HOUSE OF REPRESENTATIVES—*Monday, August 3, 1998*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
August 3, 1998.

I hereby designate the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

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

H.R. 643. An act to designate the United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, Ohio, as the "Carl B. Stokes United States Courthouse".

H.R. 3504. An act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts and to further define the criteria for capital repair and operation and maintenance.

H.R. 4237. An act to amend the District of Columbia Convention Center and Sports Arena Authorization Act of 1995 to revise the revenues and activities covered under such act, and for other purposes.

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

H.R. 3824. An act amending the Fastener Quality Act to exempt from its coverage certain fasteners approved by the Federal Aviation Administration for use in aircraft.

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

S. 1325. An act to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998, 1999, and 2000, and for other purposes.

S. 1754. An act to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes.

S. 1759. An act to grant a Federal charter to the American GI Forum of the United States.

S. 1883. An act to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama, and for other purposes.

S. 2375. An act to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes.

S.J. Res. 35. Joint resolution granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement.

S.J. Res. 51. Joint resolution granting the consent of Congress to the Potomac Highlands Airport Authority Compact entered into between the States of Maryland and West Virginia.

S.J. Res. 54. Joint resolution finding the Government of Iraq in unacceptable and material breach of its international obligations.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON) for 5 minutes.

CONGRESSIONAL WOMEN'S CAUCUS "MAGNIFICENT 7" LEGISLATION

Ms. NORTON. Mr. Speaker, I come this morning as the cochair of the Congressional Women's Caucus. There are now 55 women in the House of Representatives, 55 women strong, a high point and a high number.

For 21 years there has been a Congressional Women's Caucus. That caucus has been responsible for the lead of much of the most important family legislation to pass this House, from the Family Medical Leave Act to the Pregnancy Discrimination Act and the Violence Against Women Act.

We have normally had a very long legislative agenda with every woman Member putting her piece of legislation in and the caucus embracing all of that legislation. This year, we have decided on a more focused approach. With 55 women in the Congress, we think there should be a number of bills that simply must pass. We have designated 7 must-pass pieces of legislation, and we call them the "Magnificent 7." They have been chosen because they are easily consensus pieces of legislation, even easy pieces of legislation to pass. We are seeing both leaders; we have already seen the gentleman from Missouri (Mr. GEPHARDT), and this week we will be seeing the gentleman from Georgia (Mr. GINGRICH).

The focused approach the Women's Caucus has adopted this year is already paying off. We have seen pass this House some provisions of the Violence Against Women Act and the reauthorization of that act was one of the "Magnificent 7." There are other provisions of the act due to come forward, we think, with the bill of the Subcommittee on Commerce, Justice, State, The Judiciary, and Related Agencies of the Committee on Appropriations.

We have seen another of our priorities pass the House and the Senate, which is contraceptive coverage for Federal employees, so that women who are Federal employees have choices of contraception. This is very important for women's health, since some forms of contraception do not work for some women; others are dangerous to the health of some women.

The Mammography Standards Act is a priority we would like to see pass this week. This is another easy piece of legislation. It is a reauthorization of a bill that would set standards so that when mammograms are read, they are read correctly because the machinery is in good standing. This bill, the Mammography Standards Act, has passed the Senate; it is now here in the Commerce, Justice, State, The Judiciary, and Related Agencies bill. We have been promised by the Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies that they will move this bill forward, and we ask them to move it quickly.

There are 4 other pieces of legislation that would be easy to pass. The Women-Owned Business resolution, H. Con. Res. 313, simply calls upon Federal agencies to review their own recommendations for the purpose of improving women-owned businesses' access to Federal procurement. There is the Commission on the Advancement of Women in Science and Engineering. At a time when the country is begging for scientists, engineers, and mathematicians, this commission would look at the barriers that keep women from entering and moving forward in these vital professions.

The sixth and seventh are a bill, any of 3 that are pending, that would forbid genetic discrimination, and finally, a bill that would allow child care legislation to come forward. On child care we

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have no preference; we have only principles. We think that the 105th Congress should not close without finally coming forward with the first significant child care legislation ever to pass.

These are the 7 priorities of the Women's Caucus, which for 21 years has led this Congress, and which this year asked the Congress, the House and the Senate, to focus on 7 pieces of legislation which would allow every Member, male or female, to go back and say, I have done something for women and children; I have done more than talk about families. I have helped pass vital pieces of legislation.

Mr. Speaker, we can do it if we focus on the Magnificent 7. We can do it because these bills have been chosen precisely because this is the kind of legislation, bipartisan in its very genesis, bipartisan in the way it is designed to embrace us all and to have us embrace these pieces of legislation.

SECURITY OF AMERICAN PEOPLE IS TOO IMPORTANT TO RISK CONTINUED ENGAGEMENT WITH CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from North Carolina (Mr. JONES) is recognized during morning hour debates for 5 minutes.

Mr. JONES. Mr. Speaker, the Pentagon is considering a plan for our elite Special Forces to train Chinese PLA troops. Recently the House debated a resolution to express the dissent of this Congress to extend normal trading, or formally known as Most Favored Nation status to the People's Republic of China.

Myself and many of my colleagues on both sides of the aisle agree that extending this economic advantage to a Communist Nation is more than just an issue of trade. As Americans, we live free. Free from oppressive government and free to enjoy the rights and liberties awarded by our Constitution. Chinese citizens are not so fortunate. They suffer horrible violations of their basic human rights on a daily basis, and those who seek their fundamental rights or seek democracy are jailed, tortured and too often killed.

The State Department's Human Rights Report for China states that in 1996, all public dissent against the party and the government was effectively silenced by intimidation, exile, incarceration, administration detention, or house arrest. By year's end, all dissidents have effectively been silenced by the government, and those released from prison were often prevented from seeking employment or resuming any semblance of a normal life.

Freedom of religion is a freedom Americans take for granted every day. In China, the harassment and incarceration of religious leaders and the forcible closure and destruction of places of worship is all too common when the faith and church are not government-sanctioned. The government of the People's Republic of China has arrested, tortured and detained hundreds, if not thousands, of Protestants, Roman Catholics and Buddhists for practicing their religious beliefs. As a man of strong religious convictions, I find this appalling. However, the Chinese government does not even stop there. It maintains a policy of forced abortion and sterilization. Not only does it silence its citizens, it silences innocent life.

In the last 50 years alone, 10 times the number of people killed during the Holocaust have been killed in China. Let me repeat that, Mr. Speaker. Ten times the number of people killed during the Holocaust have been killed in China since 1949.

Mr. Speaker, does Congress need any more evidence to realize that we cannot trust the Chinese government?

The United States has tried to build a relationship with China, but to no avail. We give China an inch, and China takes a mile. In 1995 we extended Most Favored Nation status to China if it would agree to stop its abusive human rights practices and stop exporting nuclear weapons. China failed on the first account, Mr. Speaker, and it failed on the second account as well.

In January of this year, President Clinton told this Congress that China had assured him it was not participating in the sale of nuclear technology. Less than a month later, China was found planning to sell chemical weaponry to Iran. In fact, just last year, the CIA reported that in 1996, China was the greatest supplier of weapons-of-mass-destruction related goods and technology to foreign countries. Not only has China failed to comply with our terms of agreement, but it poses a significant threat to our Nation's security.

Former Defense Secretary Donald Rumsfeld reported that it is China's proliferation of ballistic missiles, weapons of mass destruction, and enabling technologies that has threatened the security of the United States. The CIA reported this year that 13 of 18 Chinese CSS-4 missiles are targeted at United States cities.

The Air Force's National Air Intelligence Center reports that the Chinese government is developing a new ICBM with the capability of hitting targets throughout the western United States running southwest from Wisconsin through California. And China took advantage of having President Clinton in Beijing to test a component of its new missile.

Mr. Speaker, what a blatant indication of China's lack of respect for our country. And yet, because our administration wants access to China's military secrets and training practices, it is willing to engage in cooperative military training with the hope of establishing a mutual relationship of trust and confidence. That is right. Despite the threat China poses to the security of the United States of America, we are allowing our elite Special Forces, the best in the world, to train and share military technology and training with a Communist Nation.

If the past is any indication, we have no reason to trust China. This proposal is far too great of a risk for our men and women in uniform to assume when the security of the American people is at stake.

Mr. Speaker, may God bless America.

DECENNIAL CENSUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. MILLER) is recognized during morning hour debates for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, this week we will be debating the appropriation for the Year 2000 Decennial Census. The census is something that is required by our Constitution and is very fundamental to our entire democratic system of government, because most elected officials in America are dependent on an accurate census to be conducted.

Unfortunately, the 2000 Census has become politically involved, because President Clinton has decided to radically change the way the census is conducted, and for the first time in the history of this country, going back to Jefferson when he conducted the first census, we are not going to attempt to count everyone.

I think it would be helpful, as we begin this debate this week, to understand the Clinton budget plan and what is traditionally used where we count everybody in the census. Under the Clinton plan, as designed, and it is an interesting theory, questionnaires will be mailed out in the year April of 2000 and be mailed back in. The expectation is that we will get maybe 65 percent response rate, though that is in question because when the American people realize that we are not going to count everybody, that we are going to use polling and sampling, the response rate may be significantly affected. But let us hope they get a 65 percent response rate.

Then we do what is called a nonresponse follow-up. But what the Clinton plan is proposing is instead of trying to follow up on everybody in this country, they are going to automatically delete, not count, 10 percent of the population. So that means about 27 million people will not be included in the census. Let me repeat that. Mr. Speaker, 27 million people will not be included in the census under President Clinton's plan. He will only count up to 90 percent of the population and he will

use cloning to create the mysterious 10 percent. He is going to clone 10 percent of the population, 10 percent of the population.

Now, the 10 percent that is not counted is not the hard-to-count people. Some people say, oh, those are the hard-to-count people. These are a randomly-selected 10 percent where maybe people are on vacation, they are not in town or something, and they do not complete their questionnaire. So they are going to be potentially not counted. That is just not the right way to do that.

So, Mr. Speaker, once they have cloned in that 10 percent of the population, they will then do what is called an ICM sample of 750,000 households. The 750,000-household count will then be used to adjust the clone numbers to get what they think would be the right number.

In 1990, they used something with only 150,000 households. This time they are going to take a sample five times larger, but they are going to do it in half the time. It is very unrealistic. In fact, the whole plan is extremely risky and is moving towards failure.

The General Accounting Office and the Inspector General have both warned this is a high-risk plan and the risk of failure is very high.

Now, let me go back to the way it has been done in the past where we make an effort to count everyone. In 1990, they sent out the questionnaire as they would propose this time in the year 2000, but this time the key is going to be the mailing lists. We realize that about 50 percent of the problem back in 1990 was the mailing list, and so the Census Bureau is putting new efforts and new ideas into doing that. In fact, there is $100 million of extra money to let the Census Bureau go out and verify the addresses. So we are going to do a better job to help address that part of the problem.

There will be paid advertising this time around to help encourage the response rate and, hopefully, under full enumeration, we can do a second mailing of questionnaires and even get a higher response rate. Then, when we go to nonresponse follow-up, say we get a 65 percent rate or 70 percent, when we do the follow-up, we are going to try to count everybody, not try to delete 27 million and create them by cloning. We are going to go out and use whatever efforts we need and resources, and that means using administrative records.

If we have an undercount of children, which we did have, let us work with the WIC program and the Medicaid program. There are ways to go about doing this. This is hard work. Let us also make it easier to use people from the local communities to participate in the program.

Mr. Speaker, the gentlewoman from Florida (Mrs. MEEK) has a proposal, which we are working with her on, to help support and to help people who say they are receiving food stamps or welfare benefits to not lose those benefits when they work part-time for the Census Bureau. So in the Haitian community in Miami, we want Haitians to go out to help count Haitians, and this makes it possible.

So, there are a lot of things that can be done to improve upon the 1990 census, but the important thing is let us count everybody, because everyone counts. It is just plain wrong to not count 27 million people, and say we have all of these big fancy computers with all of these academic intellectuals up here who know how to clone people and create a virtual population of America. It is just not right.

