the Northeast, it is sort of an add-insult-to-injury, in a sense, because the subsidy that would be required here to do this timber cut, which by all the figures in the past has been continually done at a loss to the U.S. taxpayers, that subsidy comes out of the hides of other parts of the country.

In my area and congressional district, the largest manufacturing in my district is paper manufacturing, and there is a good deal of timbering that goes on in some of the States in the Northeast. But we have need for programs and use programs.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. OLVER) has expired.

(By unanimous consent, Mr. OLVER was allowed to proceed for 2 additional minutes.)

Mr. OLVER. Mr. Chairman, in my part of the country we depend upon things like the Economic Action Plan, the Forest Stewardship, the Forest Legacy Program, and yet each year, especially this year, the chairman and the ranking member have to struggle very hard to find ways to fund those programs and to keep them running, based upon sound industry practices to promote economic development and natural resources protection. But each of them is being squeezed down over time and, instead, we are doing something which is a major subsidy to the industry by all indications from how it has operated and what the GAO says and what the Forest Service says about the net cost of the program in this instance there.

There are other costs involved in such a program. We would expect it to cost both in tourism and fishing, as I have already mentioned. And here we are, while we are trying to get other countries to protect their rain forests and actually paying, in some cases putting money into that, here we are with our taxpayers being sent a bill to cut down our own last remaining or major remaining temperate rain forest.

So with all of those thoughts under consideration, I would urge that Members of this body support the Miller amendment when it comes up for a vote tomorrow.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. OLVER) has expired.

(On request of Mr. YOUNG of Alaska, and by unanimous consent, Mr. OLVER was allowed to proceed for 1 additional minute.)

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Does the gentleman have any idea what size the Tongass Forest is?

Mr. OLVER. I think the gentleman told us what size it is earlier. It was the size of the State of West Virginia.

Mr. YOUNG of Alaska. Mr. Chairman, the reason I asked that question, the gentleman said we are cutting the last rain forest down. Does the gentleman know how many acres are left, of 17 million acres that are available to even think about harvesting?

Mr. OLVER. Mr. Chairman, reclaiming my time, yes. But this is what the debate is over. In essence, it really does not matter. If every time we build another road into that area it costs more to build the road than the value of the timber cut that we get, we are costing the taxpayers every time more than we are getting back from that.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will yield further, I am not debating that. I am debating the comment that we are cutting the last rain forest. We have about now left in that forest, about, get this, 11 million acres of rain forest that will not be touched. Nobody takes that into credit.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. OLVER) has expired.

(By unanimous consent, Mr. OLVER was allowed to proceed for 1 additional minute.)

Mr. OLVER. Mr. Chairman, I am surely not meaning to infer that we are cutting the last piece of rain forest that is the size of this Chamber or any such thing. Rain forests and the continuous convergence of cutting all around rain forests, whether they be in Costa Rica or in Sumatra or Borneo or the Amazon or in the Tongass, which is our largest and one that does contain substantial old growth forests which have never been cut, it is the major remaining temperate rain forest that we have. We are cutting into it.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will yield further, 93 percent of the forest is left. Ninety-three percent is left, and now, get this, of the 93, that is all 500-year-old trees. But do forests grow back?

Mr. OLVER. Mr. Chairman, reclaiming my time, surely, over a very long period of time. We plant at best not for our own generation, but for our grandchildren's generation. So it takes a very long time to grow back.

Mr. YOUNG of Alaska. So if a dead tree is dead, a dead tree is dead, and there is no harvesting of trees. Of the 93 percent, that means there will be no new trees. So, for future generations, that is nothing but dead trees.

Mr. OLVER. Mr. Chairman, reclaiming my time, the very points that the gentleman is making, the gentleman is saying 500-year-old trees that are there, that have taken a good portion of that time, certainly they were probably merchantable, timberable a good number of years ago, but not by any means 200 or 300 years ago.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, when we had a lot of these Alaska issues on a debate, Chairman Udall led a trip, and we had all of the scientists on board one of the tour ships, one of your ferry systems going down to Sitka.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. OLVER) has expired.

(On request of Mr. MILLER of California, and by unanimous consent, Mr. OLVER was allowed to proceed for 1 additional minute.)

Mr. OLVER. Mr. Chairman, I yield to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. They were talking about reforestation and how soon these trees would grow back. So we were looking, as the gentleman said, at 500-year-old trees and 400-year-old trees, and there were people from the forestry industry that said, "See all this? It will be back in 30 years."

How the hell will it be back in 30 years, when it took 500 years to grow the first time? Plus you know what happens to the soil on these slopes. A lot of these will not be back. That is why it took 500 years for that tree to get there.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will yield further, not in Alaska. They are not talking about the same forest condition the gentleman has in California. I can say the same areas that have been growing timber since we harvested in 1900, they are now considered old growth trees. They are only 100 years old.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. OLVER) has again expired.

Mr. OLVER. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

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

Mr. DICKS. Mr. Chairman, I object. We have to get to a vote on this. We have gone on and on and on. Can we not vote on this amendment, please?

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentleman from California (Mr. MILLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentleman from California (Mr. MILLER) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. PAPPAS

Mr. PAPPAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. PAPPAS:

Insert after the final section the following:

SEC. . The amounts otherwise provided by this Act are revised by increasing the amount for "LAND ACQUISITION AND STATE ASSISTANCE" under the heading "NATIONAL PARK SERVICE" (to provide funds for the State assistance program) and reducing the amount for "GRANTS AND ADMINISTRATION" under the heading "NATIONAL ENDOWMENT FOR THE ARTS", by $50,000,000.

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

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

There was no objection.

Mr. PAPPAS. Mr. Chairman, this amendment will reorder priorities in this Congress and this Interior appropriations bill. I know time is short and the chairman and ranking member have been here for quite some time, so I will be brief to explain what I am trying to do here.

This amendment would move $50 million into the Land and Water Conservation Fund Stateside Grant Program and reduce funding for the National Endowment for the Arts by $50 million.

The Stateside Grant Program, which is a matching grant program, helps States in recreational and open space efforts. This is a very good bill and it is a lean year.

I congratulate the chairman and ranking member for their efforts. Finding offsets is hard to do in this tightly constructed bill. For example, yesterday the gentleman from Massachusetts (Mr. MCGOVERN) and I offered an amendment to move $30 million into the Stateside Grant Program under the Land and Water Conservation Fund. Yesterday, 203 Members of this House supported this effort. However, many were troubled at the offset chosen.

This amendment is another attempt to find more acceptable offsets to fund an important function in the Land and Water Conservation Fund. To me, funding open space and recreational efforts is a more important priority to central New Jersey and the people of this country. I am a great supporter of the arts. However, I believe putting money into the Land and Water Conservation Fund is a more important priority because so much of our open space is disappearing.

Yesterday we had a full and fair debate on the propriety of the government support for the arts. I do not intend to replay yesterday's debate. However, the vote on the amendment of the gentlewoman from Connecticut (Mrs. JOHNSON) was a vote to support funding arts. The level of funding is a different matter, especially when there is an opportunity to help the quality of life of all Americans helped by the Land and Water Conservation Fund.

This amendment would reduce NEA funding to $48 million, which would be roughly $1 million for each state. New Jersey presently does well under the NEA compared to other States. However, we need to do much better in the Land and Water Conservation Fund funding and having the Federal Government more active in helping States do more to match recreation and open space efforts of the States.

Mr. Chairman, I urge this Congress to vote for this amendment as a statement of our commitment of proper priorities and our dedication to protecting open space and our communities.

Mr. HORN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am sorry to disagree with my colleague from New Jersey. I think we have here obviously a conflict of major things within one appropriations bill. The fact is that we won that battle for the arts by 253 to 173. I would hope we do not have to fight that every day the bill remains before us.

But it seems to me the answer to the gentleman's question on the how to acquire land and open space and all the rest means that the Forest Service ought to start prioritizing its various forests, portions of various forests, and we ought to be talking about land exchanges, not moving money from the arts, which means a lot to thousands of schoolchildren in America and millions of other people.

I am sure the chairman has explored that, but I would think we need to be more vigorous in the Forest Service in classifying the weaker part of a forest with the richer part of the forest and making the availability of millions of acres, which perhaps would gain the type of space the gentleman needs closer to the urban populations that would profit from it.

I would hope the gentleman might go that route, rather than create a friction within the House of Representatives of the arts versus trees, because a lot of us are for both of them.

Ms. SLAUGHTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to this amendment. As the gentleman from California (Mr. HORN) just pointed out, the House exercised its will yesterday on the matter of the National Endowment for the Arts.

The gentleman offering this amendment does quite well, as he pointed out, New Jersey does, but let me speak of his own district. In his district, he has four NEA grants alone that total over $210,000, almost a quarter of a million dollars. When you consider there are 435 Congressional districts competing for $98 million, you have to say that the gentleman from New Jersey (Mr. PAPPAS) does extraordinarily well.

Let me mention a few of those grants in the gentleman's district. The National Poetry Series, to support the work of five upcoming winners of the

1999 National poetry, an open competition. The McCarter Theater Company, it supports the production of a new musical.

□ 2230

The Princeton Art Museum tour, touring an exhibit entitled The Art and Culture of Chinese calligraphy. The American Boys Choir School, which gets by itself $120,000 to support their efforts to plan and to stabilize their endowment.

While I am sure that land and water certainly does add to the quality of life and to the joy of living, without any question I think that these programs that the NEA helps to leverage also do a great deal for the quality of life in the district of the gentleman from New Jersey (Mr. PAPPAS). It is very shortsighted for him to attempt to take half the money in what is already I think agreed by many of us to be an extremely underfunded program.

The NEA's direction from this Congress is to try to reach into every nook and cranny in the United States, and it is doing a very good job of doing that. The things that we know now about the importance of the arts and the effect that it has on the developing child, making a child a better student, giving them self-respect, teaching them discipline, all the things that we want for America's children, the ability to really develop one's mind and one's ability in science and math directed to the attention given and being exposed to music, particularly piano and dance, is certainly undisputed in this country today, and again is something that we very badly need and we very badly want.

Mr. Chairman, I appreciate very much my cochair of the Congressional Members Arts Organization, the gentleman from California (Mr. HORN), and he and I have worked very diligently in trying to keep this program alive. Thanks again to the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee, for his good work on NEA. I would urge that the House not pass this amendment and recommend very strongly a "no" vote, should it come to a vote tomorrow.

Mr. PAPPAS. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from New Jersey.

Mr. PAPPAS. Mr. Chairman, I appreciate the gentlewoman's sentiments, but I also need to refer to the document that I have before me, which is the Land and Water Conservation Fund Act of 1965, which I will include for the record. From that, there is a reference to "not less than $300 million for fiscal year 1977 and $900 million for fiscal year 1978, and for each fiscal year thereafter through September 30, 2015."

Mr. Chairman, I include the following for the RECORD:

20. LAND AND WATER CONSERVATION FUND ACT OF 1965 (AND RELATED LAWS)

A. Land and Water Conservation Fund Act of 1965

An Act to establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes.

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

TITLE I—LAND AND WATER CONSERVATION PROVISIONS

SHORT TITLE AND STATEMENT OF PURPOSES

SECTION 1. [16 U.S.C. 4601–4] (a) CITATION; EFFECTIVE DATE.—This Act may be cited as the "Land and Water Conservation Fund Act of 1965" and shall become effective on January 1, 1965.

(b) PURPOSES.—The purposes of this Act are to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the boundaries of the United States of America such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain lands and other areas.

CERTAIN REVENUES PLACED IN SEPARATE FUND

SEC. 2. [16 U.S.C. 4601–5] SEPARATE FUND.—During the period ending September 30, 2015, there shall be covered into the land and water conservation fund in the Treasury of the United States, which fund is hereby established and is hereinafter referred to as the "fund", the following revenues and collections:

(a) SURPLUS PROPERTY SALES.—All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of those provisions of law set forth in section 485(b)(e), title 40, United States Code, or the Independent Offices Appropriation Act, 1963 (76 Stat. 725) or in any later appropriation Act) hereafter received from any disposal of surplus real property and related personal property under the Federal Property and Administrative Services Act of 1949, as amended, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this Act shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

(b) MOTORBOAT FUELS TAX.—The amounts provided for in section 201 of this Act.

(c)(1) OTHER REVENUES.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to this section, as amended, there are authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the fund not less than $300,000,000 for fiscal year 1977, and $900,000,000 for fiscal year 1978 and for each fiscal year thereafter through September 30, 2015.

(2) To the extent that any such sums so appropriated are not sufficient to make the total annual income of the fund equivalent to the amounts provided in clause (1), an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331, et seq.): *Provided*, That notwithstanding the provisions of section 3 of this Act, moneys covered into the fund under this paragraph shall remain in the fund until appropriated by the Congress to carry out the purpose of this Act.