We need to work this in a bipartisan fashion. We do not need a Democratic census. We do not need a Republican census. We need an American census. I hope when we debate the Mollohan amendment, we realize that the right way to do this is to work together to count all Americans.

OPPORTUNITY FOR MEANINGFUL CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Connecticut (Mr. SHAYS) is recognized during morning hour debates for 5 minutes.

Mr. SHAYS. Mr. Speaker, tonight this Chamber has the opportunity to vote for meaningful campaign finance reform. Tonight, Members of this House will cast one of the most important votes of their careers in this House: To help restore integrity to our democratic system of government. That is what this debate is about tonight, to help restore some integrity to our democratic process.

Mr. Speaker, the vote we will be casting tonight is on legislation that was introduced by Senator MCCAIN and Senator FEINGOLD in the Senate, and the gentleman from Massachusetts (Mr. MEEHAN) and myself in the House, along with a number of other sponsors.

The McCain-Feingold bill in the Senate had a majority of Members who sought to support this legislation, but were not able to break the filibuster because they felt that the House would never deal with this issue, so why should the Senate take it up. But tonight, this House has the opportunity to pass the McCain-Feingold legislation, the Meehan-Shays legislation as it is referred to in the House.

Mr. Speaker, this legislation bans soft money. It completely eliminates the soft money contributions, the unlimited sums from individuals, corporations, labor unions and other interest groups that go to the political parties. In recent years these contributions have been rerouted right back down to help the individual candidates. This makes a mockery of our campaign laws which, under our constitutional form of government, provide for limitation of campaign contributions. Those limits are ignored because of our failure to ban soft money to the political parties.

The second thing this legislation does is it recognizes the sham issue ads for what they truly are: campaign ads. They are not sham campaign ads; they are truly campaign ads. They are sham issue ads. In other words, issue ads are able to circumvent the campaign law, because they do not say "vote for" or "vote against." Yet they are clearly campaign ads.

Under our bill any ad run 60 days to an election that names or pictures a Federal candidate is a campaign ad and is called such. In addition, any ad that expresses "unambiguous and unmistakable support for" or "opposition to" a clearly identified Federal candidate, is a campaign ad and would come under campaign finance laws not just 60 days to an election, but 365.

Mr. Speaker, the bottom line is we seek to call these sham issue ads what they are: Campaign ads. One of the significant side effects of that is that by doing so, we prevent both corporate and union money being utilized in these advertisements. Right now, it is the law that corporate money and union dues money cannot be used in campaign ads.

The third thing we seek to do is to improve the Federal Elections Commission's disclosure and enforcement. We provide for disclosure on the Internet electronically, and that within 20 days to an election, contributions and expenditures of $1,000 or more must be disclosed every 24 hours.

We have other miscellaneous aspects to the bill. We ban ussolicited franked mass mail 6 months to an election, and we make sure that foreign money is illegal, and that fund-raising on government property is illegal. The reason why it has not been illegal today is that soft money is not viewed as campaign money and, therefore, it does not come under the campaign law.

The bottom line is: we ban soft money, the unlimited sums from individuals, corporations, labor unions and other interest groups; we recognize the sham issue ads for what they truly are, campaign ads; and, we improve FEC disclosure and enforcement.

We have debated this bill for a long time. This is not a new piece of legislation that is coming to the floor of the House. We were promised a vote last year, but did not receive it, in February or March. We were then finally promised a vote, and under what is clearly a very open and frankly fair process, we were allowed 60 amendments to our bill. Some of those were gutting amendments, and some of those were "siren call" amendments that one would want to vote for, but then it broke apart a coalition.

Fortunately, we have repelled every one of these amendments. Now the question is will we pass Meehan-Shays legislation; will it become Queen of the Hill in competition of the other substitutes that will follow this week? Will, at the end, when it becomes and if it becomes the Queen of the Hill legislation, will it be sent to the Senate?

Mr. Speaker, I hope and pray we will do our job and send this bill to the Senate. We can begin that process by voting for it tonight.

RECESS

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

Accordingly (at 10 o'clock and 53 minutes a.m.), the House stood in recess until 12 p.m.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska) at 12 noon.

PRAYER

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

We are thankful, O God, for all Your blessings so freely given to us and to all people. We know that these gifts are as high and as deep and as wide as Your mercy and as abundant as Your grace. You have blessed us in ways that are more than our deserving and greater than our ability to grasp. And so we pray, O gracious God, that as we are thankful for what You have done for us in the past, we will continue to appreciate Your goodness to us in all the days to come.

In Your name, we pray. 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 gentleman from New Jersey (Mr. PALLONE) come forward and lead the House in the Pledge of Allegiance.

Mr. PALLONE 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.

PRESIDENT VETOES BILL ALLOWING TAX-FREE EDUCATION SAVINGS ACCOUNTS

(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, H.G. Wells once said, "Human history becomes more and more a race between education and catastrophe."

Well, two weeks ago special interests, liberals, and the President gave in to catastrophe, putting our children's education, their future, and this Nation at risk.

On July 21 of this year, the President dashed the hopes of millions of Americans, the parents of millions of children, by vetoing a bill that would have allowed parents to set up tax-free education savings accounts.

It is truly a shame that giving parents more of an opportunity to save for their children's education is now a partisan issue.

This unfortunate veto reminds me of a saying from one of my high school Latin classes: "Via ovicipitum dura est." For you rocket scientists out there who never took Latin, "the way of the egghead is hard."

The President is now on record as thinking that parents who save for their children's education are doing a disservice to them. This is truly a ridiculous notion.

Let us support our children. Let us support their future. I urge all my colleagues not to let catastrophe win but to override the President's veto on education savings.

SUPPORT DEMOCRATS' PATIENTS BILL OF RIGHTS

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

Mr. PALLONE. Mr. Speaker, the Republican leadership has succeeded in steam rolling its HMO bill through the House, and patients should beware.

The Republican bill is far worse than current law and riddled with loopholes. When you compare it to the Democrats' Patients Bill of Rights, you find there is no comparison at all.

I just want to mention one negative aspect, just one negative aspect, of the Republican bill. It does not guarantee them access to a specialist. Under the Democratic bill, if they had cancer they could go directly to an oncologist. Under the Republican plan, they would still have to go see their primary care physician for a referral and there is no guarantee that they would get to see a specialist if they need one.

Under the Republican bill, if they need to see a specialist outside of their HMO network and their HMO says no, they are out of luck.

The Democrats' Patients Bill of Rights ensures that they will be able to go outside of their network at no cost to them if they need to see a specialist that their HMO does not have.

Mr. Speaker, the President has said that he will veto the Republican bill if they send it to him in its current form, and the do-nothing 105th Congress is running out of time.

Let us send the President a bill he will sign, one that is written for patients, not insurance companies. Support the Democrats' Patients Bill of Rights.

JUDGE STARR DOING A GOOD JOB

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

Mr. STEARNS. Mr. Speaker, Judge Starr was appointed by a 3-judge panel to investigate allegations of criminal conduct by the White House. Mr. Speaker, he has compiled a remarkable record.

Although we would never know it if we were watching TV today, Judge Starr has been perhaps the most single independent successful counsel in history. Fifteen guilty pleas or convictions thus far. Fifteen. And yet, the untruth gets repeated over and over again that Judge Starr has "nothing to show" for his investigations.

David Hale, Charles Matthews, Eugene Fitzhugh, Robert Palmer, Webster Hubbell, Neal Ainley, Christopher Wade, William J. Marks, Sr., Jim Guy Tucker, John Haley, Stephen SMITH, and Larry Kuca, these 12 have all pleaded guilty to felonies as a result of Judge Starr's investigations.

In addition to those guilty pleas, Governor Jim Guy Tucker, James McDougal, and Susan McDougal have been convicted by a jury of their peers for other crimes they have committed.

Twelve guilty pleas and 3 convictions. Nothing to show? Let the American people decide if these allegations are true.

SEVEN PERCENT OF SCIENTISTS BELIEVE IN GOD

(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, a new report says only 7 percent of scientists believe in God. That is right. And the reason they gave was that the scientists are "super smart." Unbelievable. Most of these absent-minded professors cannot find the toilet.

Mr. Speaker, I have one question for these wise guys to constipate over: How can some thing come from no thing?

And while they digest that, Mr. Speaker, let us tell it like it is. Put these super-cerebral master debaters in some foxhole with bombs bursting all around them, and I guarantee they will not be praying to Frankenstein.

Beam me up here. My colleagues, all the education in the world is worthless without God and a little bit of common sense. And I yield back whatever we have left.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and the nays are ordered or on which the vote is objected to under Clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules but not before 5 p.m. today.

VETERANS BENEFITS IMPROVEMENT ACT OF 1998

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4110) to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to make various improvements in education, housing, and cemetery programs of the Department of Veterans Affairs, and for our purposes, as amended.

The Clerk read as follows:

H.R. 4110

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Benefits Improvement Act of 1998".

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

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

TITLE I—COMPENSATION COST-OF-LIVING ADJUSTMENT

Sec. 101. Increase in rates of disability compensation and dependency and indemnity compensation.

TITLE II—EDUCATION BENEFITS

Sec. 201. Calculation of reporting fee based on total veteran enrollment during a calendar year.
Sec. 202. Election of advance payment of work-study allowance.
Sec. 203. Alternative to twelve semester hour equivalency requirement.
Sec. 204. Medical evidence for flight training requirements.
Sec. 205. Waiver of wage increase and minimum payment rate requirements for government job training program approval.
Sec. 206. Expansion of education outreach services.
Sec. 207. Information on minimum requirements for education benefits for members of the Armed Forces discharged early from duty for the convenience of the Government.

TITLE III—COURT OF VETERANS APPEALS

Subtitle A—Administrative Provisions Relating to the Court

Sec. 301. Continuation in office of judges pending confirmation for second term.
Sec. 302. Authority to prescribe rules and regulations.

Subtitle B—Retirement-Related Provisions

Sec. 311. Recall of retired judges.
Sec. 312. Calculation of years of service as a judge.
Sec. 313. Judges' retired pay.
Sec. 314. Exemption of retirement fund from sequestration orders.
Sec. 315. Limitation on activities of retired judges.
Sec. 316. Early retirement authority for current judges in order to provide for staggered terms of judges.
Sec. 317. Adjustments for survivor annuities.
Sec. 318. Reports on retirement program modifications.

Subtitle C—Renaming of Court

Sec. 321. Renaming of the Court of Veterans Appeals.
Sec. 322. Conforming amendments.
Sec. 323. Effective Date.

TITLE IV—OTHER MATTERS

Sec. 401. Applicability of procurement law to certain contracts of Department of Veterans Affairs.
Sec. 402. Permanent eligibility of members of Selected Reserve for veterans housing loans.
Sec. 403. Furnishing of burial flags for deceased members and former members of the Selected Reserve.
Sec. 404. State cemetery grants program.
Sec. 405. Disabled Veterans Outreach Program specialists.
Sec. 406. Permanent authority to use for operating expenses of Department of Veterans Affairs medical facilities amounts available by reason of the limitation on pension for veterans receiving nursing home care.
Sec. 407. Members of the Board of Veterans' Appeals.
Sec. 408. National Service Life Insurance program.
Sec. 409. Technical amendments.

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

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

TITLE I—COMPENSATION COST-OF-LIVING ADJUSTMENT

SEC. 101. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1998, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(7) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1998.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1998, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1998, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased pursuant to subsection (a).

TITLE II—EDUCATION BENEFITS

SEC. 201. CALCULATION OF REPORTING FEE BASED ON TOTAL VETERAN ENROLLMENT DURING A CALENDAR YEAR.

(a) IN GENERAL.—The second sentence of section 3684(c) is amended by striking out ", on October 31" and all that follows through the period and inserting in lieu thereof "during the calender year.".

(b) FUNDING.—Section 3684(c), as amended by subsection (a), is further amended by adding at the end the following new sentence: "The reporting fee payable under this subsection shall be paid from amounts appropriated for readjustment benefits.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to calendar years beginning after December 31, 1998.