SEC. 3. [16 U.S.C. 4601–6] APPROPRIATIONS.—Moneys covered into the fund shall be available for expenditure for the purposes of this Act only when appropriated therefor. Such appropriations may be made without fiscal-year limitation. Moneys made available for obligation or expenditure from the fund or from the special account established under section 4(i)(1) may be obligated or expended only as provided in this Act.

ADMISSION AND USE FEES; ESTABLISHMENT AND REGULATIONS

SEC. 4. (a) [16 U.S.C. 4601–6a] ADMISSION FEES.—Entrance or admission fees shall be charged only at designated units of the National Park System or National Conservation Areas administered by the Department of the Interior and National Recreation Areas, National Monuments, National Volcanic Monuments, National Scenic Areas, and no more than 21 areas of concentrated public use administered by the Department of Agriculture. For purposes of this subsection, the term "area of concentrated public use" means an area that is managed primarily for outdoor recreation purposes, contains at least one major recreation attraction, where facilities and services necessary to accommodate heavy public use are provided, and public access to the area is provided in such a manner that admission fees can be efficiently collected at one or more centralized locations. No admission fees of any kind shall be charged or imposed for entrance into any other federally owned areas which are operated and maintained by a Federal agency and used for outdoor recreation purposes.

(1)(A)(i) For admission into any such designated area, an annual admission permit (to be known as the Golden Eagle Passport) shall be available, for a fee of not more than $25. The permittee and any person accompanying him in a single, private noncommercial vehicle, or alternatively, the permittee and his spouse, children, and parents accompanying him where entry to the area is by any means other than private, noncommercial vehicle, shall be entitled to general admission into any area designated pursuant to this subsection. The annual permit shall be value for a period of 12 months from the date the annual fee is paid. The annual permit shall not authorize any uses for which additional fees are charged pursuant to subsections (b) and (c) of this section. The annual permit shall be nontransferable and the unlawful use thereof shall be punishable in accordance with regulations established pursuant to subsection (e). The annual permit shall be available for purchase at any such designated area.

(ii) The Secretary of the Interior and the Secretary of Agriculture may authorize businesses, nonprofit entities, and other organizations to sell and collect fees for the Golden Eagle Passport subject to such terms and conditions as the Secretaries may jointly

prescribe. The Secretaries shall develop detailed guidelines for promotional advertising of non-Federal Golden Eagle Passport sales and shall monitor compliance with such guidelines. The Secretaries may authorize the sellers to withhold amounts up to, but not exceeding 8 percent of the gross fees collected from the sale of such passports as reimbursement for actual expenses of the sales. Receipts from such non-Federal sales of the Golden Eagle Passport shall be deposited into the special account established in subsection (i), to be allocated between the Secretary of the Interior and the Secretary of Agriculture in the same ratio as receipts from admission into Federal fee areas administered by the Secretary of Agriculture and the Secretary of the Interior pursuant to subsection (a).

Mr. Chairman, I think that the Congress has not done enough to fund the Land and Water Conservation Fund. As I said in my remarks to my friend from New York, the Congress has not, I think, followed through on funding a very, very important program. Open space is disappearing in my part of the country, and without more Federal involvement in State and local efforts to preserve open space, we are going to lose this battle.

Ms. SLAUGHTER. Mr. Chairman, reclaiming my time, I do not know how many forests the gentleman has in New Jersey, but let me say that when I first came to Congress in 1987, the National Endowment for the Arts budget was over $170 million. It has been cut considerably as well. I know of no other program, no other investment that we make in the United States budget of $98 million that will bring back into this Treasury almost $4 billion. Indeed, that money that is sent out enriches the lives of everyone that it touches.

I agree that open space is terribly important, but I do not want to see us pit one against the other, because the importance will be very difficult to approve for each one. I would think that the people in the gentleman's district would agree that the money that they have for the National Endowment for the Arts has been money well spent and has had a positive effect on the State of New Jersey, particularly in the gentleman's district.

Again, I urge a "no" vote on this amendment.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to point out to the gentleman from New Jersey (Mr. PAPPAS) that in this bill there is almost $3 million for the State of New Jersey, all Land and Water Conservation money.

Also, I would point out that last year we spent $15 million on the Sterling Forest in the State of New Jersey, again, Land and Water Conservation money. There is only so much of it, and we have a responsibility to the Federal lands.

We have $10 billion worth of backlog maintenance in our National Parks, 375 National Parks, 50 Forests, about 30 Fish and Wildlife, millions of acres of Bureau of Land Management; a total of almost 700 million acres that we are responsible for, to say nothing of all of the cultural institutions in this city, to say nothing of the Bureau of Indian Affairs. Mr. Chairman, 75 percent of the Indians do not even have adequate health care or dental care. We are stretched thin.

Yesterday this House, by an 80-vote margin, we voted to have the National Endowment for the Arts. We voted in another amendment not to bring back State Land and Water conservation money. I think in view of all of that, this attempt would fly in the face of the House's action, and more importantly, fly in the face of the House's responsibility to take care of those 700 million acres of Federal lands.

The National Governors Association advises us that 47 States have budget surpluses, and I think the State open spaces are a responsibility of the States. We are a Federal legislative body, and our number one priority has to be Federal responsibilities. Even in the arts there are State arts associations; many of them take responsibility and are financed by the States. They get some money from NEA.

This amendment to cut the NEA in half in the face of the House's action yesterday and to transfer money to the Land and Water Fund just does not fit with the policies adopted by this Congress. I would strongly urge the House Members to vote against this amendment. I do not think it is good policy. We do not have the money, and our primary area of responsibility, which is the public lands, is faced with a $10 billion backlog of maintenance. This is roads and camp sites and housing and all kinds of needs. It would be irresponsible simply to shift money out to the States.

We used to have revenue-sharing and we eliminated it because there was not any revenue to share. The same thing is true of the State Land and Water Conservation Fund. We cannot even use all of it for Federal projects in terms of land acquisition, and it simply does not make good policy to adopt an amendment such as this. I would strongly urge the Members to vote against it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. PAPPAS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PAPPAS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

Are there further amendments to title III?

If not, the Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1999".

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILCHREST) having assumed the chair, Mr. LATOURETTE, 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. 4193) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes, had come to no resolution thereon.

MAKING NO FURTHER AMENDMENTS IN ORDER DURING FURTHER CONSIDERATION OF H.R. 4193, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. REGULA. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4193, pursuant to House Resolution 504, no further amendment shall be in order in the Committee of the Whole.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GILCHREST). 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.

BARBARIC ACTIONS OF RUTHLESS CASTRO DICTATORSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, we recently marked the sad anniversary of a dark day in the history of human rights and of Cuba, my native homeland.

It was 4 years ago on July 13, 1994 that thugs of the Castro regime purposely attacked and sunk a tug boat filled with Cuban refugees, refugees who were attempting to flee the island in search of freedom and democracy. It was another example, sadly, of the hundreds already available that clearly demonstrate the barbaric nature of the dictatorship that has ruthlessly ruled Cuba for 38 years.

Early in the morning of that day, over 50 Cuban refugees boarded a tug

boat named the "13th of March." They did not know that all along they were being watched by Castro's brutal authorities. After sailing about 7 miles in the the open sea, Castro's gun boats began to repeatedly ram the tug boat filled with mostly women and children, while shooting water guns at the refugees aboard the vessels. Rejecting the pleas of mercy from the refugees, the ruthless Cuban soldiers, acting under Castro's order, continued to ram the vessel until it began to sink, but this was not enough.

While the drowning refugees asked for help, the Cuban gun boats circled around the tug boat wreckage in order to create a whirlpool effect that literally sucked the refugees into the bottom of the sea. As a result, over 50 people were murdered, most of them women and children.

Here are posters, Mr. Speaker, and it speaks volumes when we look at this photograph, and these were young children who were aboard that tug boat, small boys and girls who would never be able to live their lives, and all for the crime of trying to flee the Communist tyranny that engulfs the island of Cuba, and because their parents wanted a better life here in the United States for these children.

Whole families, whose only crime was to seek a new life and freedom, were massacred by the Castro regime. One of the survivors of the attack, Maria Victoria Garcia Suarez, later recaptured this sad incident in an interview. Maria said, "We begged them not to do it, not to shoot more water at us, to stop. There were children aboard, that they were going to kill both them and us. Then we cried out to one boy who was stationed on the bridge of one of the thugs, and we cried at him, that 'Jacobo, don't shoot, don't hit us with more water', and he just laughed saying, 'Let them die.' We cried out, we offered to surrender, but they kept spraying us with the water cannons and bumping against us. Then later, the boat that was on one side, on the right side, hit us hard and we capsized. That's when the boat began to sink on us."

This tragic incident, Mr. Speaker, is not the exception in the brutal history of the Castro dictatorship; it is, sadly, the rule. In the almost 40 years of totalitarian rule, thousands of Cubans just like these small children have been subjected to torture, to harassment, and even to death. The Cuban political prisons continue to be filled with dissidents who fight for freedom and for democracy.

Right now, as I speak, dissidents who dared to publish a document criticizing the Cuban communist constitution and asking for more democratic reforms on the island remain in prison.

□ 2245

Many thought that after the Pope's visit to Cuba, the Cuban dictator would change. But as he has clearly shown throughout his brutal nature in power, he will not change. His only goal is to maintain power at any cost without any consideration for the suffering and the misery of the Cuban people.

The best way to remember the murdered refugees of this sad episode, these boys and girls, Mr. Speaker, is to continue to fight for the freedom of the Cuban people and to let them know that the United States and the United States Congress stand in solidarity with their daily struggle.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING REVISIONS TO THE ALLOCATION FOR THE HOUSE COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 2 OF HOUSE BUDGET RESOLUTION 477

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocation for the House Committee on Appropriations pursuant to section 2 of House Resolution 477 to reflect $355,000,000 in additional new budget authority and $323,000,000 in additional outlays for continuing disability reviews. In addition, revisions to the allocation for the House Committee on Appropriations should reflect $20,000,000 in additional new budget authority and $12,000,000 in additional outlays for adoption incentive payments. This will increase the allocation to the Appropriations Committee to $532,954,000 in budget authority and $563,221,000,000 in outlays for fiscal year 1999.

As reported by the House Committee on Appropriations, H.R. 4274, a bill making appropriations for the Departments of Labor, Health and Human Services, Education and Related Agencies for Fiscal Year 1999 includes $355,000,000 in budget authority and $323,000,000 in outlays for continuing disability reviews. The bill also includes $20,000,000 in new budget authority and $12,000,000 in outlays for adoption incentive payments.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation.

Questions may be directed to Art Sauer or Jim Bates at x6-7270.

RESULTS OF GOVERNMENT MEDDLING IN HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, we will soon pass some type of patients rights bill, and we need to do this. But it is really sad that it is necessary to do this.

Prior to the mid-1960s, medical care in this country was of high quality and very low cost. The cost was low and flat for many, many years. Then the Federal Government got into medical care in a big way and costs exploded and we got things like HMOs.

The government took what was then a very minor problem for a very few people and we turned it into a very major problem for everyone. Almost everyone, with the exception of Bill Gates and Warren Buffett, could be wiped out by some type of major medical catastrophe.

All the government has done is to do what it has always done best, make a very few filthy rich at the great expense to the very many.

Look at nursing homes. Those few who were lucky enough to get into the nursing home business, those favored enough to get nursing home licenses, have gotten rich because of government restrictions on the number of nursing homes and the overregulation that always drives small operators out.

The result: The cost of nursing home care is probably double or triple what it would be if the government had stayed out and had let the free market operate.

Medical care is the only thing we are paying for through a third-party payer system. If we bought cars this way, a Yugo probably would have cost $300,000. When someone else is footing the bill, cost no longer matters and everyone wants the most expensive product or treatment available. Thank goodness most of us are not paying for food through a third-party paying system.

A few years ago, I asked a hospital administrator in my district what would happen if the government got totally out of medical care. He told me that prices would go down 50 percent within days, and probably another 50 percent over the next 6 months. So, they would very quickly be 25 percent or less of what they are now.

Obviously, though, we cannot dismantle this overpriced and unfair system that we have now. Too many doctors, hospitals, and medical businesses would scream to high heaven if we did. So what should we do? Realistically, all we can do is reform around the edges and hope the system does not become even worse and even more expensive.

Medical savings accounts or medical vouchers would help some, because they would give people some incentive to shop around. But what I really want to do tonight is read a portion of a column from yesterday's Washington Post by James K. Glassman, who is consistently one of the very best commentators on the political scene today.

Mr. Glassman wrote, "Employers today foot most of the bills for health insurance, so they determine the policies their workers get. As costs soared in the 1980s, employers turned to HMOs

and managed care, restricting their workers' choices.

"Health insurance policies aren't really 'insurance'; their purpose is to prepay medical costs that are predictable or inexpensive, like checkups and flu visits. This is like auto insurance paying for an oil change. But since Uncle Sam is footing a big part of the bill, it makes sense for health 'insurance' to be all-inclusive, with low deductibles.

"Employees have little incentive to self-ration the care they get. Imagine a tax subsidy for food insurance, provided by your employer. You would naturally buy steak instead of chicken. Soon, however, the insurer would respond by limiting your steak-buying to once a month, or by forcing you to buy all your food at a specific grocery chain with no steak in its coolers. Given this restricted choice, you would probably rush to a politician to complain.

"The solution for health insurance is to end the tax subsidies, which currently cost the Treasury more than $100 billion a year. Instead, give that money back to individual Americans either through tax credits or rate reductions that would leave more money in their pockets. We should probably require everyone to have some type of catastrophic insurance (say, for expenses over $2,500), and the government should foot the bill for the poor through insurance vouchers (like food stamps).

"Then we would have a real market with far less paperwork and with people buying the sort of insurance they really want . . . not just what their employers force them to take. The final insult of the tax exclusion is that it mainly benefits those who need it least. The Lewin Group found that 64 percent of subsidies in 1996 went to families making $50,000 a year or more, while 11 percent went to those making less than $30,000.

"Instead of pandering to fear," Mr. Glassman wrote, "politicians should level with voters. End the tax exclusion and let people buy their own health policies. Insurance companies, which benefit from billions in subsidies, might howl, but choices would broaden, costs would fall, and paperwork would be drastically reduced and the destructive cycle of excess, cutbacks in care, and political intervention would end."

MANAGED CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for half the time until midnight as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I am pleased tonight to be joined by two of my colleagues to talk about managed care reform, the gentleman from Texas (Mr. TURNER) and the gentleman from Pennsylvania (Mr. KLINK).

Before I yield to them, I wanted to talk briefly about the Republicans' managed care reform bill, which to be accurate I like to call the Insurance Industry Protection Act. The reason I bring this up is because it has been noticed to be debated and, theoretically, I suppose approved or disapproved on the floor this Friday.

This Republican version of managed care reform is in my opinion easily one of the worst pieces of legislation the Republicans have put forward since they took control of Congress in 1994.

For weeks prior to the introduction of the Republicans' Insurance Industry Protection Act, supporters of the Democrat's alternative, the Patients' Bill of Rights, were speaking out about what we knew was coming.

What we expected they would do is to introduce a bill that was greatly watered down as a sort of cosmetic fix with regard to managed care reform. We expected the Republican leadership, who really are not interested in passing a managed care reform bill, would come out with a bill that would purport to provide patient protections, but really would not.

The managed care issue, Mr. Speaker, is too explosive for the Republicans to ignore, so they have to at least create the impression that they are trying to rectify the weaknesses in the current system that are leading to the abuses we hear about on a daily basis.

Let me say, we are truly hearing about these abuses daily. One need only turn on the TV, as I did tonight on the 6 o'clock news or pick up the newspaper, and see what I am talking about. In any event, just as we expected, before Congress adjourned for the July 4th recess, the Republicans released a set of principles which they said would all be incorporated into their bill.

Mr. Speaker, these principles confirmed what Democrats expected. The Republican bill was going to be written so as not to interrupt the flow of support streaming into the Republican Party from the insurance industry.

Last Friday, we finally got to see the language, and I think the American people need to know that the Republican Party went far beyond a cosmetic fix. They have introduced a bill that is far, far worse in my opinion than the existing law. Finding themselves caught between the insurance industry and the American people, the Republicans chose the insurance industry.

Now they are gearing up to stuff this bill down the throats of the American people without giving them a chance to look at it. The Republican bill is scheduled, as I said, to be on the floor on Friday.

In order to ensure the American people know as little about it as possible before everyone in the House is asked to vote on it, the leadership has bypassed the committee process. Not one of the three committees that has jurisdiction over this bill has had or will have a hearing on the Republican bill. And I would stress again that the language was only available last Friday.

Because the Republican leadership refused to have hearings on its own bill, this week the Democratic Health Care Task Force held two hearings on this legislation. That was yesterday and today. At these hearings we heard testimony from administration officials, including the Secretary of Health and Human Services, Donna Shalala, and patients who have been abused by HMOs, doctors, and others. These hearings generated some truly disturbing and chilling revelations, I think, about the Republican bill.

Mr. Speaker, I am not going to go into all of those now, because I think we can bring them out this evening as I yield to my colleagues who are here to join me and talk about some of the protections that are missing from the Republican plan, but included in the Democrat's Patients' Bill of Rights.

Also, at some point I would like to talk about the issue of enforcement and how effectively the Republican bill has no enforcement. But at this time, I yield to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for yielding. It is an important evening, though it be a late hour here in this hall. We will be, by all reports, considering managed care legislation on Friday. A very important day for the House, a very important day for the American people. A very important day for the future of health care in the United States.

This is an issue that all of us, I think, take very personally. I, just a few weeks ago, took my father to the hospital because he was having some symptoms of dizziness and the doctor suspected it might be an early sign of stroke. We went immediately out to our hospital and he was given a CAT scan and, fortunately, it was determined that his dizziness was not a result of signs of early stroke.

But I cannot help but think about what it would have been like if my father had been enrolled in a managed care plan, rather than being covered under Medicare. When we found out that he perhaps had an early sign of stroke, we would have been faced with calling our doctor and our doctor then having to call the HMO supervisor or clerk and determining first whether or not that procedure would have been authorized.

It is in those kinds of delays that have been caused so many times in recent reports by many patients who have had unfortunate dealing with their HMO, it is those kinds of delays

that make the difference in life or death.

Mr. Speaker, I am very pleased that we have a bill as Democrats authored by the gentleman from Michigan (Mr. DINGELL), a man who has served many years in this Congress, serving as chairman of the Committee on Commerce, and now as ranking member of the Committee on Commerce, a man who has been a leader in this Congress in providing a responsible managed care legislation.

I had the opportunity, when I was in the State Senate in Texas in 1995, to pass one of the first managed care bills passed anywhere in these United States. Interestingly enough, when we passed it in Texas, it had bipartisan support. In fact, the bill passed both the House and the Senate with relatively little opposition. It was a good strong bill.

In Texas today, we have protection in place and, interestingly enough, we have had no increase in health care premiums as a result of the patient protection legislation that we passed in 1997, which was the year after I initially passed the bill followed by a veto of our governor and then repassage of the bill in 1995.

So we have a good law in Texas. Now, I was surprised to learn just a few years ago that the legislation that we were working on and passed in Texas in 1995, and finally passed in Texas in 1997, does not apply to about half of the people who are enrolled in managed care in the State of Texas. That is because the courts have ruled that the ERISA law, a Federal law, preempts the State legislation that was adopted overwhelmingly by our State legislature.

The reason we are considering this legislation in Congress is because the ERISA law has been interpreted by the courts to exempt all those enrolled in self-insured health care plans that are covered by ERISA, to exempt them from all the patient protections that have been passed in most of our States across our country.

So we here in Congress feel very strongly on the Democratic side that it is wrong to have two classes of patients out there in Texas and the many other States that have passed patient protections. One group of patients who have the protections that were provided by their State legislatures, and the other group of patients who do not have those protections because a Federal court has ruled that their self-insured plan covered by ERISA is not covered by the protections that their legislature has put into the law.

That is why we are here. The Democrats have come up with a bill that provides an answer to that problem. Our bill makes it clear that not only do we provide a clear base of protection in the law for everyone enrolled in managed care, but we provide each State the right to control all of the legal liabilities that relate to providing health care under those managed care plans.

Our bill is a plan that respects States' rights and it is a plan that protects patients uniformly, irrespective of what kind of health care plan that they are enrolled in.

So I think that we have a good bill, one that will stand the test of time, and contrary to the Republican plan will leave two classes of patients out there in this country, one covered by one set of rules that the Republicans want to place on ERISA covered plans and the other patients covered by the variety of State laws that have been passed across this country, but we as Democrats have a bill that will provide every patient the same protection who are enrolled in managed care plans in this country.

Mr. PALLONE. Well, I just wanted to say that my colleague from Texas has brought up a number of really important points here. Number one, the whole issue of costs, we have been criticized, Democrats have been criticized, for their patient protection bill by the allegations by the insurance industry that it is going to cost a lot more money.

The gentleman points out that in Texas, there has actually been no premium increase. We had a report from the Congressional Budget Office that just came out a couple of weeks ago on our Democrat bill that said that even if everything passed and our bill was law, at the most, individuals would pay only about two dollars more per month for the patient protections that are so important to the American people.

The other thing the gentleman pointed out is that we have, in effect, now, these two regimes, if you will, for people who are in ERISA and they are working for an employer that has a self-insured plan, which now preempts, the Federal law preempts it, and those people are not coming under ERISA.

One of the things that is important is some of the proposals put forward by the Republicans, particularly the Senate proposal, actually does not even provide the patient protections if you are not under ERISA. So for those people who live in States other than Texas, that do not have the patient protections, they are not even going to get the patient protections if they are not in an ERISA self-insured type program.

The other thing I wanted to say that the gentleman really brought out, and I think it is very important, too, is this whole issue of enforcement. We have been criticized by some of the opponents of managed care reform and they have said, well, the only difference or the only thing the Democrats want to do is they want to eliminate the ERISA exemption on the ability to bring suit, because under ERISA you cannot sue effectively for damages or to really recover the damages or the fact that you were not able to work or that you basically had a number of losses, you cannot bring a suit if you are under an ERISA plan because of the exemption from liability.

What I wanted to point out is that if we do not repeal that ERISA exemption on liability, there is not going to be any effective enforcement of these patient protections.

One of the criticisms I have is that under the Republican proposal in the House, basically not only do they not permit you to sue, they do not repeal the ERISA exemption on the ability to sue, but they also say that for individuals who have to buy the insurance in the individual market and not through a group plan, that they do not even have access to an appeal procedure where if they have been denied proper care, they do not even have a way of taking the appeal of that decision under the Republican proposal.

So the Republican proposal in the House, on the one hand, excludes a lot of people from any kind of appeal if they have been denied coverage. It does not allow a lot of people to bring suit, if they are covered under ERISA, and essentially there is no enforcement. So there are tremendous loopholes in this Republican plan that we need to address and it is one of the reasons why we have been so critical of it.

At this point, I yield to the gentleman from Pennsylvania (Mr. KLINK), who is on the Committee on Commerce and has been really outspoken in bringing his concerns about managed care home to his constituents. I know the gentleman has had a lot of forums and he has heard a lot of horror stories over the last 6 months.

Mr. KLINK. The gentleman from New Jersey is right. I want to thank the gentleman from New Jersey for his leadership on this issue. He has been here relentlessly, tirelessly, night after night, day after day, as he has been in the Democratic hearings, as he has been in talking with Members on both sides of the aisle trying to educate Members on this issue, and I think you are to be lauded, regardless of what comes out of the effort by either party. The gentleman has worked very hard on this issue.

Before I get to my comments, I think I want to get to what the gentleman from New Jersey and the gentleman from Texas (Mr. TURNER) were talking about. We sometimes start talking in alphabet soup terms in Washington, D.C. We talk in acronyms because it is the way the bureaucracy operates. We do not have time to say these long names and so we shorten it to the acronym, and ERISA is a very confusing acronym because it is a very complex law.

Anyone who knew this law inside and out would make hundreds upon hundreds of thousands, if not millions, of

dollars each year consulting with companies. It is the Employee Retirement Income Security Act, and that is why we call it ERISA. It deals, as the gentleman from New Jersey and the gentleman from Texas have stated, with multistate employers, usually self-insured, companies like General Motors, Ford, Chrysler, IBM, Westinghouse Electric, Pennsylvania Plateglass. All of these large multistate employers, because they are located in more than one State, do not come under a State insurance commissioner. They come under the Federal Government.

In coming under the Federal Government, the judges, as was stated by my two colleagues, have determined that because of the ERISA law, because of this long named law, you cannot sue those insurance companies when they make a medical decision. If they deny you access to a hospital and you drop over dead, you could only retrieve from them the cost of the time you would have been in the hospital, or if they discharge you from the hospital early and you die or you lose a limb, you cannot get the cost of the damages for the loss of life or for the limb that you have lost. You can only get the 2 days that they denied you to be in the hospital. How ridiculous that is.

The Democratic plan says, that is ridiculous. If you are going to make medical decisions, then you should be liable when those decisions are wrong. You should not be the callous kind of person that says, you have no choice. We are making the decision. I am looking at a set of figures here. You do not go to the hospital, unless you are willing to pay the piper when that decision is wrong.

The Republican plan does not fix that. It does not make people who are making medical decisions, even though they may not be medically trained, because they work for insurance companies, it does not make those insurance company personnel responsible. Then, what the Republican plan further does, which the gentleman from New Jersey, I thought, explained very well, it only relates to those employers who come under ERISA plans, those multistate employers.

If you work for a small company, if you are self-employed, if your employer is within one State where you come under that State insurance commissioner in all 50 states, you get no protection from the GOP plan at all. This plan is left wanting on both ends, and that is the difficulty.

My problem with this is that this whole managed care debate is life and death. It is a life and death decision.