SEC. 202. ELECTION OF ADVANCE PAYMENT OF WORK-STUDY ALLOWANCE.

(a) IN GENERAL.—The third sentence of section 3485(a)(1) is amended by striking out "An individual shall be paid in advance" and inserting in lieu thereof "An individual may elect, in a manner prescribed by the Secretary, to be paid in advance".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to agreements entered into under section 3485 of title 38, United States Code, on or after January 1, 1999.

SEC. 203. ALTERNATIVE TO TWELVE SEMESTER HOUR EQUIVALENCY REQUIREMENT.

(a) IN GENERAL.—The following sections of chapter 30 are each amended by striking out "successfully completed" each place it appears and inserting in lieu thereof "successfully completed (or otherwise received academic credit for)": sections 3011(a)(2), 3012(a)(2), 3018(b)(4)(ii), 3018A(a)(2), 3018B(a)(1)(B), 3018B(a)(2)(B), and 3018C(a)(3).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1998.

SEC. 204. MEDICAL EVIDENCE FOR FLIGHT TRAINING REQUIREMENTS.

(a) TITLE 38.—Sections 3034(d)(2) and 3241(b)(2) are each amended—

(1) by striking out "pilot's license" each place it appears and inserting in lieu thereof "pilot certificate"; and

(2) by inserting ", on the day the individual begins a course of flight training," after "meets".

(b) TITLE 10.—Section 16132(c)(1) of title 10, United States Code, is amended—

(1) by striking out "pilot's license" each place it appears and inserting in lieu thereof "pilot certificate"; and

(2) by inserting ", on the day the individual begins a course of flight training," after "meets".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to courses of flight training beginning on or after October 1, 1998.

SEC. 205. WAIVER OF WAGE INCREASE AND MINIMUM PAYMENT RATE REQUIREMENTS FOR GOVERNMENT JOB TRAINING PROGRAM APPROVAL.

(a) IN GENERAL.—Section 3677(b) is amended—

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

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B) respectively;

(3) in subparagraph (A), as so redesignated, by striking out "(A)" and "(B)" and inserting in lieu thereof "(i)" and "(ii)" respectively; and

(4) by adding at the end the following new paragraph:

"(2) The requirement under paragraph (1)(A)(ii) shall not apply with respect to a training establishment operated by the United States or by a State or local government.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to approval of programs of training on the job under section 3677 of title 38, United States Code, on or after October 1, 1998.

SEC. 206. EXPANSION OF EDUCATION OUTREACH SERVICES.

(a) EXPANSION OF EDUCATION OUTREACH SERVICES TO MEMBERS OF THE ARMED FORCES.—Section 3034 is amended by adding at the end the following new subsection:

"(e)(1) In the case of a member of the Armed Forces who participates in basic educational assistance under this chapter, the Secretary shall furnish the information described in paragraph (2) to each such member, as soon as practicable after the basic pay of the member has been reduced by $1,200 in accordance with sections 3011(b) and 3102(c) of this title. The Secretary shall furnish such information to each such member at such additional times as the Secretary determines appropriate.

"(2) The information referred to in paragraph (1) is information with respect to the benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of the basic educational assistance program under this chapter, including application forms for such basic educational assistance under section 5102 of this title.

"(3) The Secretary shall furnish the forms described in paragraph (2) and other educational materials to educational institutions, training establishments, and military education personnel, as the Secretary determines appropriate.

"(4) The Secretary shall use amounts appropriated for readjustment benefits to carry out this subsection and section 5102 of this title with respect to application forms under that section for basic educational assistance under this chapter.".

(b) CONFORMING AMENDMENT.—Section 7722(c) is amended by striking out "The Secretary" and inserting in lieu thereof "Except as provided in section 3034(e) of this title, the Secretary".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 207. INFORMATION ON MINIMUM REQUIREMENTS FOR EDUCATION BENEFITS FOR MEMBERS OF THE ARMED FORCES DISCHARGED EARLY FROM DUTY FOR THE CONVENIENCE OF THE GOVERNMENT.

(a) ACTIVE DUTY PROGRAM.—Section 3011 is amended by adding at the end the following new subsection:

"(i) The Secretary concerned shall inform any member of the Armed Forces, who has not completed that member's initial obligated period of active duty (as described in subsection (a)(1)(A)) and who indicates the intent to be discharged or released from such duty for the convenience of the Government, of the minimum active duty requirements for entitlement to educational assistance benefits under this chapter. Such information shall be provided to the member in a timely manner.".

(b) RESERVE PROGRAM.—Section 3012 is amended by adding at the end the following new subsection:

"(g)(1) The Secretary concerned shall inform any member of the Armed Forces, who has not completed that member's initial service (as described in paragraph (2)) and who indicates the intent to be discharged or released from such service for the convenience of the Government, of the minimum service requirements for entitlement to educational assistance benefits under this chapter. Such information shall be provided to the member in a timely manner.

"(2) The initial service referred to in paragraph (1) is the initial obligated period of active duty (described in subparagraphs (A)(i) or (B)(i) of subsection (a)(1)) or the period of service in the Selected Reserve (described in subparagraphs (A)(ii) or (B)(ii) of subsection (a)(1)).".

(c) REPORT TO CONGRESS.—Section 3036(b)(1) is amended—

(1) by striking out "and (B)" and inserting in lieu thereof "(B)"; and

(2) by inserting before the semicolon the following: ", and (C) describing the efforts under sections 3011(i) and 3012(g) of this title to inform members of the Armed Forces of the minimum service requirements for entitlement to educational assistance benefits under this chapter and the results from such efforts".

(d) EFFECTIVE DATES.—(1) The amendments made by subsections (a) and (b) shall take effect 120 days after the date of the enactment of this Act.

(2) The amendments made by subsection (c) shall apply with respect to reports to Congress submitted by the Secretary of Defense under section 3036 of title 38, United States Code, on or after January 1, 2000.

TITLE III—COURT OF VETERANS APPEALS

Subtitle A—Administrative Provisions Relating to the Court

SEC. 301. CONTINUATION IN OFFICE OF JUDGES PENDING CONFIRMATION FOR SECOND TERM.

Section 7253(c) is amended by adding at the end the following new sentence: "A judge who is nominated by the President for appointment to an additional term on the Court without a break in service and whose term of office expires while that nomination is pending before the Senate may continue in office for up to one year while that nomination is pending.".

SEC. 302. AUTHORITY TO PRESCRIBE RULES AND REGULATIONS.

Section 7254 is amended by adding at the end the following new subsection:

"(f) The Court may prescribe rules and regulations to carry out this chapter.".

Subtitle B—Retirement-Related Provisions

SEC. 311. RECALL OF RETIRED JUDGES.

(a) AUTHORITY TO RECALL RETIRED JUDGES.—Chapter 72 is amended by inserting after section 7256 the following new section:

"§ 7257. Recall of retired judges

"(a)(1) A retired judge of the Court may be recalled for further service on the Court in accordance with this section. To be eligible to be recalled for such service, a retired judge must at the time of the judge's retirement provide to the chief judge of the Court (or, in the case of the chief judge, to the clerk of the Court) notice in writing that the retired judge is available for further service on the Court in accordance with this section and is willing to be recalled under this section. Such a notice provided by a retired judge is irrevocable.

"(2) For the purposes of this section—

"(A) a retired judge is a judge of the Court of Veterans Appeals who retires from the Court under section 7296 of this title or under chapter 83 or 84 of title 5; and

"(B) a recall-eligible retired judge is a retired judge who has provided a notice under paragraph (1).

"(b)(1) The chief judge may recall for further service on the court a recall-eligible retired judge in accordance with this section. Such a recall shall be made upon written certification by the chief judge that substantial service is expected to be performed by the retired judge for such period, not to exceed 90 days (or the equivalent), as determined by the chief judge to be necessary to meet the needs of the Court.

"(2) A recall-eligible retired judge may not be recalled for more than 90 days (or the equivalent) during any calendar year without the judge's consent or for more than a total of 180 days (or the equivalent) during any calendar year.

"(3) If a recall-eligible retired judge is recalled by the chief judge in accordance with this section and (other than in the case of a judge who has previously during that calendar year served at least 90 days (or the equivalent) of recalled service on the court) declines (other than by reason of disability) to perform the service to which recalled, the chief judge shall remove that retired judge from the status of a recall-eligible judge.

"(4) A recall-eligible retired judge who becomes permanently disabled and as a result of that disability is unable to perform further service on the court shall be removed from the status of a recall-eligible judge. Determination of such a disability shall be made in the same manner as is applicable to

judges of the United States under section 371 of title 28.

"(c) A retired judge who is recalled under this section may exercise all of the powers and duties of the office of a judge in active service.

"(d)(1) The pay of a recall-eligible retired judge who retired under section 7296 of this title is specified in subsection (c) of that section.

"(2) A judge who is recalled under this section who retired under chapter 83 or 84 of title 5 shall be paid, during the period for which the judge serves in recall status, pay at the rate of pay in effect under section 7253(e) of this title for a judge performing active service, less the amount of the judge's annuity under the applicable provisions of chapter 83 or 84 of title 5.

"(e)(1) Except as provided in subsection (d), a judge who is recalled under this section who retired under chapter 83 or 84 of title 5 shall be considered to be a reemployed annuitant under that chapter.

"(2) Nothing in this section affects the right of a judge who retired under chapter 83 or 84 of title 5 to serve as a reemployed annuitant in accordance with the provisions of title 5.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by inserting after the item relating to section 7256 the following new item:

"7257. Recall of retired judges.".

SEC. 312. CALCULATION OF YEARS OF SERVICE AS A JUDGE.

Section 7296(b) is amended by adding at the end the following new paragraph:

"(4) For purposes of calculating the years of service of an individual under this subsection and subsection (c), only those years of service as a judge of the Court shall be credited. In determining the number of years of such service, that portion of the aggregate number of years of such service that is a fractional part of one year shall be disregarded if less than 183 days and shall be credited as a full year if 183 days or more.".

SEC. 313. JUDGES' RETIRED PAY.

(a) IN GENERAL.—Subsection (c)(1) of section 7296 is amended by striking out "at the rate of pay in effect at the time of retirement." and inserting in lieu thereof "as follows:

"(A) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability, the retired pay of the judge shall be the pay of a judge of the court (or of the chief judge, if the individual retired from service as chief judge).

"(B) In the case of a judge who at the time of retirement did not provide notice under section 7257 of this title of availability for service in a recalled status, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

"(C) In the case of a judge who was a recall-eligible retired judge under section 7257 of this title and was removed from recall status under subsection (b)(3) of that section, the retired pay of the judge shall be the pay of the judge at the time of the removal from recall status.".

(b) COST-OF-LIVING ADJUSTMENTS.—Subsection (f) of such section is amended by adding at the end the following new paragraph:

"(3)(A) A cost-of-living adjustment provided by law in annuities payable under civil service retirement laws shall apply to retired pay under this section only in the case of retired pay computed under paragraph (2) of subsection (c).

"(B)(i) If such a cost-of-living adjustment would (but for this subparagraph) result in the retired pay of a retired chief judge being in excess of the annual rate of pay in effect for the chief judge of the court as provided in section 7253(e)(1) of this title, such adjustment may be made in the retired pay of that retired chief judge only in such amount as results in the retired pay of the retired chief judge being equal to that annual rate of pay (as in effect on the effective date of such adjustment).

"(ii) If such a cost-of-living adjustment would (but for this subparagraph) result in the retired pay of a retired judge (other than a retired chief judge) being in excess of the annual rate of pay in effect for judges of the court as provided in section 7253(e)(2) of this title, such adjustment may be made only in such amount as results in the retired pay of the retired judge being equal to that annual rate of pay (as in effect on the effective date of such adjustment).".

(c) COORDINATION WITH MILITARY RETIRED PAY.—Subsection (f) of such section, as amended by subsection (b), is further amended by adding at the end the following new paragraph:

"(4) Notwithstanding subsection (c) of section 5532 of title 5, if a regular or reserve member of a uniformed service who is receiving retired or retainer pay becomes a judge of the court, or becomes eligible therefor while a judge of the court, such retired or retainer pay shall not be paid during the judge's regular active service on the court, but shall be resumed or commenced without reduction upon retirement as a judge.".

SEC. 314. EXEMPTION OF RETIREMENT FUND FROM SEQUESTRATION ORDERS.

Section 7298 is amended by adding at the end the following new subsection:

"(g) For purpose of section 255(g)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(B)), the retirement fund shall be treated in the same manner as the Claims Judges' Retirement Fund.".

SEC. 315. LIMITATION ON ACTIVITIES OF RETIRED JUDGES.

(a) IN GENERAL.—Chapter 72 is amended by adding at the end the following new section:

"§ 7299. Limitation on activities of retired judges

"If a retired judge of the Court in the practice of law represents (or supervises or directs the representation of) a client in making any claim relating to veterans' benefits against the United States or any agency thereof, the retired judge shall forfeit all rights to retired pay under section 7296 of this title or under chapter 83 or 84 of title 5 for the period beginning on the date on which the representation begins and ending one year after the date on which the representation ends.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by adding at the end the following new item:

"7299. Limitation on activities of retired judges.".

SEC. 316. EARLY RETIREMENT AUTHORITY FOR CURRENT JUDGES IN ORDER TO PROVIDE FOR STAGGERED TERMS OF JUDGES.

(a) RETIREMENT AUTHORIZED.—One eligible judge may retire in accordance with this section each year beginning in 1999 and ending in 2003.

(b) ELIGIBLE JUDGES.—For purposes of this section, an eligible judge is an associate judge of the United States Court of Appeals for Veterans Claims who—

(1) has at least 10 years of service creditable under section 7296 of title 38, United States Code;

(2) has made an election to receive retired pay under section 7296 of such title;

(3) has at least 20 years of service described in section 7297(l) of such title; and

(4) is at least 55 years of age.

(c) MULTIPLE ELIGIBLE JUDGES.—If for any year specified in subsection (a) more than one eligible judge provides notice in accordance with subsection (d), the judge who has the greatest seniority as a judge of the United States Court of Appeals for Veterans Claims shall be the judge who is eligible to retire in accordance with this section in that year.

(d) NOTICE.—An eligible judge who desires to retire in accordance with this section in any year specified in subsection (a) shall provide to the President and the chief judge of the United States Court of Appeals for Veterans Claims written notice to that effect not later than April 1 of that year. Such a notice shall specify the retirement date in accordance with subsection (f). Notice provided under this subsection shall be irrevocable.

(e) RETIREMENT.—A judge who is eligible to retire in accordance with this section shall be retired during the fiscal year in which notice is provided pursuant to subsection (d), but not earlier than 90 days after the date on which such notice is provided. Except as provided in subsection (f), such judge shall be considered for all purposes to be retired under section 7296(b)(1) of title 38, United States Code.

(f) RATE OF RETIRED PAY.—The rate of retired pay for a judge retiring under this section is—

(1) the rate applicable to that judge under section 7296(c)(1) of title 38, United States Code, multiplied by

(2) the fraction (not in excess of 1) in which—

(A) the numerator is the sum of (i) the number of years of service of the judge as a judge of the United States Court of Appeals for Veterans Claims creditable under section 7296 of such title, and (ii) the age of the judge; and

(B) the denominator is 80.

(g) ADJUSTMENTS IN RETIRED PAY FOR JUDGES AVAILABLE FOR RECALL.—Subject to section 7296(f)(3)(B) of title 38, United States Code, an adjustment provided by law in annuities payable under civil service retirement laws shall apply to retired pay under this section in the case of a judge who is a recall-eligible retired judge under section 7257 of title 38, United States Code, or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability.

(h) DUTY OF ACTUARY.—Section 7298(e)(2) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) For purposes of subparagraph (B), the term 'present value' includes a value determined by an actuary with respect to a payment that may be made under subsection (b) from the retirement fund within the contemplation of law.".

SEC. 317. ADJUSTMENTS FOR SURVIVOR ANNUITIES.

Subsection (o) of section 7297 is amended to read as follows:

"(o) Each survivor annuity payable from the retirement fund shall be increased at the same time as, and by the same percentage by which, annuities payable from the Judicial Survivors' Annuities Fund are increased pursuant to section 376(m) of title 28.".

SEC. 318. REPORTS ON RETIREMENT PROGRAM MODIFICATIONS.

(a) REPORT ON JUDGES' RETIREMENT SYSTEM.—Not later than one year after the date of the enactment of this Act, the chief judge of the United States Court of Appeals for Veterans Claims shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of merging the retirement plan of the judges of that court with retirement plans of other Federal judges.

(b) REPORT ON SURVIVOR ANNUITIES PLAN.—Not later than six months after the date of the enactment of this Act, the chief judge of the United States Court of Appeals for Veterans Claims shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of allowing judges of that court to participate in the survivor annuity programs available to other Federal judges.

Subtitle C—Renaming of Court

SEC. 321. RENAMING OF THE COURT OF VETERANS APPEALS.

(a) IN GENERAL.—The United States Court of Veterans Appeals is hereby renamed as, and shall hereafter be known and designated as, the United States Court of Appeals for Veterans Claims.

(b) SECTION 7251.—Section 7251 is amended by striking out "United States Court of Veterans Appeals" and inserting in lieu thereof "United States Court of Appeals for Veterans Claims".

SEC. 322. CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENTS TO TITLE 38.—

(1) The following sections are amended by striking out "Court of Veterans Appeals" each place it appears and inserting in lieu thereof "Court of Appeals for Veterans Claims": sections 5904, 7101(b), 7252(a), 7253, 7254, 7255, 7256, 7261, 7262, 7263, 7264, 7266(a)(1), 7267(a), 7268(a), 7269, 7281(a), 7282(a), 7283, 7284, 7285(a), 7286, 7291, 7292, 7296, 7297, and 7298.

(2)(A) The heading of section 7286 is amended to read as follows:

"§ 7286. Judicial Conference of the Court".

(B) The heading of section 7291 is amended to read as follows:

"§ 7291. Date when Court decision becomes final".

(C) The heading of section 7298 is amended to read as follows:

"§ 7298. Retirement Fund".

(3) The table of sections at the beginning of chapter 72 is amended as follows:

(A) The item relating to section 7286 is amended to read as follows:

"7286. Judicial Conference of the Court.".

(B) The item relating to section 7291 is amended to read as follows:

"7291. Date when Court decision becomes final.".

(C) The item relating to section 7298 is amended to read as follows:

"7298. Retirement Fund.".

(4)(A) The heading of chapter 72 is amended to read as follows:

"CHAPTER 72—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS".

(B) The item relating to chapter 72 in the table of chapters at the beginning of title 38 and the item relating to such chapter in the table of chapters at the beginning of part V are amended to read as follows:

"72. United States Court of Appeals for Veterans Claims ..... 7251".

(b) CONFORMING AMENDMENTS TO OTHER LAWS.—

(1) The following provisions of law are amended by striking out "Court of Veterans Appeals" each place it appears and inserting in lieu thereof "Court of Appeals for Veterans Claims":

(A) Section 8440d of title 5, United States Code.

(B) Section 2412 of title 28, United States Code.

(C) Section 906 of title 44, United States Code.

(D) Section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(2)(A) The heading of section 8440d of title 5, United States Code, is amended to read as follows:

"§ 8440d. Judges of the United States Court of Appeals for Veterans Claims".

(B) The item relating to such section in the table of sections at the beginning of chapter 84 of such title is amended to read as follows:

"8440d. Judges of the United States Court of Appeals for Veterans Claims.".

(c) OTHER LEGAL REFERENCES.—Any reference in a law, regulation, document, paper, or other record of the United States to the United States Court of Veterans Appeals shall be deemed to be a reference to the United States Court of Appeals for Veterans Claims.

SEC. 323. EFFECTIVE DATE.

This subtitle, and the amendments made by this subtitle, shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

TITLE IV—OTHER MATTERS

SEC. 401. APPLICABILITY OF PROCUREMENT LAW TO CERTAIN CONTRACTS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 3720(b) is amended by striking out "; however" and all that follows and inserting in lieu thereof the following: ", except that title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) shall apply to any contract for services or supplies on account of any property acquired pursuant to this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contracts entered into under section 3720 of title 38, United States Code, on or after the date of the enactment of this Act.

SEC. 402. PERMANENT ELIGIBILITY OF MEMBERS OF SELECTED RESERVE FOR VETERANS HOUSING LOANS.

Section 3702(a)(2)(E) is amended by striking out "For the period beginning on October 28, 1992, and ending on October 27, 1999, each veteran" and inserting in lieu thereof "Each veteran".

SEC. 403. FURNISHING OF BURIAL FLAGS FOR DECEASED MEMBERS AND FORMER MEMBERS OF THE SELECTED RESERVE.

Section 2301 is amended by adding at the end the following new subsection:

"(f)(1) The Secretary shall furnish a flag to drape the casket of each deceased member or former member of the Selected Reserve (as described in section 10143 of title 10) who is not otherwise eligible for a flag under this section or section 1482(a) of title 10—

"(A) who completed at least one enlistment as a member of the Selected Reserve or, in the case of an officer, completed the period of initial obligated service as a member of the Selected Reserve;

"(B) who was discharged before completion of the person's initial enlistment as a member of the Selected Reserve or, in the case of an officer, period of initial obligated service as a member of the Selected Reserve, for a disability incurred or aggravated in line of duty; or

"(C) who died while a member of the Selected Reserve.

"(2) A flag may not be furnished under subparagraph (A) or (B) of paragraph (1) in the case of a person whose last discharge from service in the Armed Forces was under conditions less favorable than honorable.

"(3) After the burial, a flag furnished under paragraph (1) shall be given to the next of kin or to such other person as the Secretary considers appropriate.".

SEC. 404. STATE CEMETERY GRANTS PROGRAM.

(a) AMOUNT OF GRANT RELATIVE TO PROJECT COST.—(1) Paragraphs (1) and (2) of section 2408(b) are amended to read as follows:

"(1) The amount of a grant under this section may not exceed—

"(A) in the case of the establishment of a new cemetery, the sum of (i) the cost of improvements to be made on the land to be converted into a cemetery, and (ii) the cost of initial equipment necessary to operate the cemetery; and

"(B) in the case of the expansion or improvement of an existing cemetery, the sum of (i) the cost of improvements to be made on any land to be added to the cemetery, and (ii) the cost of any improvements to be made to the existing cemetery.

"(2) If the amount of a grant under this section is less than the amount of costs referred to in subparagraph (A) or (B) of paragraph (1), the State receiving the grant shall contribute the excess of such costs over the grant. Costs of land acquired or dedicated by the State for such cemetery shall not be taken into account for purposes of the preceding sentence.".

(2) The amendment made by paragraph (1) shall apply with respect to grants under section 2408 of title 38, United States Code, made after the end of the 60-day period beginning on the date of the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS WITHOUT FISCAL YEAR LIMITATION.—The first sentence of section 2408(e) is amended by striking out "shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated" and inserting in lieu thereof "shall remain available until expended".

(c) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR GRANT PROGRAM.—Paragraph (2) of section 2408(a) is amended to read as follows:

"(2) There is authorized to be appropriated $10,000,000 for fiscal year 1999 and for each succeeding fiscal year through fiscal year 2004 for the purpose of making grants under paragraph (1).".

SEC. 405. DISABLED VETERANS OUTREACH PROGRAM SPECIALISTS.

(a) IN GENERAL.—section 4103A(a)(1) is amended—

(1) in the first sentence by striking out "for each 6,900 veterans residing in such State" through the period and inserting in lieu thereof "for each 7,400 veterans who are between the ages of 20 and 64 residing in such State.";

(2) in the third sentence, by striking out "of the Vietnam era"; and

(3) by striking out the fourth sentence.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to appointments of disabled veterans' outreach program specialists under section 4103A of title 38, United States Code, on or after the date of the enactment of this Act.