I can remember back in 1993 and 1994, my friend, the gentleman from New Jersey, was here with me and we were trying to work on tackling this issue. I was not a proponent at that time of the Clinton plan, although I thought we needed to do something. I was at that time for more of a, let us try this and then we will do this. I did not like the whole omnibus idea, but what happened is something that is happening now and we have to learn from history, and that is the insurance companies took to the airwaves of this nation, spending tens of millions of dollars, saying, you do not want the Federal Government to have control of your insurance and, lo and behold, the people of America listened to all of those Harry and Louise ads and we said, I guess we do not want the Federal Government.

Why would we want the government involved in our health care, not stopping to think that Medicare, which seems to work pretty well, which is run by the government, is controlled by the same government.

□ 2310

But nobody put two and two together. Very few people did. And so the insurance companies won, the Clinton administration lost, and life went on, except life did not exactly go on. Because the insurance companies now have control over the health care delivery system of this Nation. It is not big government, it is big business. And decisions are being made not for health reasons but for reasons of increasing the profits of those people who invest in or who manage those insurance companies. That is how the decisions are being made today.

I began early last year in a small town called Slickville, Pennsylvania. Because I could not talk my Republican colleagues into holding hearings on this matter, we went to the tiny town of Slickville after hearing horror stories from doctors who could not treat their patients anymore because they could not be included in the HMO, after hearing from patients who no longer could go to their doctors because their doctors were not in the HMO and they had no choice, by the way, because their employer took the HMO. It was not like they had a choice to go out because they could not afford to go outside the employer plan. But now they could not go to their own doctors and they could not go to the hospital of their choice and they could not go to the pharmacist of their choice, they could not get the drugs that their doctor was recommending for them. They had all kinds of problems. We began over 60 hours of hearings. We heard horror stories which told me one thing. The people of this country were aware of what happened since the failure of the Clinton plan until now, they knew there was a problem, but inside the Beltway, the people running the House of Representatives here did not understand it, and I think to this day as they try to ram a bill that is horrible, without hearings, down the throats of this Congress and the American people, they still do not understand. They still do not get it. I will tell you, people know they are getting a raw deal. They know what is happening when the insurance companies force them to go through a series of hoops with the hope that somewhere along the line they will just give up and not fight anymore for the treatment that they should get. They know they are getting a raw deal when they cannot even get good information about what it is their insurance covers in the first place. And when their doctor has only two minutes to see them because they have to see so many more patients under managed care. Or when they cannot go to see a specialist that they may have been going to for years without having to go across town or to a different town to get a referral from a primary care physician. And they know they are getting a raw deal when they get these ridiculous bills from their insurer because they fell down unconscious and they failed to call the HMO for authorization when the ambulance then picked them up and took them to the nearest emergency room. Or they know they are getting a raw deal when they get kicked out of a hospital the day after major surgery even though the doctor says you need to stay in this hospital. And they know they are getting a raw deal, they know that something really bad is happening because care was denied and they discovered the health insurers are about the only type of business in this country that cannot be sued for pain or suffering when they make a decision.

The Democratic Patients' Bill of Rights has answers for all these problems, but regrettably the Gingrich plan does not. It is that simple. One of the women, and really this is a horror story that we had, Mrs. Bloise from New Castle, Pennsylvania, her daughter came to see us in New Castle. It turns out her mother was admitted to a great hospital, the Cleveland Clinic, on December 13 of last year for surgery on her esophagus. By all accounts the surgery was very successful. But it was major surgery and it required a degree of postoperative attention.

What happened is really beyond my comprehension I would say, Mr. Speaker. Even though she wanted to stay in the hospital after the surgery, and her family wanted her to stay in the hospital, and her doctor wanted her to stay in the hospital, Mrs. Bloise was discharged two days after major surgery on her esophagus over the objection of her family, her doctor and told she would have to come back two days later. But she was too sick to travel hours away from the Cleveland Clinic to New Castle, Pennsylvania. She was in no condition to travel. A day and a half after traumatic surgery, she was discharged and told she would have no choice but to stay at a hotel room across the street from the Cleveland Clinic and wait for her appointment

two days later. Well, they did not have to worry about paying any more of Mrs. Bloise's hospital bills because she died in that hotel across the street from the Cleveland Clinic.

Now, our dear friends in the insurance companies, they hear these stories, they say, "Well, this is just anecdotal." When you get this many anecdotal stories in 60 hours of hearing in my district alone, something is wrong in this country with our health care delivery system and people are dying. And we are not just saying this because it sounds good, we are saying it because it is true and they are our constituents, they are our family members. Not one person that any of us, Republican, Democrat, Independent, Communist, Socialist, Green Party, not one person that we know, not one person that we talk to does not know someone who has not had a raw deal from the insurance companies. They now control health care. The Democrats want to change that. The Republicans, now wedded to the insurance companies, want to keep it business as usual. That is what they are going to try to do this Friday and it is a shame.

How in the world, and I am a pro-life Democrat, but I am going to tell you something, I do not know how my friends on the pro-life side on the Republicans can say they are pro-life when they want this kind of loss of life, this kind of pain and suffering to continue day in and day out and they do not want to stand up to the insurance companies and do something about it. You cannot be pro-life until the child is born and then from that point on through their life when they are fighting to see doctors, when they are fighting to get medical care to save that life you turn your back on them. That is exactly what is happening.

Mr. PALLONE. I just want to thank the gentleman again for his contribution here tonight, because I know how strongly he feels about this. He has all these cases. He has really spent the time in his district giving forums and opportunities, if you will, for individuals to come forward and talk about these abuses. We know how many there are.

I just wanted to say briefly and then I will yield to the gentlewoman from Michigan. One of the major problems with the Republican bill is that when I talk to constituents and when I get feedback from different individuals, what they really want, most importantly, is the return of medical decision-making to patients and health care professionals, doctors, and not have medical decisions made by the insurance companies. The worst part I think of the Republican bill, the House bill and the Senate bill, is that it allows the insurance company, the HMO, to define medical necessity, so that we as Democrats have said that what we want to do is switch this whole phenomena so that the decision about whether or not you are going to be able to stay in the hospital a few more days or whether you have a certain medical procedure is made by the patient and the doctor.

Well, if you leave it as the Republican bill does, if you leave the definition of what is medically necessary to the HMO, you do not have any patient protections. This is what I have been trying to say the last few days when this Republican bill was finally revealed last Friday, that it actually does not move us forward at all in terms of patient protections. This is one of the major reasons, because the definition of what is medically necessary is still going to be left up to the HMO.

I just wanted to mention a few things briefly, because I do not know that we have specifically talked about some of the differences in terms of the actual patient protections. One is what I have mentioned, the protection of the doctor-patient relationship. It is still denied essentially by the Republican plan. The other is access to specialists. The Democratic plan lets you go to a specialist outside the network if there is not one available within the HMO network. The Republican bill does not allow that. The Republican bill does not do anything in terms of coverage of mastectomies and requirement of coverage for reconstructive surgery. In other words, in our bill, we have a prohibition on the drive-through mastectomies and we require coverage for reconstructive surgery after a mastectomy. This is a very important provision that we have talked about for some time that is not in the Republican bill.

Point of service. A big issue for a lot of Americans is the ability to go outside of the HMO network and see a doctor outside the network even if they have to pay a little more if they want to do that. What the Democratic bill says is if your employer only offers you an HMO, a closed panel HMO, for only doctors or hospitals within the network, he also has to offer you initially the option of going outside the network if you are going to pay a little more. Well, in the Republican bill, they have so many loopholes in their point of service option that it might as well not exist. They say that there is an exemption for these new health insurance pools, there is an exemption if the employer does not want to contract with a plan to provide the point of service. They might as well not have anything.

□ 2320

I mean, they have so many loopholes it is incredible. So there is no point of service. There is no option, really, to go outside of the plan for a doctor or a hospital under the Republican plan.

Under emergency care, we of course require that you would be able to go to any emergency room. You do not have to go 50 miles away. You do not need prior authorization because we have what we call a prudent layperson standard. If the average person thinks that this is an emergency, then they go to the local emergency room and they do not need prior authorization; otherwise, it is not an emergency.

In the Republican plan, again, they have so many loopholes. They say that severe pain is not a standard that a reasonable person could apply and go into the emergency room. So if you think you are in severe pain, and that is the reason you go to the emergency room without prior authorization, it turns out you did not have a problem, then they are not going to pay for it, because your basis was going there with severe pain. I can go on, and I do not want to because I think we can bring some of these things out.

Essentially, there is no progress on the issue at all with the Republican plan. It is not a meaningful way to move forward at all on the issue of managed care reform.

Mr. Chairman, I yield to the gentlewoman from Michigan who, again, has been outstanding on this issue and has been getting a lot of input back from her constituents on the need for this Democratic proposal.

Ms. STABENOW. Mr. Chairman, I thank my friend, the gentleman from New Jersey, and to echo what all of my colleagues have said for all of his hard work, he has been a wonderful leader and he has been here many, many late nights. We are all here late tonight, because we care very much about this issue, and he has been here many, many late nights.

Today, we are here as Democrats from New Jersey to Pennsylvania to Texas to Michigan. I do want to start, though, by saying that, most importantly, we are here as Americans who want to allow every one of our families to be able to participate in what is the best health care system in the world.

How ironic that we have the best health care, and, yet, people cannot receive the best health care because of the ways systems have been set up.

We do not want to be here talking about Democrats versus Republicans. We want to ask them to join us. Unfortunately, it has become an issue separating us because of whose interests we are reaching out to protect, American people wanting health care or those who benefit, the insurance companies who are benefiting by the current status quo.

I want to share with my colleagues this evening just one letter of many that I have received from families in Michigan. This speaks very much to the issue of emergency room care as well as a number of other issues that have been raised this evening. This is from a constituent of mine.

"My husband was working on a job when he had a chain saw kick back and

cut into his lower left leg. He was rushed to the nearest hospital where he was immediately put into a trauma unit where the doctors began assessing the damage and preparing a medical plan of action. The chain saw stalled in his tibia bone after severing all the muscles, veins, and nerves in his lower leg.

"The hospital's plan was to take him to an operating room, with an orthopedic surgeon, vascular surgeon and a neurology surgeon. Per my health insurance card's instructions, the hospital personnel contacted my HMO who insisted that my husband be transferred to another hospital. The physician in charge did not agree, claiming the accident was too severe to move him. The HMO clerical claimed that, if treated, the HMO would not pay the bill.

"The ambulance drivers were instructed to leave my husband on a gurney by the door at the second hospital, where he remained for 9 hours without any pain medication. He was not even given any ice to put on the wound. We finally saw the emergency room physician after 9 hours and after my husband tore a phone out of the wall and threw it on the floor" due to his severe pain.

"Eventually, my husband was given nine loose stitches in his leg, put in a cast, and sent home after laying in his filthy, wood-chip covered clothing for 28 hours" in the emergency room. "He never received any surgery", which was recommended, and "is now in constant pain from permanent nerve and vascular damage, which were both medically repairable during the first 24 hours following the accident.

"We have found a physician who is willing to attempt some orthopedic repair. This has taken all of our savings because he is not in the 'network'" of the HMO.

"This corporation has been allowed to hold my family prisoner for 12 months. The lack of medical care they have provided has cost my husband a normal life. We have since lost our business and are trying to sustain our family of four on one income."

This is a situation that should never happen in the United States of America. There is absolutely no reason why this gentleman was not treated immediately in the emergency room with the care that he needed which was recommended by the doctor in charge.

Our bill, the Patients' Bill of Rights would reinstate that critical relationship between the physician and the patient. Instead, the Republican leadership bill would do little to protect the family that I just talked about.

As my colleague, the gentleman from New Jersey, talked about earlier, the whole issue of referring to severe pain as well is excluded from their bill in terms of defining when you can receive care in an emergency room. In fact, what we are talking about is the medically sound advice of a doctor, such as the doctors in the emergency room that I just talked about, being able to treat someone without having to look to an HMO that is not in the best interest or used in the best interest of the patients involved.

Let me just say, in conclusion tonight, that we are fighting for that woman, that family that was in that emergency room, and all of the other families across America that want very much, that expect in this country to have the quality health care that they need for themselves and their families.

Ms. MILLENDER-McDONALD. Mr. Speaker, I would like to join my colleagues tonight in explaining to the American people what the Republican leadership is doing—as opposed to claiming to be doing—to address a disturbing trend in the nation's health care system.

We have heard story after story of how doctors have recommended certain medical procedures and health insurance companies have claimed that it is not necessary and not covered. We have heard over and over again about women who have not been allowed to have their gynecologist serve as their primary doctor and instead, have been forced to waste time and money visiting their primary doctor each time they need to see their gynecologist. We know the same treatment occurs when patients seek specialists and are instead dragged through a painfully slow process of going to their primary care physician every time they need their specialist. This has resulted in delayed treatment and even in the loss of lives.