SEC. 406. PERMANENT AUTHORITY TO USE FOR OPERATING EXPENSES OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES AMOUNTS AVAILABLE BY REASON OF THE LIMITATION ON PENSION FOR VETERANS RECEIVING NURSING HOME CARE.

(a) IN GENERAL.—Section 5503(a)(1)(B) is amended by striking out "Effective through September 30, 1997, any" in the second sentence and inserting in lieu thereof "Any".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of October 1, 1997.

SEC. 407. MEMBERS OF THE BOARD OF VETERANS' APPEALS.

(a) TITLE OF BOARD MEMBERS.—Section 7101(a) is amended—

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

(2) by designating the fourth and fifth sentences as paragraph (2); and

(3) by adding after the third sentence the following: "Members of the Board (other than the Chairman) shall also be known as 'veterans administrative law judges'.".

(b) REQUIREMENT FOR BOARD MEMBERS TO BE ATTORNEYS.—Section 7101A(a) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) Each member of the Board shall be a member in good standing of the bar of a State.".

(c) EMPLOYMENT REVERSION RIGHTS.—Paragraph (2) of section 7101A(d) is amended to read as follows:

"(2)(A) Upon removal from the Board under paragraph (1) of a member of the Board who before appointment to the Board served as an attorney in the civil service, the Secretary shall appoint that member to an attorney position at the Board, if the removed member so requests. If the removed member served in an attorney position at the Board immediately before appointment to the Board, appointment to an attorney position under this paragraph shall be in the grade and step held by the removed member immediately before such appointment to the Board.

"(B) The Secretary is not required to make an appointment to an attorney position under this paragraph if the Secretary determines that the member of the Board removed under paragraph (1) is not qualified for the position.".

SEC. 408. NATIONAL SERVICE LIFE INSURANCE PROGRAM.

(a) ELIGIBILITY OF CERTAIN VETERANS FOR DIVIDENDS UNDER VSLI PROGRAM.—Section 1919(b) is amended—

(1) by striking out "sections 602(c)(2) and" and inserting in lieu thereof "section"; and

(2) by striking out "sections" after "under such" and inserting in lieu thereof "section".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 409. TECHNICAL AMENDMENTS.

(a) REDESIGNATION.—Section 1103, as added by section 8031(a) of the Veterans Reconciliation Act of 1997 (title VIII of Public Law 105–33), is redesignated as section 1104, and the item relating to that section in the table of sections at the beginning of chapter 11 is revised to reflect that redesignation.

(b) OTHER CORRECTIONS.—

(1) Section 1803(c)(2) is amended by striking out "who furnishes health care that the Secretary determines authorized" and inserting in lieu thereof "furnishing health care services that the Secretary determines are authorized".

(2) Section 3680A(d)(2)(C) is amended by striking out "section".

(3) Section 8107(b)(3)(E) is amended by striking out "section 7305" and inserting in lieu thereof "section 7306(f)(1)(A)".

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

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4110, as amended.

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

There was no objection.

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

Mr. Speaker, H.R. 4110 is the Veterans Benefits Improvement Act of 1998. This bill provides a cost-of-living adjustment, a COLA, for veterans' compensation pensions and related programs.

The COLA will follow the Social Security Administration figure, which is based on the Consumer Price Index.

H.R. 4110 makes various changes in education programs and adjustments in the retirement provisions for judges serving on the U.S. Court of Veterans Appeals.

It also makes improvements in the State Cemetery Grant program and provides permanent authority for members of the Guard and Reserve to participate in the VA Home Loan program.

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

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

Mr. Speaker, I rise in strong support of this legislation, as amended. I want to take this opportunity to thank the gentleman from Arizona (Mr. STUMP), the chairman of the committee, for bringing floor action on this bill today.

I also want to thank the gentleman from New York (Mr. QUINN), the chairman of the Subcommittee on Benefits, and the gentleman from California (Mr. FILNER), the ranking Democratic member of the subcommittee, for their hard work in passing this important legislation.

The Veterans Improvement Act of 1998 is an excellent bill that includes improvements to several of our very important benefit programs and is yet another example of the bipartisanship that is a hallmark of this committee.

I urge my colleagues to support this legislation.

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

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. REDMOND), a member of the Subcommittee on Benefits.

Mr. REDMOND. Mr. Speaker, I rise today in support of H.R. 4110, the Veterans Benefits Improvements Act of 1998.

This bill provides a cost of living adjustment for compensation, DIC and related benefits. As the chairman stated, the adjustment is computed using the same percentage increase given to Social Security recipients.

In addition, the bill makes a number of improvements to programs serving veterans. It includes provisions that would expand the opportunity for veterans to participate in on-the-job training programs, especially those for law enforcement and fire fighting personnel operated by the Federal, State and local governments;

Allow VA to consider up to 12 hours of academic credits granted for life experiences as meeting the eligibility requirements for the Montgomery GI bill.

It will also authorize a more accurate payment to schools for processing VA paperwork.

It will simplify physical requirements for veterans taking flight training; require VA to regularly notify service members of the eligibility requirements for the Montgomery GI bill and require the armed services branches to counsel service members volunteering for early discharge concerning their eligibility benefits.

The committee has received reports that some personnel are taking early discharges, without considering whether they have accumulated enough time in service to qualify for the Montgomery GI benefits.

Title III pertains to the Court of Veterans Appeals and makes numerous changes requested by the court to improve the internal operations. Among this title's authorities are provisions that would, first, authorize early retirement of one Court of Veterans Appeals judge per year between 1999 and 2003 to ensure continuity of the court when the original appointee's term expires. This is really the major provision of title III;

Provide the authority for the judges of the court to volunteer for recall status upon retirement and for the court to exercise recall authority;

To allow a judge from the Court of Veterans Appeals, who is nominated by the President for an additional term, to remain in office up to one year pending confirmation by the Senate;

Require the court to provide a report on merging the court's retirement and annuity plans with other existing plans for Federal judges, since the court is composed of only 7 judges; and

Rename the court as the United States Court of Appeals for Veterans Claims, in order to distinguish it as completely separate from the Department of Veterans Affairs.

Title IV makes improvements to several areas of benefits, including making permanent the VA loan guarantee program for Selected Reservists;

Authorizing a burial flag for any reservist who dies while in the Reserves or has completed one enlistment and has an honorable discharge.

Until now, members of the Selected Reserve have not been eligible for a burial flag. This provision recognizes reservists' increased contribution to the national defense of our country.

Changing the Federal funding formula to authorize VA to pay up to 100 percent of the cost of constructing state veteran cemeteries and initial equipment needed to operate such cemeteries. The current formula authorizes VA to pay up to 50 percent of the costs of land and construction. This is an administrative request.

State employment offices locate disabled veterans and help them find jobs. Currently, these outreach staffers are required to be disabled veterans from the Vietnam era. This provision removes the Vietnam era requirement for the specialists in order to make the positions available to a wider group of veterans. The number of specialists hired will also be based on the number of working age veterans in the State;

Reauthorizing VA to retain pension funds in excess of $90 paid to dependent-less veterans who are being cared for in the VA nursing homes. These funds would be used to augment the operating funds of the medical center providing the care;

Changing the title of the Board of Veterans' Appeals Members to Veterans Administrative Law Judges and clarifying employment revisions for the board members who are demoted and who have prior civil service as an attorney.

Finally, Mr. Speaker, the bill accommodates the VA's request that would authorize payment of insurance dividends to disabled veterans who purchase World War II era "H" life insurance policies. This change will put "H" policyholders on an equal footing with other World War II era veterans who hold national life service insurance policies.

Mr. Speaker, this is a very good bill and benefits many veterans. The bill is a result of bipartisan hard work for which I thank the Members on both sides of the aisle. I urge my colleagues to support H.R. 4110 and thank the chairman of the full committee for his leadership on behalf of our Nation's veterans.

I also want to thank the gentleman from Illinois (Mr. EVANS), the ranking minority member, the gentleman from New York (Mr. QUINN), the chairman of the subcommittee, and the gentleman from California (Mr. FILNER), the ranking member of the subcommittee, for their support on this legislation.

□ 1215

Mr. EVANS. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, as ranking Democrat on the Subcommittee on Benefits, I strongly support H.R. 4110, the Veterans Benefits Improvement Act of 1998, a bill which will significantly improve and enhance several of the most important programs we provide for our Nation's veterans.

Title I of this measure will provide an increase in compensation and other benefits effective December 1, 1998. By approving these provisions, we are fulfilling our first and primary responsibility, to care for those who are disabled while serving in our military, and to care for their survivors.

Title II of H.R. 4110 improves veterans' education programs, and in doing so we are fulfilling our commitment to the millions of young Americans who have, at least in part, volunteered to serve in our armed forces because of the opportunity to earn money for college through service to our country.

Title III will provide for uninterrupted service by judges of the Court of Veterans' Appeals when a judge whose term is expiring is nominated for a subsequent term. It will also provide for the early retirement of judges presently sitting on the court in order to avoid the potential for all the judges' terms expiring within a very short period of time. These provisions, Mr. Speaker, will carry out our commitment to ensuring veterans' access to justice.

Title IV includes a section which will expand and enhance the State Cemetery Grant program. In approving this provision, we are fulfilling our responsibility to honor America's veterans even at the end of their lives.

I regret that because of its cost, we had to eliminate a provision approved by the subcommittee which would have enabled veteran students to receive more GI Bill money up front, that is, at the beginning of a semester when they particularly need it. I hope that enacting this or similar legislation will be a high priority for our committee during the 106th Congress.

Additionally, I would like to stress the importance of sections 206 and 207 of the bill which require the VA and the military services to provide additional information regarding Montgomery GI Bill benefits to active duty service members. I have received reports from college and VA officials that some young veterans who have taken early-outs from their military duty specifically in order to enter college were informed when they arrived at school and applied for their VA education benefits that because they took an early-out, they had not fulfilled the minimum active duty requirements and consequently had lost their eligibility for Montgomery GI Bill benefits.

I have been told also that in spite of earlier legislative initiatives, too many veterans still do not understand the benefit payment procedures and other characteristics of our GI bill. As long ago as 1988, the Commission on Veterans' Education Policy noted that, and I quote, "more effective use of GI Bill benefits would result if individuals seeking to use their benefits were advised of the intricacies of the program and of their rights and responsibilities at the outset of their training."

In response to the Commission's recommendations, Congress enacted legislation requiring the VA to provide a brochure that would clearly and fully explain veterans' education programs to individuals first applying for VA education benefits. The VA went on to develop an excellent pamphlet which has been helpful to thousands of veteran students. But additional years of experience with the GI Bill have shown that information regarding a program must be provided to the GI Bill participants while they are still on active duty and before they begin using their VA education benefits. I feel certain that the additional requirements under sections 206 and 207 will provide service members the GI Bill information they need when they need it.

Mr. Speaker, in closing I want to thank the gentleman from New York (Mr. QUINN), the chairman of the subcommittee, for his leadership on this and all other issues before our subcommittee, and for his commitment to the long-standing bipartisan spirit of this committee. I believe America's veterans have benefited from our close cooperation.

Of course I also want to thank the gentleman from Arizona (Mr. STUMP), the chairman of the full committee, and the gentleman from Illinois (Mr. EVANS), the ranking member, for their support of this important measure. H.R. 4110 is an excellent bill, Mr. Speaker. I urge my colleagues to support it.

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

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume. I would like to thank the gentleman from New York (Mr. QUINN) and the gentleman from California (Mr. FILNER), the chairman and ranking member of the Subcommittee on Benefits, as well as the gentleman from Illinois (Mr. EVANS), the ranking member of the full committee, for all their hard

work and input on this bill. This is a bipartisan bill. I would urge the Members to support it.

Mr. UNDERWOOD. Mr. Speaker, I rise in support of H.R. 4110, the Veterans Benefits Improvement Act of 1998. We are all too familiar about recent criticisms and accusations from America's veterans about Congress' failure to keep its promises. H.R. 4110 gives us a chance to somehow address some of the problems and demonstrate our concerns for our veterans.