One issue on which I have worked extensively is creating more opportunities for children and those in need to receive bone marrow transplants. Although most health insurance companies claim that they cover bone marrow transplants, in reality, few cover the complete cost involved in saving a child's life. Every year in this country, 30,000 people are diagnosed with diseases such as Leukemia and Sickle Cell Anemia that can be successfully treated with a bone marrow transplant. The marrow transplant procedure is no longer considered an experimental procedure.

It has been peer-reviewed in numerous professional medical journals, which is the basis for determining "medically appropriate" care that will be covered by insurance plans. Beyond meeting this standard, bone marrow transplant searches and procurement from donors must be covered as well in order to truly save lives.

Bone marrow transplants are just one example of a clearly life-saving and medically appropriate and necessary procedure that needs to be covered by health insurance companies.

The Republican bill leaves medical decisions in the hands of insurance company accountants and not in the hands of those who know best: the doctor and patient.

The Republican bill does not ensure access to specialty care; does not prohibit HMOs from offering bonuses to doctors for denying necessary care; does not prohibit drive-through mastectomies; and perhaps, worst of all, the Republican bill does not hold the health insurance plans accountable when abusive practices kill or severely injure patients.

Despite what those who would rather squander extra dollars for the health industry say, these protections would not result in a significant increase in costs. A recent congressional study concluded that the right to sue, which is in the Democratic Patients' Bill of Rights bill, would result in only an extra $2 a month per employee.

These are just some of the 16 protections that are missing from this Republican fig leaf of a bill that are included in the Democratic Patients' Bill of Rights bill. The Republican bill flies in the face of those lives who have been lost or severely impaired by an incomplete, unfair and sometimes ruthless HMO system. This legislation is seriously flawed not only because it is extremely partisan and has completely circumvented the legislative process, but also because it does little to resolve some of the most daunting problems facing Americans today.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order.

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

There was no objection.

ISSUES OF HIGH NATIONAL IMPORTANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia (Mr. BARR) is recognized until 12 midnight as the designee of the majority leader.

Mr. BARR of Georgia. Mr. Speaker, I would like to spend a few moments this evening engaging in what we used to as children called paint by numbers. The Speaker may recall those paint by numbers where, when you open a box of that paint by number, you are basically presented with what appears to be an incoherent picture, white with some black lines on it and some numbers. Only as you fill in the numbers so designated at some point does the full impact of that picture really become clear.

The paint by number picture about which I speak tonight has to do with fundamental constitutional powers such as separation of powers and other very clear concepts and philosophy and powers designated explicitly or implicitly in our Constitution, in other words, very, very grave issues of high national importance.

The picture being painted by the administration is not one that is being painted directly through the normal time honored and constitutionally sound process of proposing legislation, fully debating that legislation, holding

hearings on that legislation, making changes to that legislation, further debating that legislation, allowing Members and, indirectly, the American people to vote on that proposed legislation, reflecting their will, their desires, their needs, that is the will, the desire, and the needs of the American people, and then having a similar process of public vetting, as it were, take place in the Senate.

Then and only then would the President as the Chief Executive Officer of this country either approve or veto that legislation at which time, if it is signed reflecting, one presumes, the desires of the Chief Executive would it become the law of the land.

□ 2330

It would be, thereafter, subject to whatever scrutiny those who object to it, who might object to it, would raise through our court system.

That is how the system ought to operate. And whether each one of us agrees or disagrees with any particular laws so passed and so signed by the President, at least we have had the opportunity and the American people have had the opportunity through their representatives in this representative democracy to have input, to have an impact, and to understand what it is that is being proposed to ensure to the greatest extent possible that it reflects their views, their needs and their desires. That is the way it ought to be. That is the way normally it is.

Over the course of our Nation's history, we have had dozens of presidents. By and large, each one of them has respected that process. They understand that process, and they abide by that process, because they know it is essential to the fabric and the continuing of this great country.

Unfortunately, Mr. Speaker, what we have currently is something quite different. We have an administration that is attempting to govern by executive order and rules and regulations; attempting to come in through the back door, as it were, when the front door has either not yet been opened or deliberately closed shut by the people's representatives in this great body.

When you see these numbers being filled in, Executive Order 13083, for example, it does become frighteningly clear what is happening in America through essentially a subversion of the process of governing laid out in our Constitution. I would like to mention briefly, Mr. Speaker, just a few examples of this process, or lack of process, this evening.

Let us start with the big picture. Federalism, that concept embodied in our Constitution and honed to a fine art through decades upon decades of activities here in this body and our sister body across the Capitol and at the other end of Pennsylvania Avenue and, indeed, as well through the court system.

On May 14, 1998, perhaps just by coincidence while he was outside the continental United States of America in England, President Clinton signed Executive Order 13083, on May 14, 1998. This is an Executive Order entitled simply "Federalism," similar in its title and in its prefatory language to an Executive Order issued 11 years ago, in 1987, by President Reagan.

There the similarity ends. The Executive Order on Federalism issued in 1987 by President Reagan was a blueprint that was consistent in every respect with the concepts of Federalism embodied in and contemplated by the founders of our Constitution, our Founding Fathers.

It basically served over the course of the last 11 years to set forth a policy of the Executive Branch of government that unless there was a specific power on which any and all Federal agencies or departments could base prospective action involving powers normally granted to, subsumed by or exercised by state or local governments, then, in the absence of such clear express authority, President Reagan's Executive Order directed that the agency or the department contemplating such action should not and would not move forward with it. In other words, it was a limiting Executive Order.

What we have, Mr. Speaker, in Executive Order 13083, signed on May 14, 1998, by President Clinton, is an Executive Order that, while it purports to embody concepts of Federalism similar to that put forth by President Reagan, it does exactly the opposite.

Executive Order 13083 is a blueprint providing justification for any agency or department of the Executive Branch to involve itself in any activity, particularly those normally subsumed by or exercised by state or local governments, so long as that proposed activity falls into one of nine categories of activities that are so broad as to encompass virtually any activity any administration would want to involve itself in.

For example, number one, when the matter to be addressed by Federal action occurs interstate; two, when the source of the matter to be addressed occurs in a state different from the state or states where a significant amount of the harm occurs; three, when there is a need for uniform national standards; four, when decentralization increases the costs of government; five, when states have not adequately protected individual rights and liberties; six, when states would be reluctant to impose necessary regulations because of fears that the regulated business activity will relocate to other states; seven, when action would undermine regulatory goals; eight, when the matter relates to international obligations; and, nine, when the matter to be regulated significantly or uniquely affects Indian tribal governments.

One does not have to be either a rocket scientist or a learned constitutional scholar to conclude very quickly that this list of nine categories of proposed Federal activity would encompass anything any administration would want to encompass. It goes far beyond, both in its express terms as well as in its implicit powers, beyond any powers contemplated to be granted to the Federal Government in the Constitution, far beyond even the very expansive notions of interstate commerce that have been used as an almost universal hook on which to impose Federal action in recent decades.

This Executive Order, unless stopped by the courts or by Congress, goes into effect August 12, 1998. Legislation though has been introduced by myself and others, H.R. 4196, the State Sovereignty Act of 1998, that would stop this Executive Order.

Let us erase at least those numbers "13083" from this paint-by-number process that we see this administration trying to sneak through on to the American people, our states and our local governments.

There is another Executive Order to which I would draw the Speaker's attention, signed exactly two weeks after the Federalism Executive Order. This one was signed by the President, numbered 13087, on May 28, 1998.

While this one is much shorter and more direct and limited in its scope, it reflects either a gross misunderstanding of the purpose and proper role of an Executive Order, or, again, a back door effort to subvert the normal process of legislating and governing in America.

This Executive Order, 13087, provides that sexual orientation shall be for Federal employment purposes and all other activities of Federal agencies or departments a protected category of activity.

□ 2340

It does this by amending Executive order number 11478 signed in August of 1969 by former President Nixon, which had to do with affirmative action in Federal agencies and departments. Therefore, through the Executive order signed by President Clinton on May 28, 1998, providing for sexual orientation as a protected category of activity for all Federal purposes by inserting that provision into the prior Executive order signed by President Nixon under this new Executive order, there will be an affirmative action program for sexual orientation in Federal agencies and departments.

This, despite an expressed decision by the Congress of the United States not to pass legislation that would purport to make sexual orientation a protected category activity, and despite the fact that the Supreme Court of the United States has consistently refused to find or to grant a protected category for sexual orientation.

Those who support this Executive order claim it does not mandate an affirmative action policy, but it does. The expressed terms of the Nixon Executive order, for example, and I quote, "To promote a continuing affirmative program in each executive department and agency." And further, in its section 2, quote: "The head of each executive department and agency shall establish and maintain an affirmative program of equal employment opportunity for all civilian employees and applicants for employment within his jurisdiction."

That was the affirmative action Executive order which now, by virtue of a stroke of the pen by President Clinton, includes and mandates sexual orientation as among its protected class of activity.

Further, and even more unfortunately perhaps, Mr. Speaker, is the fact that this latest Executive order is poorly crafted, perhaps on purpose, perhaps simply by haste. Regardless of why, it is a very poorly crafted Executive order, because although its subject matter is sexual orientation as a protected class of activity, nowhere in it does it define what sexual orientation is. Nowhere in the United States code is there a definition of sexual orientation.

One week ago, Mr. Speaker, when we had the opportunity to talk with the acting Assistant Attorney General for Civil Rights, Mr. Bill Lann Lee, I asked him if he could define for us sexual orientation in the context of this Executive order or other matters within the jurisdiction of the Department of Justice. He could not. I asked him again today in hearings before the Subcommittee on Crime of the Committee on the Judiciary in the context of the next matter I will speak about if he could define sexual orientation. He made a stab at it, but he could not. Yet, we now have an Executive order that mandates sexual orientation as a class of activity for all Federal purposes and makes it a requirement that every Federal agency or department establish and maintain an affirmative action policy relating to that protected category of activity, yet it does not define what it is. Is this a recipe for mischief, or what? Yet Congress has had no say-so, nor have the American people had any input, into this legislation by Executive order.

Let us, however, assert our proper responsibility role, power and jurisdiction under the Constitution, and by legislation mandate that this Executive order not go into effect. Let us at least erase those colors from the paint-by-number drawing that this administration is forcing on the American people.

Thirdly, and related to that prior Executive order on sexual orientation affirmative action, Mr. Speaker, is legislation being supported without any hesitancy whatsoever, in the words of acting Assistant Attorney General Bill Lann Lee today, that would establish a new category of Federal crime, so-called hate crimes, which would include as a Federal hate crime harming somebody because of their actual or perceived gender or sexual orientation. Nowhere in the legislation or in the code is there a definition of either of those terms. Yet, this administration would saddle United States Attorneys all across this country, and certain Federal agencies all across this country, already overburdened in their efforts to protect the American people from legitimate crime, to now take from their precious resources and overburdened staffs personnel and resources and time to try and figure out what is a crime involving activity based on perceived sexual orientation.

This legislation should be defeated. If we do not, then I feel fairly confident the courts will, because of vagueness and other infirmities in its terms, but here again, Congress has expressly refused to recognize, as have the courts, so-called sexual orientation as a protected category of activity, and this administration should not be allowed to move forward in this backhanded, back-door way of subverting the will of the people of this country.

The gentleman from Arizona has joined us.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Georgia for the concerns he has brought to light this evening. As I watched on our television system while I was making calls to constituents in the 6th district of Arizona, I could not help but note that the very concerns the gentleman from Georgia outlines were raised with me this past weekend back in the 6th district.

I had occasion to visit Arizona's pleasant valley, the small town of Young, Arizona for their annual Pleasant Valley Days parade, and then Saturday evening in a neighborhood townhall meeting in Mesa. Many citizens of the 6th district raised these precise concerns. And regardless of philosophical orientation, what the gentleman from Georgia points out tonight is absolutely correct, because in this Chamber and indeed, Mr. Speaker, throughout this government, there needs to be a reverence for and an adherence to the Constitution of the United States, which properly notes that the powers this government derives is conferred upon it by the people, and accordingly states that it is the legislative branch which has lawmaking authority, and the executive branch the responsibility to execute the law.

So this transcends political philosophy, for it is a question of constitutionality, and those who would seek to usurp in the executive branch the powers rightly conferred by the people on the legislative branch of government are treading on dangerous ground.

□ 2350

I almost hesitate to use the term, for it sounds very strong. And yet this is what it in effect is. It is a subversion of the intent of our Founders to have those in the Executive Branch attempt to legislate by Executive order.

I would say, Mr. Speaker, this holds true regardless of party affiliation. For whatever reasons, those tempted in the Executive Branch to attempt to subjugate the American people to their visions and designs, independent of what the Congress of the United States says, and indeed in direct opposition to what the Congress has specified through the votes of the duly elected constitutional officers in this body and in the Chamber opposite who serve in the legislative branch.

So, Mr. Speaker, on behalf of many citizens of the Sixth District of Arizona, I rise to take to the well of the House to commend the gentleman from Georgia for properly pointing out that there are serious questions about the entire notion of Executive orders, and especially those which he has outlined here this evening. Again, concerns that transcend philosophical differences and go to the very fabric of our constitutional republic and the powers conferred upon us by the people through their expressions at the ballot box.

That is why I look forward to joining with my colleague from Georgia and others in this body to reaffirm what the Constitution sets up. That this body is set aside to deal with legislative remedies and law making. And that the Executive Branch exists to execute the laws passed in the Legislative Branch. And that, of course, our friends in the Judiciary, in that third separate but coequal branch of government, have the right to interpret and through judicial review determine the constitutionality of many different actions.

I share the concern of the gentleman from Georgia that the propensity for and the temptation of Executive orders seems to have run rife through this administration. That in the wake of the ground swell of popular support for a new conservative majority, there seem to be those in this city, located at the other end of Pennsylvania Avenue, who would move to ignore the will of the people as expressed by the duly elected constitutional officers.

So, again, just as I heard Saturday afternoon in Young, Arizona, and Saturday evening in Mesa, Arizona, I rise to compliment the gentleman from Georgia, to pledge publicly that I will work with him because the people have this concern. And as Dr. Franklin said to a bystander, "Here, sir, the people govern."

Not the executive, but the people working their will through their duly elected constitutional representatives.

Mr. BARR of Georgia. Mr. Speaker, reclaiming my time, I thank the gentleman from Arizona, although his presence here this evening and his words are not surprising to me. He is say well-known champion of the Constitution and is a tireless and very eloquent advocate for its principles. I appreciate his support and his words which he speaks many times from the well of this House, and in his district.

If I might, Mr. Speaker, two other quick examples, and there will be more to be sure in succeeding hours here on the floor of this House, because the issues are more important, much more important than can be dealt with in one evening's discussion.

Many of us have heard for quite some time, I know the gentleman from Arizona has as well, of a national ID, a national identification card. "May we see your papers, please?" Yet up to this point, that really has been a theoretical discussion.

Well, it is theoretical no longer. By rules proposed in the Federal Register on June 17, 1998, the public comment period for which will end on August 3, 1998, the Federal Government is setting in motion a comprehensive and very proactive policy and mechanism for the establishment of a single national identification card.

Now, one might think, well, that would be something that would be subject to great discussion and debate and would certainly be something, because of its importance and its legal ramifications, something that would be sponsored by the Department of Justice or the FBI. Not so. It is being sponsored and implemented by an agency well-known to everybody with clear jurisdiction over such key judicial and constitutional matters as this, by the National Highway Traffic Safety Administration.

Time will not permit, Mr. Speaker, to go into all of the details of this. I will at a future date. Suffice to say that in the numerous pages promulgated in the Federal Register on June 17 of this year by the National Highway Traffic Safety Administration, is a comprehensive laundry list of all of the specific information and indeed the format in which that specific information shall be included in a national identification card. At its core will be the Social Security number.

This has been followed up already, Mr. Speaker, by another proposal which is becoming known to those citizens, such as the gentleman from Arizona, who are concerned about privacy rights, separation of powers and other constitutional principles, the national health identification card or health identifier.

We do not need to use our imagination to know exactly where this leads us. We need only to look at our friends across the Atlantic Ocean, Great Britain. During the Christmas holidays this past Christmas, Prime Minister Tony Blair instituted by executive fiat, similar to his friend here in Washington, the President of the United States, a national identification card which is called, oh, so benignly, a Smart Card. And this is simply a prelude to a European identification card for the European Union, which will then become part of what many would hope and envisage as an international identification card.

Lastly, the Second Amendment well-known to at least most of us in this Chamber preserves for the American people expressly in our Constitution the right to keep and bear arms. Also expressly embodied in our Constitution is the principle that only the House of Representatives shall have the power to levy taxes. Yet what the FBI has proposed again in proposed rules and regulation, not legislation subject to full, open, and fair debate and voting by the American people through their representatives, but through rules and regulations, the FBI is proposing a gun transfer tax.

Moreover, Mr. Speaker, and I know this is of concern to the gentleman from Arizona whose citizens cherish not only the Second Amendment but the entire Constitution, the FBI is also proposing to begin and maintain a registry of all law-abiding gun owners in this country.

We have legislation, H.R. 3949, that would strike the proper balance and rescind and stop this unconstitutional power grab. I urge, as I know the gentleman from Arizona will, support for this so that here again we do not allow those numbers to be painted in through the unconstitutional colors of this administration.

In closing, if I have any time I will yield to the gentleman from Arizona, but in closing, let me do something that I purposefully did not do at the beginning of this discussion about paint by numbers. Let the American people understand and know what the title is of this paint by numbers being proposed by the Clinton administration. It is abuse of power.

There is a remedy for that, which we may indeed get to in this Congress. But let us begin now through legislation and the light of day and stopping these unconstitutional moves by this administration.

Mr. Speaker, I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Georgia, and again it is almost as if my friend joined me in Arizona this past weekend, because these exact concerns, enumerated here on the floor by the gentleman from Georgia, were exactly the concerns I heard not only from the two groups with whom I met personally, but on talk radio in the Phoenix market and in a variety of different venues.

I would certainly commend the comments of the gentleman from Georgia, and also point out to the gentleman and to our other colleagues, Mr. Speaker, that the gentleman from Pennsylvania (Mr. GEKAS) and I have prepared legislation that again amplifies the Constitution, that the sole power to tax resides here in the House of Representatives, not with any bureaucratic organization or organization of the administrative branch.

Mr. Speaker, I yield back to gentleman from Georgia.

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman from Arizona and look forward to further discussions on these very important matters.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Florida (at the request of Mr. ARMEY) for from noon on July 21, and for today and July 23 and 24, on account of personal reasons.

Mr. SERRANO (at the request of Mr. GEPHARDT) for Thursday, July 23, on account of family business.

Mr. FORD (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. GREEN (at the request of Mr. GEPHARDT) for after 4:30 p.m. today.

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. PAPPAS) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PAPPAS) and to include extraneous material:)

Mr. HAMILTON.

Mr. KIND.

Ms. PELOSI.

Mr. MURTHA.

Mrs. CAPPS.

Mr. KANJORSKI.

Mr. ORTIZ.

Mr. BARCIA.
Mr. BLAGOJEVICH.
Mr. TRAFICANT.
Mr. STARK.
Mr. SANDERS.
Ms. HOOLEY of Oregon.
Mr. LIPINSKI.
Ms. JACKSON-LEE of Texas.
Mr. CONYERS.
Mr. VISCLOSKY.
Mr. MCDERMOTT.

(The following Members (at the request of Ms. ROS-LEHTINEN) and to include extraneous material:)

Mr. HAYWORTH.
Mr. ENSIGN.
Mr. LEWIS of Georgia.
Mr. DUNCAN.
Mr. WELLER.
Mr. MCCOLLUM.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On July 21, 1998:

H.R. 2676. An act to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes.

H.R. 1439. An act to facilitate the sale of certain land in Tahoe National Forest in the State of California to Placer County, California.

H.R. 1460. An act to allow for election of the Delegate from Guam by other than separate ballot, and for other purposes.

H.R. 1779. An act to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements.

H.R. 2165. An act to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 3862 in the State of Iowa, and for other purposes.

H.R. 2217. An act to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 9248 in the State of Colorado, and for other purposes.

H.R. 2841. An act to extend the time required for the construction of a hydroelectric project.

ADJOURNMENT

Mr. BARR of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, July 24, 1998, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the first and second quarters of 1998 by Committees of the U.S. House of Representatives, as well as a consolidated report of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during second quarter of 1998, pursuant to Public Law 95–384, and for miscellaneous groups in connection with official foreign travel during the calendar year 1997 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Daniel J. Bryant	1/28	1/31	Mexico		992.00		555.27				1,547.27
Committee total					992.00		555.27				1,547.27

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HENRY J. HYDE, Chairman, June 16, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at the right to so indicate and return ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN R. KASICH, Chairman, July 7, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 7 AND JUNE 1, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Lincoln Diaz-Balart	5/7	5/9	Costa Rica		468.00		(3)				468.00
Hon. Tony Hall	5/25	5/26	Kenya		244.00						244.00
	5/27	5/30	Sudan		560.00						560.00
	5/31	5/31	Kenya		168.00						168.00
Commercial airfare							6,955.57				6,955.57
Hon. Gerald B.H. Solomon	5/26	5/27	Netherlands		507.00		(3)				507.00
	5/28	5/29	Italy		702.00		(3)				702.00
	5/30	5/31	Ireland		719.77		(3)				719.77
Committee total					3,368.77		6,955.57				10,324.34

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JERRY SOLOMON, Chairman, July 15, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 1 AND JUNE 30, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tim Holden	4/4	4/6	Italy		516.00		(3)				516.00
	4/6	4/10	Uzbekistan		1,376.00		(3)				1,376.00
	4/10	4/12	Turkey		620.00		(3)				620.00
	4/12	4/14	United Kingdom		280.00		(3)				280.00
Hon. Wayne Gilchrest	5/10	5/13	United Kingdom		1,460.00		581.33				2,041.33
Commercial airfare											
Committee total					4,252.00		581.33				4,833.33

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BUD SHUSTER, Chairman, July 16, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL ARCHER, Vice Chairman, July 15, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO ISRAEL, JORDAN, AND ROME, EXPENDED BETWEEN MAY 28 AND JUNE 1, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Newt Gingrich	5/23	5/27	Israel								
Hon. Richard Gephardt	5/23	5/27	Israel								
Hon. Robert Livingston	5/23	5/27	Israel								
Hon. Henry Waxman	5/23	5/27	Israel								
Hon. Tom Lantos	5/23	5/27	Israel								
Hon. Dennis Hastert	5/23	5/27	Israel								
Hon. John Linder	5/23	5/27	Israel								
Hon. Ray Granger	5/23	5/27	Israel								
Bill Livingood	5/23	5/27	Israel								
Arne Christenson	5/23	5/27	Israel								
Gardner Peckham	5/23	5/27	Israel								
Steve Elemendorf	5/23	5/27	Israel								
Brett O'Brien	5/23	5/27	Israel								
Christy Suprenant	5/23	5/27	Israel								
Christina Martin	5/23	5/27	Israel								
Mark Peterson	5/23	5/27	Israel								
Dwight Comedy	5/23	5/27	Israel								
John Eisold	5/23	5/27	Israel								
Hon. Newt Gingrich	5/27	5/28	Jordan		371.00						371.00
Hon. Richard Gephardt	5/27	5/28	Jordan		371.00						371.00
Hon. Robert Livingston	5/27	5/28	Jordan		371.00						371.00
Hon. Henry Waxman	5/27	5/28	Jordan		371.00						371.00
Hon. Tom Lantos	5/27	5/28	Jordan		371.00						371.00
Hon. Dennis Hastert	5/27	5/28	Jordan		371.00						371.00
Hon. John Linder	5/27	5/28	Jordan		371.00						371.00
Hon. Ray Granger	5/27	5/28	Jordan		371.00						371.00
Bill Livingood	5/27	5/28	Jordan		371.00						371.00
Arne Christenson	5/27	5/28	Jordan		371.00						371.00
Gardner Peckham	5/27	5/28	Jordan		371.00						371.00
Steve Elemendorf	5/27	5/28	Jordan		371.00						371.00
Brett O'Brien	5/27	5/28	Jordan		371.00						371.00
Christy Surprenant	5/27	5/28	Jordan		371.00						371.00
Christina Martin	5/27	5/28	Jordan		371.00						371.00
Mark Peterson	5/27	5/28	Jordan		371.00						371.00
Dwight Camedy	5/27	5/28	Jordan		371.00						371.00
John Eisold	5/27	5/28	Jordan		371.00						371.00
Hon. Newt Gingrich	5/28	6/1	Italy								
Hon. Richard Gephardt	5/28	6/1	Italy								
Hon. Robert Livingston	5/28	6/1	Italy								
Hon. Henry Waxman	5/28	6/1	Italy								
Hon. Tom Lantos	5/28	6/1	Italy								
Hon. Dennis Hastert	5/28	6/1	Italy								
Hon. John Linder	5/28	6/1	Italy								
Hon. Ray Granger	5/28	6/1	Italy								
Bill Livingood	5/28	6/1	Italy								
Arne Christenson	5/28	6/1	Italy								
Gardner Peckham	5/28	6/1	Italy								
Steve Elemendorf	5/28	6/1	Italy								
Brett O'Brien	5/28	6/1	Italy								
Christy Surprenant	5/28	6/1	Italy								
Christina Martin	5/28	6/1	Italy								
Mark Peterson	5/28	6/1	Italy								
Dwight Comedy	5/28	6/1	Italy								
Committee total					6,678.00						6,678.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