H.R. 4110 provides a much needed re-adjustment of benefits and compensation. This bill, among others, focuses upon improvements of the current veterans educational benefits system, better adjudication of V.A. claims, the adjustment survivor annuities and burial entitlements, and the extension of certain benefits to reservists.

Guardsmen and reservists currently comprise almost half of our nation's military forces. As we tend to rely and place more demands upon reserve components for our nation's defense, we are continually faced with the challenge of providing benefits commensurate to the demands placed on these men and woman. Provisions on H.R. 4110 extending V.A. loan benefits and some burial entitlement for members of the Selected Reserves would definitely go towards recognizing the vital role of "citizen soldiers" in our nation's defense.

Amid accusations that our veterans are being "sold out" and that we have reneged on our promises, I urge my colleagues to take a step towards reassuring our commitment to the brave men and women who served and made great sacrifices for this nation.

Mr. EVERETT. Mr. Speaker, I rise in strong support of H.R. 4110, the Veterans Benefits Improvement Act of 1998. I am very pleased that, once again, veterans with service-connected disabilities and the families of veterans who died from service-connected causes should receive a full cost of living adjustment (COLA) for 1999.

This Congress is maintaining America's commitment to those who have answered the call to defend our great country and its freedoms. H.R. 4110 would provide a COLA commensurate with the Social Security COLA, which will be calculated at the end of this September. The increased benefit rate would begin on December 1, 1998. If it were calculated right now, it would be about 1.6 percent.

As my colleagues have already described, this pro-veteran legislation would also improve several veterans programs. It would improve education benefits by giving veterans greater flexibility on payment of work-study allowances and by allowing credit for life and work experiences to establish eligibility for the GI Bill.

This legislation would allow Federal, State and local governments to waive wage increase requirements and minimum payment rates for certain government on-the-job training programs, thereby making these programs more accessible to veterans. The VA and military services would also be required to provide service members and veterans better information about their GI Bill benefits.

Recognizing the increasing importance of our Nation's Reserve and National Guard forces, H.R. 4110 would establish their permanent eligibility for veterans housing loans and would authorize the VA to furnish burial flags for deceased members of the reserve components even before they are eligible for retirement.

This bill has too many good provisions in it for complete discussion here, so I have chosen only a few. Certainly, I support all of the bill.

Mr. Speaker, I want to commend Chairman STUMP of the full Committee, Mr. EVANS, the Ranking Minority Member, Chairman QUINN of the Subcommittee on Benefits, and Mr. FILNER, the Subcommittee's Ranking Minority Member, for their hard work and bipartisan approach on the bill. I am pleased to join them in cosponsoring the bill.

And finally, Mr. Speaker, I urge all of my colleagues to act favorably on this measure.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 4110, the Veterans' Benefits Improvement Act.

H.R. 4110 authorizes a full cost-of-living adjustment for veterans with service connected disabilities and the rates of dependency and indemnity compensation (DIC) for the survivors of certain disabled veterans, for FY 1999. It also simplifies VA education programs, makes reservists and National Guard members permanently eligible for the VA Home Loan Program, and makes internal improvements to the operation of the U.S. Court of Veterans Appeals.

The disability compensation program is intended to provide some relief for those veterans whose earning potential has been adversely impacted as a result of disabilities incurred during military service.

The survivors benefit program is intended to provide partial compensation to the appropriate survivors for a loss of financial support due to a service-connected death.

Congress has provided an annual cost-of-living adjustment to these veterans and survivors since 1976.

This legislation also addresses a potential future problem for the Court of Veterans Appeals. Beginning in 2004, five of the six original appointees on this court will be eligible for retirement. Moreover, the last two years have seen a substantial increase in the workload and backlog of cases pending before the court.

This legislation permits the Court of Veterans Appeals to operate in a manner similar to other Federal courts, whereby retired judges are permitted to volunteer their services in a limited capacity, typically 25% of a normal workload. These judges receive retired pay equal to that of an active judge in exchange for their services.

This goal of this provision is to provide an effective measure to help reduce overall workload and shorten the time that veterans must wait for decisions on their appeals.

Finally, H.R. 4110 makes permanent the authority of the VA to guarantee home loans for National Guard and Reserve members. This authority was previously set to expire on September 30, 1999.

Mr. Speaker, I believe this is worthy legislation and an appropriate response of this legislative body to the sacrifices made by our Nation's veterans and their families.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this bill, which makes substantial improvements to our national policy as it relates to veterans. The special contributions that veterans have made to the history of this country are under-appreciated and this bill, I believe, tries to bring much needed satisfaction to our real-life heroes.

H.R. 4110 contains several provisions posed to improve current policy. First and foremost, it amends Title 38 to require the Department of Veterans Affairs to use free and open competition in the award of Veteran's housing contracts. We have opened the doors of privatization in other segments of our society, and it is about time that we start to let market forces work for us in our military expenditures.

This bill also raises the cost of living allowances given to veterans and survivors who are receiving funds from the VA, which should give immediate relief to families who have had a hard time dealing with the modern economy. This provision is especially important because, many times, these funds are the sole source of income for these families.

Other important provisions in the bill improve the quality of life for veterans by providing valuable services for their families, for instance, by improving the way home loan guarantees are issued. Another important change in this bill makes it easier for individuals attending schools on the GI Bill to receive their degrees, an always important goal. Although these changes may seem insignificant to some, I have no doubt that the veterans of this great country will appreciate each and every change made on their behalf in this bill.

I applaud the efforts of the Committee on Veterans' Affairs, who reported this bill favorably with a unanimous vote, for their hard work, and I urge my colleagues here today to do H.R. 4110 similar justice by passing it unanimously as well.

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 4110, as amended.

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

A motion to reconsider was laid on the table.

PERSIAN GULF WAR VETERANS HEALTH CARE AND RESEARCH ACT OF 1998

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3980) to amend title 38, United States Code, to extend the authority for the Secretary of Veterans Affairs to treat illnesses of Persian Gulf War veterans, to provide authority to treat illnesses of veterans which may be attributable to future combat service, and to revise the process for determining priorities for research relative to the health consequences of service in the Persian Gulf War, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3980

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 "Persian Gulf War Veterans Health Care and Research Act of 1998".

SEC. 2. HEALTH CARE FOR VETERANS OF WAR.

(a) AUTHORITY TO PROVIDE PRIORITY CARE.—Section 1710(e) of title 38, United States Code, is amended—

(1) by adding at the end of paragraph (1) the following new subparagraph:

"(D) Subject to paragraphs (2) and (3), a veteran who served on active duty in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during a period of war after the Vietnam era, or in combat against a hostile force during a period of hostilities (as defined in section 1712A(a)(2)(B) of this title) after the date of the enactment of this subparagraph, is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any illness, notwithstanding that there is insufficient medical evidence to conclude that such condition is attributable to such service.";

(2) in paragraph (2)(B), by inserting "or (1)(D)" after "paragraph (1)(C)";

(3) in paragraph (3)—

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

(B) by striking out "December 31, 1998." in subparagraph (B) and inserting in lieu thereof "December 31, 2001; and"; and

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

"(C) in the case of care for a veteran described in paragraph (1)(D), after a period of five years beginning on the date of the veteran's discharge or release from active military, naval, or air service."; and

(4) by adding at the end the following new paragraph:

"(5) When the Secretary first provides care for veterans using the authority provided in paragraph (1)(D), the Secretary shall submit to Congress a report on the experience under that authority. The report shall cover the period of the first three years during which that authority is used and shall be submitted not later than nine months after the end of that three-year period. The Secretary shall include in the report any recommendations of the Secretary for extension of that authority.".

(b) ENROLLMENT PRIORITY.—Section 1705(a)(4) of such title is amended—

(1) by striking out "and" after "permanently housebound" and inserting in lieu thereof a comma; and

(2) by inserting ", and veterans described in subparagraph (F) of section 1710(a)(2) of this title" after "disabled".

SEC. 3. NATIONAL CENTER FOR THE STUDY OF WAR-RELATED ILLNESSES.

(a) IN GENERAL.—(1) Chapter 73 of title 38, United States Code, is amended by inserting after section 7322 the following new section:

"§ 7323. National Center for the Study of War-Related Illnesses

"(a) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Health, shall establish and operate in the Veterans Health Administration a National Center for the Study of War-Related Illnesses (hereinafter in this section referred to as the 'Center'). The Center shall, as appropriate, coordinate its activities with those of the National Center on Post-Traumatic-Stress Disorder established pursuant to section 110(c) of the Veterans' Health Care Act of 1984 (Public Law 98-528).

"(b) PURPOSES.—The purposes of the Center shall be to promote improvement of clinical, research, and educational activities of the Veterans Health Administration with respect to war-related illnesses, including medically unexplained illnesses.

"(c) FUNCTIONS.—In carrying out the purposes of the Center, the Under Secretary shall ensure that the Center—

"(1) promotes the training of health care and related personnel in, and research into, the causes, mechanisms, and treatment of war-related illnesses;

"(2) serves as a resource center for, and promotes and seeks to coordinate the exchange of information regarding, research and training activities carried out by the Department, the Department of Defense, and other Federal and non-Federal entities; and

"(3) coordinates with the Department of Defense and other interested Federal departments and agencies in the conduct of research, training, and treatment and the dissemination of information pertaining to war-related illnesses.

"(d) STAFF.—The Under Secretary shall ensure that the staff of the Center has an appropriate range and breadth of expertise so as to enable the Center to bring an interdisciplinary approach to the study and treatment of war-related illnesses.

"(e) COORDINATION BETWEEN DEPARTMENTS.—(1) In order to ensure needed coordination between the Department and the Department of Defense in carrying out the mission of the Center, the officials identified in subparagraphs (A) and (B) of section 8111(b)(2) of this title shall—

"(A) meet regularly to review pertinent policies, procedures, and practices of their respective departments relating to such coordination and to identify actions that could be taken to change policies, procedures, and practices to improve such coordination; and

"(B) take all appropriate steps to carry out those actions identified under paragraph (1).

"(2) The Secretary and the Secretary of Defense shall submit to the appropriate committees of Congress an annual joint report, not later than April 1 each year, on the activities under paragraph (1) during the preceding year.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7322 the following new item:

"7323. National Center for the Study of War-Related Illnesses.".

(b) EFFECTIVE DATE.—The National Center for the Study of War-Related Illnesses required to be established by section 7323 of title 38, United States Code, as added by subsection (a), shall be established not later than October 1, 1999.

SEC. 4. ASSESSMENT OF EFFECTIVENESS OF CARE OF PERSIAN GULF WAR VETERANS.

(a) ASSESSMENT BY NATIONAL ACADEMY OF SCIENCES.—Not later than November 1, 1998, the Secretary of Veterans Affairs shall enter into a contract with the National Academy of Sciences for the conduct of a review of a methodology which could be used by the Department of Veterans Affairs for determining the efficacy of treatments furnished to, and health outcomes (to include functional status) of, Persian Gulf War veterans who have been treated for illnesses which may be associated with their service in the Persian Gulf War.

(b) ACTION ON REPORT.—Not later than 180 days after receiving the final report of the National Academy of Sciences under subsection (a), the Secretary shall—

(1) if scientifically feasible, develop an appropriate mechanism to monitor and study the effectiveness of treatments furnished to, and health outcomes of, Persian Gulf War veterans who suffer from diagnosed and undiagnosed illnesses which may be associated with their service in the Persian Gulf War; and

(2) submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this subsection.

SEC. 5. CONTRACT FOR INDEPENDENT RECOMMENDATIONS ON RESEARCH AND FOR DEVELOPMENT OF CURRICULUM ON CARE OF PERSIAN GULF WAR VETERANS.

Section 706 of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102-585; 38 U.S.C. 527 note) is amended by adding at the end thereof the following new subsection:

"(d) RESEARCH REVIEW AND DEVELOPMENT OF MEDICAL EDUCATION CURRICULUM.—(1) In order to further understanding of the health consequences of military service in the Persian Gulf theater of operations and of new research findings with implications for improving the provision of care for veterans of such service, the Secretary of Veterans Affairs and the Secretary of Defense shall seek to enter into an agreement with the National Academy of Sciences under which the Institute of Medicine of the Academy would—

"(A) develop a curriculum pertaining to the care and treatment of veterans of such service who have ill-defined or undiagnosed illnesses for use in the continuing medical education of both general and specialty physicians who provide care for such veterans; and

"(B) periodically review and provide recommendations regarding the research plans and research strategies of the Departments relating to the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War, including recommendations that the Academy considers appropriate for additional scientific studies to resolve areas of continuing scientific uncertainty relating to the health consequences of any aspects of such military service.

"(2) Not later than six months after the Institute of Medicine provides the Secretaries the curriculum developed under paragraph (1), the Secretaries shall provide for the conduct of continuing education programs using the curriculum developed under paragraph (1). Such programs shall include instruction which seeks to emphasize use of appropriate protocols of diagnosis, referral, and treatment of such veterans.".

SEC. 6. REVISION TO PROCESS FOR DETERMINING PRIORITIES FOR HEALTH-RELATED RESEARCH ON THE PERSIAN GULF WAR.

Section 707 of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102-585; 38 U.S.C. 527 note) is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) PUBLIC ADVISORY COMMITTEE.—Not later than January 1, 1999, the head of the department or agency designated under subsection (a) shall establish an advisory committee consisting of members of the general public, to include Persian Gulf War veterans and representatives of such veterans, to provide advice to the head of that department or agency on proposed research studies, research plans, or research strategies relating

to the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War. The department or agency head shall consult with such advisory committee on a regular basis.

"(c) REPORTS.—(1) Not later than March 1 of each year, the head of the department or agency designated under subsection (a) shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on—

"(A) the status and results of all such research activities undertaken by the executive branch during the previous year;

"(B) research priorities identified during that year; and

"(C) recommendations of the public advisory committee established under subsection (b) that were not adopted during that year and the reasons for not adopting each such recommendation.

"(2)(A) Not later than 120 days after submission of the epidemiological research study conducted by the Department of Veterans Affairs entitled 'VA National Survey of Persian Gulf Veterans—Phase III', the head of the department or agency designated under subsection (a) shall submit to the congressional committees specified in paragraph (1) a report on the findings under that study.

"(B) With respect to any findings of that study which identify scientific evidence of a greater relative risk of illness or illnesses in family members of veterans who served in the Persian Gulf War theater of operations than in family members of veterans who did not so serve, the head of the department or agency designated under subsection (a) shall seek to ensure that appropriate research studies are designed to follow up on such findings.

"(d) PUBLIC AVAILABILITY OF RESEARCH FINDINGS.—The head of the department or agency designated under subsection (a) shall ensure that the findings of all research conducted by or for the executive branch relating to the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War (including information pertinent to improving provision of care for veterans of such service) are made available to the public through peer-reviewed medical journals, the Internet World Wide Web, and other appropriate media.".

SEC. 7. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN ASPINWALL, PENNSYLVANIA.

The Department of Veterans Affairs medical center in Aspinwall, Pennsylvania, is hereby designated as the "H. John Heinz III Department of Veterans Affairs Medical Center". Any reference to that medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the "H. John Heinz III Department of Veterans Affairs Medical Center".

SEC. 8. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN GAINESVILLE, FLORIDA.

The Department of Veterans Affairs medical center in Gainesville, Florida, is hereby designated as the "Malcom Randall Department of Veterans Affairs Medical Center". Any reference to that medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the "Malcom Randall Department of Veterans Affairs Medical Center".

SEC. 9. MANAGEMENT OF SPECIALIZED TREATMENT AND REHABILITATIVE PROGRAMS.

(a) STANDARDS OF JOB PERFORMANCE.—Section 1706(b) of title 38, United States Code, is amended—

(1) in paragraph (2), by striking out "April 1, 1997, April 1, 1998, and April 1, 1999", and inserting in lieu thereof "April 1, 1999, April 1, 2000, and April 1, 2001"; and

(2) by adding at the end the following new paragraph:

"(3)(A) To ensure compliance with paragraph (1), the Under Secretary for Health shall prescribe objective standards of job performance for employees in positions described in subparagraph (B) with respect to the job performance of those employees in carrying out the requirements of paragraph (1). Those job performance standards shall include measures of workload, allocation of resources, and quality-of-care indicators.

"(B) Positions described in this subparagraph are positions in the Veterans Health Administration that have responsibility for allocating and managing resources applicable to the requirements of paragraph (1).

"(C) The Under Secretary shall develop the job performance standards under subparagraph (A) in consultation with the Advisory Committee on Prosthetics and Special Disabilities Programs and the Committee on Care of Severely Chronically Mentally Ill Veterans.".

(b) EFFECTIVE DATE.—The standards of job performance required by paragraph (3) of section 1706(b) of title 38, United States Code, as added by subsection (a), shall be prescribed not later than January 1, 1999.

SEC. 10. EXTENSION OF AUTHORITY TO COUNSEL AND TREAT VETERANS FOR SEXUAL TRAUMA.

Section 1720D(a) of title 38, United States Code, is amended by striking out "December 31, 1998" in paragraphs (1) and (3) and inserting in lieu thereof "December 31, 2001".

SEC. 11. AUTHORIZATION OF CONSTRUCTION OF A SPINAL CORD INJURY CENTER AT THE TAMPA, FLORIDA, VAMC.

(a) AUTHORIZATION.—The Secretary of Veterans Affairs may carry out a major medical facility project for construction of a spinal cord injury center at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $46,300,000.

(b) FUNDING.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1999 for the Construction, Major Projects, account $20,000,000 to be available for the project authorized in subsection (a).

(c) SOURCE OF FUNDS.—The project authorized in subsection (a) may be carried out using—

(A) funds appropriated pursuant to the authorization of appropriations in subsection (b);

(B) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1999 that remain available for obligation; and

(C) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1999 for a category of activity not specific to a project.

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

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

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

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3980.

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

There was no objection.

Mr. STUMP. Mr. Speaker, H.R. 3980 is the Persian Gulf War Veterans Health Care and Research Act of 1998. H.R. 3980 addresses the most pressing concerns facing our Persian Gulf War veterans today. It does so by extending and expanding the VA's treatment authority for Persian Gulf veterans; by taking major steps to improve the effectiveness of that treatment; and by strengthening the process by which the government sets its Persian Gulf research agenda.

This legislation is also forward looking in providing broad treatment authority for veterans of any future combat situations, and requiring the VA to establish a center for the study of war-related illnesses.

The bill also extends VA's authority to provide counseling for sexual trauma to the year 2001.

I would like to thank and acknowledge the leadership and work of the gentleman from Florida (Mr. STEARNS), our subcommittee chairman, and also commend the gentleman from Illinois (Mr. EVANS), the ranking member of the full committee, and the gentleman from Massachusetts (Mr. KENNEDY) for initiating legislation of their own and for their work on this bill.

H.R. 3980 addresses the concerns that many have raised, including the General Accounting Office, the Presidential Advisory Committee on Persian Gulf Illnesses, and the Committee on Government Reform and Oversight, as well as many members of the Committee on Veterans' Affairs. In my view, the solutions that H.R. 3980 proposes are responsible and offer the promise of improved care for Persian Gulf veterans, and greater confidence in the agenda for research on Persian Gulf illnesses.

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

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

Mr. Speaker, I rise in strong support of H.R. 3980. I want to thank the chairman, the gentleman from Arizona (Mr. STUMP), and the chairman and ranking Democratic member of the Subcommittee on Health, the gentleman from Florida (Mr. STEARNS) and the gentleman from Illinois (Mr. GUTIERREZ), for their work on this important legislation. I join the chairman in voicing my strong support for this far-reaching legislation.

The bill offers the VA a better means of assuring the quality of care provided to veterans of the Persian Gulf War

and lays a foundation for understanding health care needs of veterans of future conflicts.

I am particularly pleased that this bill incorporates H.R. 3571 that I introduced in March to extend VA's authority to provide health care treatment for Persian Gulf veterans. In addition, I am pleased that provisions of another measure, H.R. 3279, which I introduced to provide compensation for veterans with Persian Gulf illnesses and to improve their health care treatment, was also included in H.R. 3980.

More than a year ago, I requested that the GAO determine whether VA is maintaining its capacity in certain special emphasis programs as required by law. Preliminary findings from this report and other sources indicate that the expensive specialized services, those once considered the crown jewels of the system, have indeed become increasingly vulnerable to programmatic shifts and funding cuts that now threaten their integrity. These programs serve veterans with catastrophic disabilities, conditions such as spinal cord injury, blindness, severe mental illness, amputations, traumatic brain injury and posttraumatic stress disorder, conditions that I believe most Americans would agree the VA system exists to treat.

H.R. 3980, as amended, will require the VA to assess its resource managers' performance and, in part, base merit pay on ensuring that special programs receive programmatic and resource support veterans served by them deserve. This will better ensure that VA managers are not rewarded for dumping their patients who are most difficult and most costly to treat.

There are a number of other important provisions in this bill, Mr. Speaker, which my longer statement for the record addresses. I want to thank the gentleman from Arizona (Mr. STUMP), the chairman, again for his work on this important legislation. I encourage my colleagues to support H.R. 3980, as amended.

Mr. Speaker, I rise in support of H.R. 3980. I want to thank Chairman STUMP and the Chairman and Ranking Democratic Member of the Health Subcommittee, CLIFF STEARNS and LUIS GUTIERREZ, for their work on this legislation. As a result of their efforts and the efforts of others, H.R. 3980, as now before the House, deserves the support of every member of this body. I join the Chairman in voicing my strong support for this far-reaching health care legislation. The bill offers VA a better means of assuring the quality of care provided to veterans who served in the Persian Gulf War and lays the foundation for understanding health care needs of veterans of future conflicts. In so doing, the legislation will undoubtedly benefit not only Gulf War veterans, but also those combat veterans that follow in their footsteps.

I am particularly pleased that this bill incorporates the measure I introduced this past March, H.R. 3571, to extend VA's authority to provide health care treatment for Persian Gulf veterans. H.R. 3980 also includes provisions from a bill I introduced, H.R. 3279 (Persian Gulf War Veterans Act of 1998), to provide compensation for veterans with illnesses attributable to service in the Persian Gulf. For example, the bill requires VA to commission a study from the National Academy of Sciences to identify associations between exposures service members likely encountered as a result of Gulf War service and their health outcomes.

VA has, on its own initiative, entered into a two-year contract with the Institute to review and evaluate the research and medical literature available to assess associations between exposures and health effects on Gulf War veterans. While the contract is not as expansive as that which is required in the Persian Gulf War Veterans Act of 1998, it lays the groundwork for research that could identify probable clinical associations and areas where more work is needed. I commend VA for taking the initiative to respond to the recommendation made by the Presidential Advisory Committee on Gulf War Illnesses and reaffirm my commitment to making this a longer-term partnership in the future.

This measure further ensures that the federal government is accountable for its research agenda by establishing a Veterans Advisory Panel. The Advisory Panel will recommend areas where VA should do additional research, advise on strategies for research, and suggest improvements in study designs. This measure further ensures that the Research Working Group is accountable to Persian Gulf Veterans by requiring the Working Group to either implement the Panel's recommendations or to justify not incorporating their recommendations.

The Committee has built on the relationship VA has already established with the Institute of Medicine. Assessing health care effectiveness was a concern of many of our members, so this measure asks VA to work with the Institute of Medicine to identify the outcome measures that would be useful in helping us understand which treatments are most beneficial to veterans. Outcomes would include measures of both health and functional status. Having both types of measures would allow us not only to assess if veterans' physical symptoms are improving, but if the veteran is also better able to engage in productive activities and social relationships.