NEWT GINGRICH, July 1, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO THE NORTH ATLANTIC ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 22 AND MAY 26, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Bereuter	5/23	5/26	Spain		965.00		(3)				965.00
Hon. Gerald Solomon	5/23	5/26	Spain		965.00		(3)				965.00
Hon. Tom Bliley	5/23	5/26	Spain		965.00		(3)				965.00
Hon. Porter Goss	5/23	5/26	Spain		965.00		(3)				965.00
Hon. Sherwood Roehlert	5/23	5/26	Spain		965.00		(3)				965.00
Hon. Floyd Spence	5/23	5/26	Spain		965.00		(3)				965.00
Hon. Cass Ballenger	5/23	5/26	Spain		965.00		(3)				965.00
Hon. Mike Bilirakis	5/23	5/26	Spain		965.00		(3)				965.00
Hon. Paul Gillmor	5/23	5/26	Spain		965.00		(3)				965.00
Hon. Vernon Ehlers	5/23	5/26	Spain		965.00		(3)				965.00
Hon. Nancy Pelosi	5/23	5/26	Spain		965.00		(3)				965.00
Hon. Owen Pickett	5/23	5/26	Spain		965.00		(3)				965.00
Hon. Robert Wise	5/23	5/26	Spain		965.00		(3)				965.00
Hon. Pat Danner	5/23	5/26	Spain		965.00		(3)				965.00
Hon. John Tanner	5/23	5/26	Spain		965.00		(3)				965.00
Susan Olson	5/22	5/26	Spain		1,112.00		(3)				1,112.00
Jo Weber	5/22	5/26	Spain		1,112.00		(3)				1,112.00
Robin Evans	5/22	5/26	Spain		965.00		(3)				965.00
Ron Lasch	5/22	5/26	Spain		1,112.00		(3)				1,112.00
Carol Doherty	5/22	5/26	Spain		1,112.00		(3)				1,112.00
Michael Ennis	5/23	5/26	Spain		965.00		(3)				965.00
Denis McDonough	5/23	5/26	Spain		965.00		(3)				965.00
Linda Pedigo	5/23	5/26	Spain		965.00		(3)				965.00
David Goldston	5/23	5/26	Spain		965.00		(3)				965.00
Scott Palmer	5/23	5/26	Spain		965.00		(3)				965.00
Tom Newcomb	5/23	5/26	Spain		965.00		(3)				965.00
Committee total					25,825.000						25,825.000

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DOUG BEREUTER, July 14, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO HAITI, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 30 AND JULY 2, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
A. Carl Le Van	6/30	7/2	Haiti								414.00
Committee total											414.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

A. CARL LE VAN, July 7, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO FRANCE, ALGERIA, EGYPT, AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 5 AND JULY 10, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Charles E. White	7/6	7/6	France				4,776.33				4,776.33
	7/6	7/6	Algeria								
	7/8	7/10	Egypt								
	7/10	7/10	Germany	782.73	228.72					782.23	228.72
Committee total					228.72		4,776.33				5,005.05

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES E. WHITE, July 15, 1998.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10148. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—Tobacco (Quota Plan) Crop Insurance Regulations; and Common Crop Insurance (RIN: 0563–AB47) received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10149. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Gypsy Moth Generally Infested Areas [Docket No. 98–072–1] received July 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10150. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Limes and Avocados Grown in Florida; Relaxation of Container Dimension, Weight, and Marking Requirements [Docket No. FV98–911–2 IFR] received July 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10151. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Imported Fire Ant Quarantined Areas [Docket No. 97–101–2] received July 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10152. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Capsaicin; Exemption from the Requirement of a Tolerance (RIN: 2070–AB78) received July 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10153. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebuconazole;

Extension of Tolerances for Emergency Exemptions [OPP-300679; FRL-6015-9] (RIN: 2070-AB78) received July 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10154. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Organization; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Disclosure to Shareholders; Title V Conservators and Receivers; Capital Provisions (RIN: 3052-AB58) received July 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10155. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Central Liquidity Facility [12 CFR Part 725] received July 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10156. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Department's final rule—Disclosure for Adjustable-Rate Mortgage Loans [No. 98-70] (RIN: 1550-AB12) received July 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10157. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—William D. FORD Federal Direct Loan Program [34 CFR Part 685] received July 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10158. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Office of Labor-Management Standards, Technical Amendments of Rules Relating to Labor-Management Standards and Standards of Conduct for Federal Sector Labor Organizations (RIN: 1215-AB22) received July 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10159. A letter from the Secretary of Education, transmitting the Department's final rule—William D. FORD Federal Direct Loan Program [34 CFR Part 685] received July 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10160. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers [AD-FRL-6112-7] received July 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10161. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 304 of the Telecommunications Act of 1996 and Commercial Availability of Navigation Devices [CS Docket No. 97-80] received July 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10162. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—1998 Biennial Regulatory Review——Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules [MM Docket No. 98-93] received July 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10163. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Food Labeling: Warning and Notice Statement; Labeling of Juice Products [Docket No. 97N-0524] (RIN: 0910-AA43) received July 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10164. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Exemption To Allow Investment Advisors To Charge Fees Based Upon a Share of Capital Gains Upon or Capital Appreciation of a Client's Account [Release No. IA-1731, File No. S7-29-97] (RIN: 3235-AH25) received July 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10165. A letter from the Director, Defense Security Agency, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Saudi Arabia (Transmittal No. DTC-98-50), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10166. 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 Japan (Transmittal No. DTC-59-98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10167. 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 Japan (Transmittal No. DTC-92-98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10168. 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 Greece (Transmittal No. DTC-82-98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10169. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Germany (Transmittal No. DTC-74-98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10170. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of Treasury, transmitting the Department's final rule—Cuban Assets Control Regulations; Iranian Transactions Regulations; Reporting and Procedures Regulations: Corrections [31 CFR Parts 501, 515 and 560] received July 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10171. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—General Services Administration Acquisition Regulation; 10 Day Payment Clause For Certain Federal Supply Service Contracts And Authorized Price Lists Under Federal Supply Service Schedule Contracts [APD 2800.12A, CHGE 80] (RIN: 3090-AG47) received July 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10172. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—Electronic Freedom of Information Act Amendments of 1996 (RIN: 0960-AE68) received July 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10173. A letter from the Chairman, Board of Directors, Tennessee Valley Authority, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

10174. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Update of Documents Incorporated by Reference (RIN: 1010-AC46) received July 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10175. 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; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 971208298-8055-02; I.D. 070798E] received July 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10176. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Security Zone; Coast Waters Adjacent to Florida [CGD07-98-006] (RIN: 2115-AE46) received July 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10177. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Cross River Swim Paducah Summerfest, Ohio River mile 934.5 to 936.0, Paducah, Kentucky [CGD08 98-040] (RIN: 2115-AE46) received July 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10178. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; New Jersey Offshore Grand Prix [CGD 05-98-006] (RIN: 2115-AE46) received July 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10179. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Beverly Homecoming Fireworks Display, Beverly [CGD01-98-082] (RIN: 2115-AA97) received July 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10180. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Parade of Lights Fireworks Display, Boston Harbor, Boston, MA [CGD01-98-083] (RIN: 2115-AA97) received July 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10181. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety/Security Zone; San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay, CA [CGD11-98-005] (RIN: 2115-AA97) received July 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10182. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de

Aeronautica S.A. (EMBRAER) Model EMB-145 Series Airplanes [Docket No. 98-NM-41-AD; Amendment 39-10651; AD 98-15-01] (RIN: 2120-AA64) received July 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10183. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 97-NM-197-AD; Amendment 39-10655; AD 98-15-04](RIN: 2120-AA64) received July 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10184. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAe 146-200A Series Airplanes [Docket No. 98-NM-87-AD; Amendment 39-10656; AD 98-15-05] (RIN: 2120-AA64) received July 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10185. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 29265; Amdt. No. 410] received July 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10186. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories [Revenue Ruling 98-35] received July 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10187. A letter from the Principal Deputy, Under Secretary for Acquisition and Technology, Department of Defense, transmitting the report to Congress for Department of Defense purchases from foreign entities in fiscal year 1997, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); jointly to the Committees on National Security and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 2281. A bill to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty; with an amendment (Rept. 105-551 Pt. 2). Ordered to be printed.

Mr. LINDER: Committee on Rules. House Resolution 508. Resolution providing for consideration of the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105-641). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Ways and Means discharged from further consideration. H.R. 2281 referred to the Committee of the Whole House on the State of the Union.

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. BURTON of Indiana (for himself, Mr. HORN, and Mr. SESSIONS):

H.R. 4296. A bill to amend title 31, United States Code, to provide for the appointment of the Comptroller General and the Deputy Comptroller General by a commission of Members of Congress; to the Committee on Government Reform and Oversight.

By Mr. MCINTOSH:

H.R. 4297. A bill to amend chapter 8 of title 5, United States Code, popularly know as the Congressional Review Act, to treat as major rules certain rules promulgated by the Internal Revenue Service that result in increases in Federal revenues; to the Committee on the Judiciary.

By Mr. BACHUS (for himself, Mr. YOUNG of Alaska, Mr. CRAMER, Mr. RILEY, Mr. ADERHOLT, Mr. EVERETT, Mr. MICA, Mr. OXLEY, Mr. MCCOLLUM, and Mr. LATOURETTE):

H.R. 4298. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from qualified State tuition programs which are used to pay educational expenses shall not be includible in gross income and to include as such expenses the cost of room and board; to the Committee on Ways and Means.

By Mr. DAVIS of Virginia:

H.R. 4299. A bill to provide that the provisions of subchapter III of chapter 83 and chapter 84 of title 5, United States Code, that apply with respect to law enforcement officers be made applicable with respect to Assistant United States Attorneys; to the Committee on Government Reform and Oversight.

By Mr. MCCOLLUM (for himself, Mr. HASTERT, Mr. RANGEL, Mr. GOSS, Mr. GINGRICH, Mr. ARMEY, Mr. DELAY, Mr. PORTMAN, Mr. HYDE, Mr. GILMAN, Mr. KOLBE, Mr. ROGERS, Mr. ADERHOLT, Ms. GRANGER, Mr. HUTCHINSON, Mr. KINGSTON, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. MICA, Mrs. MYRICK, Mr. NETHERCUTT, Mrs. NORTHUP, Mr. PAPPAS, Mr. ROGAN, Mr. SESSIONS, Mr. SOUDER, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. BALLENGER, Mr. BARR of Georgia, Mr. CALVERT, Mr. ENGLISH of Pennsylvania, Mr. GALLEGLY, Mr. LEACH, Mr. SHUSTER, Ms. DUNN of Washington, Mr. DUNCAN, Mr. SNOWBARGER, Mr. KASICH, Mr. DOOLITTLE, Mr. WICKER, Mr. BLUNT, and Mr. GILCHREST):

H.R. 4300. A bill to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries; to the Committee on International Relations, and in addition to the Committees on Ways and Means, the Judiciary, National Security, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN of Washington (for herself and Mr. TANNER):

H.R. 4301. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issued to acquire renewable resources on land subject to conservation easement; to the Committee on Ways and Means.

By Mr. GREENWOOD (for himself, Mr. MANTON, Mr. BOEHLERT, Mr. DINGELL, Mr. GUTIERREZ, Mr. OBERSTAR, Mr. MILLER of California, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mr. HORN, and Mr. EHLERS):

H.R. 4302. A bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds; to the Committee on Resources.

By Mr. HUNTER (for himself, Mr. COBURN, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. GALLEGLY, Mr. HERGER, Mr. NETHERCUTT, Mr. MCKEON, Mr. SKEEN, and Mr. STUMP):

H.R. 4303. A bill to amend the Act popularly known as the Declaration of Taking Act to require that all condemnations of property by the Government proceed under that Act; to the Committee on the Judiciary.

By Mr. MILLER of Florida:

H.R. 4304. A bill to extend the authority of the Secretary of Commerce to conduct the quarterly financial report program under section 91 of title 13, United States Code; to the Committee on Government Reform and Oversight.

By Ms. RIVERS:

H.R. 4305. A bill to amend the Communications Act of 1934 to require telephone carriers to completely and accurately itemize charges and taxes collected with telephone bills; to the Committee on Commerce.

By Mr. SANFORD:

H.R. 4306. A bill to eliminate the spending cap adjustments for International Monetary Fund funding increases; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Michigan:

H.R. 4307. A bill to amend the Elementary and Secondary Education Act of 1965 and the Head Start Act to promote high-quality family literacy programs and train parents effectively to teach their children, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey (for himself, Mr. LANTOS, Mrs. MALONEY of New York, Ms. NORTON, Mr. OBERSTAR, Mr. MINGE, Ms. WOOLSEY, Mrs. MORELLA, Mr. LEWIS of Georgia, Mr. DIAZ-BALART, Mr. SABO, Mr. RAMSTAD, Mr. BROWN of Ohio, and Mr. ENGEL):

H.R. 4308. A bill to fully implement the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. LANTOS, Mrs. MALONEY of New York, Ms. NORTON, Mr. OBERSTAR, Mr. MINGE, Ms. WOOLSEY, Mrs. MORELLA, Mr. LEWIS of Georgia, Mr. DIAZ-BALART, Mr. SABO, Mr. RAMSTAD, Mr. BROWN of Ohio, Mr. ENGEL, Mr. PORTER, and Mr. SHERMAN):

H.R. 4309. A bill to provide a comprehensive program of support for victims of torture; to the Committee on International Relations, 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. TRAFICANT:

H.R. 4310. A bill to amend the Federal Election Campaign Act of 1971 to permit a corporation or labor organization to expend or donate funds for staging public debates between presidential candidates only if the organization staging the debate invites each

candidate who is eligible for matching payments from the Presidential Election Campaign Fund and qualified for the ballot in a number of States such that the candidate is eligible to receive the minimum number of electoral votes necessary for election; to the Committee on House Oversight.

By Mr. VENTO:

H.R. 4311. A bill to amend title 31, United States Code, to establish protections for recipients of Federal payments made by electronic funds transfer, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. BARR of Georgia:

H.R. 4312. A bill to repeal sections 1173(b) and 1177(a)(1) of the Social Security Act, to prohibit Federal agencies from constructing Federal law as authorizing the establishment of a national medical identification card, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Government Reform and Oversight, 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. BROWN of Ohio (for himself, Mr. SOLOMON, Mr. STRICKLAND, Mr. COOKSEY, Mr. COBURN, Mr. KING of New York, Mr. WYNN, Mr. DEUTSCH, Mr. CHABOT, Mr. MILLER of Florida, Mr. GREEN, Mrs. LOWEY, Mr. GALLEGLY, Mr. ROHRABACHER, Mr. BILIRAKIS, Mr. BERMAN, Mr. WAXMAN, Mr. LANTOS, Mr. BONIOR, Mr. HALL of Texas, Mr. CUNNINGHAM, Ms. RIVERS, Mr. SHERMAN, Mr. BILBRAY, Ms. DEGETTE, Mr. WATTS of Oklahoma, Mr. MORAN of Virginia, Mr. CALVERT, Mr. WEXLER, Mr. FOLEY, Mr. LIPINSKI, Mr. HINCHEY, Mr. BOUCHER, Mr. CLEMENT, Mr. BARTON of Texas, Mr. BURTON of Indiana, Mr. BAKER, Mr. STUPAK, Mrs. LINDA SMITH of Washington, Mr. KENNEDY of Rhode Island, Mr. ANDREWS, Mr. DEFAZIO, Mr. PAYNE, Ms. PRYCE of Ohio, Mr. GOODE, Mr. WELDON of Florida, Mr. COX of California, Mr. MENENDEZ, Mr. MARTINEZ, Mr. TOWNS, Mr. DELAY, Mr. STARK, and Mr. SCARBOROUGH):

H.J. Res. 126. A joint resolution relating to Taiwan's participation in the World Health Organization; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 339: Mr. BILIRAKIS.
H.R. 414: Mr. CRAMER.
H.R. 535: Mrs. THURMAN.
H.R. 536: Mr. HILLIARD.
H.R. 611: Mr. LANTOS and Mrs. ROUKEMA.
H.R. 1050: Mr. ENGEL and Mr. THOMPSON.
H.R. 1126: Mrs. CLAYTON, Mr. BRADY of Pennsylvania, Mr. BOSWELL, Mr. ENGLISH of Pennsylvania, and Mr. OBEY.
H.R. 1147: Mr. HOSTETTLER.
H.R. 1165: Mr. QUINN.
H.R. 1234: Ms. ROYBAL-ALLARD.
H.R. 1321: Mr. HOYER.
H.R. 1415: Mr. PARKER and Mr. PAPPAS.
H.R. 1500: Mr. SAXTON.
H.R. 1524: Mr. STUPAK.
H.R. 1560: Mr. POMEROY.
H.R. 1814: Mr. BLUMENAUER.
H.R. 1883: Mr. HILLIARD.
H.R. 1995: Mr. BARCIA of Michigan, Mr. WATT of North Carolina, and Mr. KING of New York.
H.R. 2120: Ms. HOOLEY of Oregon.
H.R. 2420: Mr. ENGLISH of Pennsylvania.
H.R. 2451: Mr. MILLER of California.
H.R. 2721: Mr. DELAY.
H.R. 2800: Ms. SLAUGHTER.
H.R. 2804: Ms. LEE.
H.R. 2938: Mr. LAMPSON.
H.R. 2960: Mr. BARTON of Texas.
H.R. 3008: Mr. STUPAK.
H.R. 3010: Ms. LOFGREN.
H.R. 3166: Mr. LARGENT.
H.R. 3248: Mr. BLILEY, Mr. DREIER, and Mr. HILL.
H.R. 3396: Ms. MILLENDER-MCDONALD, Mr. MCKEON, Mr. NEAL of Massachusetts, Mr. GIBBONS, and Ms. SÁNCHEZ.
H.R. 3514: Mr. CLYBURN and Mr. DEFAZIO.
H.R. 3524: Mr. ADAM SMITH of Washington, Mr. MINGE, and Ms. STABENOW.
H.R. 3610: Mr. SCOTT.
H.R. 3613: Mr. GONZALEZ and Mr. BRADY of Texas.
H.R. 3622: Mr. COYNE, Mrs. KENNELLY of Connecticut, and Mr. CUMMINGS.
H.R. 3634: Mr. COOK, Mr. BARTON of Texas, Mr. NORWOOD, Mr. BALLENGER, Mr. WHITFIELD, Mr. HOBSON, Mr. WISE, Ms. CARSON, Ms. BROWN of Florida, Mrs. ROUKEMA, Mr. SNOWBARGER, Mr. KOLBE, Mr. SPENCE, Mr. BERRY, Mrs. NORTHUP, and Mr. HEFLEY.
H.R. 3636: Mr. MANTON, Mrs. MINK of Hawaii, and Mr. BISHOP.
H.R. 3684: Mr. SKEEN.
H.R. 3779: Mr. SCHUMER and Ms. SÁNCHEZ.
H.R. 3792: Mr. DAN SCHAEFER of Colorado, Mr. DEAL of Georgia, Mr. LAZIO of New York, and Mrs. KELLY.
H.R. 3812: Mr. LARGENT.
H.R. 3821: Mr. CARDIN, Mr. SHAW, Mr. BATEMAN, Mr. LOBIONDO, Mr. DEAL of Georgia, Mr. KNOLLENBERG, Mr. MILLER of Florida, Mr. HORN, Mrs. JOHNSON of Connecticut, and Mr. KASICH.
H.R. 3855: Mr. HILLIARD and Mr. YOUNG of Florida.
H.R. 3877: Mr. ENSIGN.
H.R. 3879: Mr. MCINNIS, Mr. BOUCHER, Mr. CONDIT, and Mr. JENKINS.
H.R. 3949: Mr. SCARBOROUGH, Mr. DAN SCHAEFER of Colorado, Mr. SENSENBRENNER, Mr. WHITFIELD, Mr. TAYLOR of North Carolina, Mr. LAHOOD, Mr. WHITE, Mr. EVERETT, Mr. SALMON, Mrs. MYRICK, Mr. CHABOT, Mr. MORAN of Kansas, Mr. BOEHNER, and Mr. WAMP.
H.R. 3954: Mr. TALENT.
H.R. 4031: Mr. FRANK of Massachusetts.
H.R. 4034: Mr. MANTON.
H.R. 4062: Mr. BACHUS and Mr. SNOWBARGER.
H.R. 4119: Mr. KILDEE.
H.R. 4125: Mrs. EMERSON.
H.R. 4126: Mr. SMITH of Oregon.
H.R. 4151: Mr. NETHERCUTT and Mr. GOODLATTE.
H.R. 4152: Mr. KUCINICH.
H.R. 4155: Mr. CASTLE.
H.R. 4157: Mr. HAYWORTH and Mr. BACHUS.
H.R. 4189: Mr. WATT of North Carolina, Mr. ABERCROMBIE, Ms. MCKINNEY, and Mr. MCGOVERN.
H.R. 4213: Mr. FRELINGHUYSEN.
H.R. 4214: Mr. KANJORSKI, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, and Ms. ROYBAL-ALLARD.
H.R. 4220: Mr. FOX of Pennsylvania and Mr. GILMAN.
H.R. 4224: Mr. LAFALCE and Ms. FURSE.
H.R. 4232: Mr. DREIER, Mr. BARTLETT of Maryland, and Mr. HAYWORTH.
H.R. 4235: Mr. ADAM SMITH of Washington.
H.R. 4242: Mr. DICKS.
H.R. 4259: Ms. WILSON and Mr. TIAHRT.
H.R. 4280: Ms. NORTON.
H.R. 4281: Mr. KLECZKA.
H.R. 4293: Mr. COYNE, Mr. KUCINICH, and Mr. SMITH of New Jersey.
H. Con. Res. 19: Mr. THOMPSON.
H. Con. Res. 24: Mr. FRELINGHUYSEN.
H. Con. Res. 277: Mr. SHERMAN.
H. Con. Res. 287: Ms. CHRISTIAN-GREEN and Mr. LAMPSON.
H. Con. Res. 299: Mr. HAYWORTH, Mr. GIBBONS, Mr. KIM, and Mr. CHAMBLISS.
H. Con. Res. 303: Mr. RODRIGUEZ.
H. Res. 37: Mr. TOWNS, Mr. DICKEY, Mr. MASCARA, Mr. SALMON, and Mr. JACKSON.
H. Res. 460: Mr. ENGLISH of Pennsylvania, Mr. MCHALE, Mr. CRAMER, Mr. PETERSON of Pennsylvania, Mr. LUTHER, Mr. MCGOVERN, Mr. CLEMENT, Mr. BLUMENAUER, and Mr. JOHNSON of Wisconsin.
H. Res. 475: Mr. VENTO, Mr. RUSH, Mr. THOMPSON, Mr. SHERMAN, Mr. LANTOS, and Mr. DOOLITTLE.
H. Res. 503: Mr. COBURN, Mrs. NORTHUP, Mr. TAYLOR of Mississippi, Mr. SESSIONS, Mrs. MYRICK, Mr. PORTMAN, and Mr. LATHAM.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4194

OFFERED BY MR. RIGGS

AMENDMENT NO. 31: 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 used to implement section 12B.2(b) of the Administrative Code of San Francisco, California.

H.R. 4250

OFFERED BY MR. TRAFICANT

AMENDMENT NO. 1: Page 38, beginning on line 15, strike "a physician" and all that follows through line 17 and insert the following: "independent medical expert (as defined in paragraph (4)(E))".

Page 42, line 2, insert "and" after "record,".

Page 42, strike lines 3 through 21 and insert the following:

"(iii) such expert or experts will reconsider the initial review decision, based on the determination made under clause (i), and will issue a written decision affirming, modifying, or reversing the initial review decision, so as to ensure that the final decision of the plan is consistent with the terms of the plan and this title.

H.R. 4276

OFFERED BY MR. BARTLETT OF MARYLAND

AMENDMENT NO. 3: Page 78, strike line 15, and all that follows through line 6 on page 79.

H.R. 4276

OFFERED BY MR. KUCINICH

AMENDMENT NO. 4: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used for any legal action that challenges any State, local, or tribal law on the grounds that the law is inconsistent with an international commercial agreement, including any trade or investment agreement.

H.R. 4276

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 5: Page 2, line 7 insert "(Reduced by $260,000)" after the 1st dollar figure.

Page 3, line 25 insert "(reduced by $500,000)" after the 1st dollar figure.

Page 12, line 9, insert "(reduced by $2,260,000)" after the 1st dollar figure.

Page 21, line 18 insert "(reduced by $500,000)" after the 1st dollar figure.

Page 94, line 16, insert "(increased by $2,260,000)" after the 1st dollar figure.

H.R. 4276

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 6: Page 12, line 9, insert "(reduced by $2,260,000)" after the 1st dollar figure.

Page 94, line 16, insert "(increased by $1,000,000)" after the 1st dollar figure.

H.R. 4276

OFFERED BY: MR. ROEMER

AMENDMENT NO. 7: Page 115, after line 8, add the following new section:

SEC. 620. (a) DESIGNATION.—The Federal building located at 10th Street and Constitution Avenue, N.W. in Washington, D.C., shall be known and designated as the "Robert F. Kennedy Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the "Robert F. Kennedy Building".

H.R. 4276

OFFERED BY: MR. TALENT

AMENDMENT NO. 8: Page 102, line 15 insert "(increased by $7,090,000)" after the dollar amount.

Page 103, line 7 insert "(decreased by $7,090,000)" after the dollar amount.

H.R. 4276

OFFERED BY: MR. SCOTT

AMENDMENT NO. 9: Page 28, line 5, insert after the amount '(reduced by $105,000,000)' and insert as follows:

Page 27, line 8, after the amount insert '(increased by $36,500,000)';

Page 28, line 14, after the amount insert '(increased by $13,000,000)' and on line 16 after the amount insert '(increased by $8,000,000)';

Page 29, line 17, after the amount insert '(increased by $12,000,000)'; and

Page 30, line 3, after the amount insert '(increased by $35,000,000)' and on line 4 after the amount insert '(increased by $500,000)':