Mr. KENNEDY's original Persian Gulf bill supported a measure for training VA clinicians to provide better health care to those with poorly defined symptoms or undiagnosed illnesses. I recognized the value in such a proposal immediately and I support the measure included in the legislation before us today to ask the Institute of Medicine to develop a recommended curriculum for VA primary and specialty physicians involved with Gulf War veterans' care.

H.R. 3980 also establishes a new plan for addressing the spouses and children of Gulf War veterans. The current program is expiring but is clearly not meeting the needs of veterans' dependents. It offers a medical examination at only 18 sites around the country with no follow-up treatment if a problem is found. VA is now in the third phase of an important epidemiological study to identify prevalence of symptoms or conditions in veterans and their families. As the findings of this study become available, this legislation will require VA to engage in additional studies of those conditions veterans' families exhibit more than their peers. I will pledge that to the degree there are clinically significant associations found in this study, I will offer legislation to assure veterans' families have access to treatment for the conditions they suffer.

My friends, KAREN THURMAN of Florida and MIKE DOYLE of Pennsylvania have each introduced bills to rename VA facilities in their states. These bills have been incorporated into H.R. 3980 and just last week, companion bills were reported favorably by the Senate Veterans' Affairs Committee. Representative THURMAN's measure will rename the Gainesville VA Medical Center after a long-time public servant, Malcom Randall, who served as the facility's director for more than 30 years. Congressman DOYLE's provision will rename the Aspinwall VA Medical Center in Pittsburgh after the late Senator, H. John Heinz III. I thank the Members for their commitment to ensuring enactment of these two provisions and thank my colleagues on the Committee for favorably considering the renaming measures on behalf of these two worthy individuals.

Recently, the Subcommittee on Health held a hearing on the record of the Veterans' Health Administration's special programs meeting the treatment and rehabilitation needs of disabled veterans. Specifically, the Committee wanted to ensure that the VHA was obeying a provision of the law Congress enacted as part of its comprehensive Eligibility Reform Act in 1994. The Act, along with the sweeping administrative changes being made, transformed the delivery of VA medical care. At the time the law was enacted, Congress realized there would be far reaching changes, many of which would be positive, but was prescient enough to recognize that authorizing VA to become a more efficient provider could adversely affect some successful programs. Our concerns were based, at least in part, upon watching the experience of private sector medicine, as it became more cost-effective. Specialty care for people with chronic conditions was more adversely affected than care in other areas, largely because it cost more to deliver. Accordingly, Congress required VA to maintain its capacity to meet veterans' health care and rehabilitation needs in the special programs.

More than a year ago, I requested the General Accounting Office to determine whether VA is maintaining its capacity in certain special emphasis programs as required by law. The Veterans' Health Administration developed these special programs to treat combat injuries or other conditions disproportionately experienced by veterans. These programs treat and rehabilitate veterans with catastrophic illnesses or disabilities—conditions such as Spinal Cord Injury, blindness, severe mental illness, amputations, traumatic brain injury and Post-traumatic Stress Disorder—conditions I believe most Americans would agree the VA medical system exists to treat.

It appears the expensive specialized services—the crowned jewels of the system—have indeed become increasingly vulnerable to programmatic shifts and funding cuts which threaten their integrity. I must sadly report that

the hearing elicited some of the most disturbing testimony our Committee has heard this year. Witnesses made it clear that Congress must continue to collect data from VA to assess these programs and to improve the data VA collects. It is apparent that too many psychiatric inpatient settings are discharging veterans with severe mental illness onto the streets without community resources to support them; too many spinal cord injury centers lack the resources they need to operate and have no medical leadership for months on end; and the increasing demands on the prosthetics programs are not being met with new resources to support them. Worst of all, witnesses allege that VA officials are encouraging employees to underreport important measures designed to help Congress understand how well the programs are operating! Without these important measures or with faulty and inaccurate measures, which are required by law, we are unable to provide effective oversight of these critical programs.

To address this concern, H.R. 3980, as amended, will require VA to assess its resource managers' performance in ensuring that special programs receive the programmatic and resource support veterans served by them deserve. Any merit pay managers receive based on their performance must assess how well these important programs are maintained. This will better ensure VA managers are not rewarded for "dumping" their patients who are the hardest and most costly to treat and is an important test in further protecting the programs which make VA a unique and essential provider.

Also in the interest of special programs, for the third time, this Committee will put forward a measure to authorize a major construction project to replace the Spinal Cord Injury center in Tampa, Florida. There are major deficiencies in the current structure and the new wards this project will create are absolutely essential. My good friend, MIKE BILIRAKIS, has been a tireless champion of this project for more than 10 years—neither the need, nor his devotion, to fulfilling it has diminished over this time.

I am pleased H.R. 3980 is reauthorizing the sexual trauma counseling program that is helping so many of our women service members move on with their lives after being subject to traumatic physical or verbal abuse during military service. During a recent Committee hearing, we received unequivocal testimony from VA and veterans' service organizations about the value of this important program. In a perfect world we would hope that the problem of sexual harassment and abuse in our armed forces would diminish and, in time, be eliminated, but, in fact, all signs point to just the opposite happening. In this not so perfect world, it is essential that we maintain this program.

I, again, want to thank Chairman STUMP for working with me and others on this important legislation. I recommend and encourage our colleagues to support this legislation.

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

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS), chairman of the Subcommittee on Health.

Mr. STEARNS. Mr. Speaker, I appreciate the recognition from the distinguished chairman of the full committee. I also want to thank the gentleman from Illinois (Mr. EVANS), the ranking member, and the gentleman from Illinois (Mr. GUTIERREZ), the ranking member on the Subcommittee on Health. Mr. Speaker, I am going to take a few moments just to outline some of the broad understanding of this Gulf War syndrome for the record.

Mr. Speaker, in January and early February of 1991, the United States stood on the brink of what many people anticipated would be a protracted military campaign against the forces of an aggressor nation. Many lawmakers, some in this Chamber, opposed military action, of course, fearing heavy losses.

Thankfully our armed forces proved vastly superior to Saddam Hussein's army, and in a matter of days the conflict was over.

Appropriately, much of the credit for our swift, decisive action went to the approximately 700,000 American men and women who served in the Gulf War during that operation. As a Nation, of course, we salute their heroism.

In one month after the war's close, however, it became apparent that many Persian Gulf veterans who had escaped the hazards of enemy rockets, tanks, mines and gunfire were not left untouched. Increasingly veterans who returned home uninjured began to experience illnesses with multiple symptoms which their doctors really could not explain.

Almost as soon as the reports of these problems reached Congress, our committee, the House Committee on Veterans' Affairs, began investigating. We held two hearings in 1992 exploring the possible link between these illnesses and the troops' exposure to the chemical soot of Iraqi-set oil well fires. With continued reports of veterans' health problems, the committee continued its review, seeking to explore the possible effects of an ever-growing number of risk factors. In all, the committee has held 17 hearings relating to the health effects of service in the Persian Gulf War. While answers to these many questions remained elusive, the committee over the years has nevertheless initiated the passage of unprecedented legislation to address health care problems experienced by Persian Gulf veterans, research on risk factors associated with such service, and provision of compensation for veterans with unexplained or undiagnosed conditions.

In the course of its oversight, the committee has heard from individual veterans and their dependents and representatives, as well as clinicians, researchers and auditors.

□ 1230

We have met with and taken testimony from officials of numerous government agencies and representatives of each of the expert panels which have studied Persian Gulf War veterans' health problems, including scientists from the Institute of Medicine and the Presidential Advisory Committee on Gulf War Illnesses. The committee has led efforts to ensure that lack of definitive answers not be a barrier to provision of health care and compensation for health problems which appear to have their origin in service. At the same time we have pushed and pursued funding for research to ascertain the nature of these illnesses and determine the most effective means of treatment.

Mr. Speaker, numbers and statistics do not adequately explain the problems that have led us to develop the bill we bring to the floor today. However, the plain-spoken words of a former Marine, Carl Wickline, who testified at one of our hearings, graphically convey the kind of health problems veterans have encountered:

> Multiple symptoms began to become noticeable shortly after I returned to the United States. Symptoms have included severe headaches, chronic fatigue, recurring neuromuscular back pain, short-term memory loss, lapses in concentration, severe rash, depression which medication has not successfully treated, night sweats, insomnia, severe gastrointestinal problems, blurred vision, photosensitivity, bleeding gums, immune system inefficiencies and multiple chemical sensitivities.

Describing VA attempts to treat him as having been unsuccessful, he stated that,

> I end up in the same place each time I attempt to contact the VA concerning my illnesses. Mental health must be the dead end for all cases which the VA has no knowledge or interest in treating.

Mr. Speaker, his experiences echo those of many veterans. In fact, in my district Michael Adcock of Ocala, Florida, who had many of the symptoms Mr. Wickline reported, he died at the age of 22, shortly after returning home to Ocala from the Gulf.

Another spouse, Deborah Smith, testified as to how little trust these veterans have.

> For 5 years veterans questioned the likelihood that they had been exposed to chemical weapons during the Gulf War. For 5 years the Pentagon denied that possibility. When indisputable evidence was presented in 1996, those denials were turned to affirmation. Sensitivity is needed to grasp the betrayal these soldiers experienced due to this incident.

What has become clear, Mr. Speaker, is that scientists do not believe there is any one single illness or any single exposure which would explain all these problems. It seems equally clear that many veterans who have undergone VA or DOD clinical examinations or participated in the research programs have very real illnesses which are likely connected to the service in the Gulf.

Well, we have reviewed these, and that is why this bill is presented today.

In a June of 1997 report on Gulf War illness and testimony before our Subcommittee on Health, the General Accounting Office criticized the Federal research effort as, quote, lacking a coherent approach, and questioned the emphasis Federal departments have given on epidemiological research rather than research on diagnosis, treatment and prevention of Gulf War veterans' illnesses. Our committee initiated legislation last year to foster more clinical research in this area.

It is clear that many Persian Gulf veterans are unsatisfied. They are frustrated that research has not provided the full answers, and they perhaps have lost confidence in departments managing that research, and I share their concern. That is why this committee, in developing the legislation we are bringing to the floor today, has sought to bring to attention these concerns to the public and pass legislation that will solve these problems.

H.R. 3980 would address all these concerns directly. It would provide both for independent expert oversight of the Federal research program relating to the Gulf War illnesses and a mechanism for, quote, consumer participation in Persian Gulf research agenda-setting. It is not all the military, it is not all the Veterans Affairs. For the first time we bring the consumer in. An independent voice is now available.

H.R. 3980 would effectively carry out the recommendation that Congress provide for independent oversight. It would do so by requiring the VA and DOD to enter into contract with the National Academy of Sciences, under which the Academy Institute of Medicine would periodically review and provide recommendations to the departments on their plans and strategies for Persian Gulf research. Such review would involve both assessing and making recommendations on the DOD and other departments' research plan.

While the research agenda is the key to resolving long simmering questions, many veterans continue to experience disabling health problems. To that end this bill today would extend VA special treatment authority for Persian Gulf War veterans and to assure that the promise of "priority health care" is not compromised.

The bill would also elevate the "enrollment priority" of the veterans. At the same time the committee recognized that health care issues for Persian Gulf veterans are not just issues of access. Lack of understanding of these issues and lack of tools available to resolve these symptoms have certainly been the perception out there that many veterans have, and we seek to change that in this bill. Evaluations of VA care for the veterans has not been altogether good.

The American Legion, for example, testified that, quote, there is little evidence that VA's overall approach provides effective medical treatment for Gulf War veterans with difficult-to-diagnose and ill-defined conditions. The structure of VA's medical system, the lack of treatment protocols to guide physicians in the treatment of this illness, the nature of the illness and the site visit conducted by the American Legion suggests that on the whole VA does not effectively treat these illnesses. Our bill attempts to correct that.

There remains questions, I understand, regarding the effectiveness, but the important concerns we have are addressed in this bill. In H.R. 3980 there is a provision to require VA to enter into a contract with the National Academy of Sciences to remedy these problems.

We have, Mr. Speaker, to apply the lessons that we have learned from the Persian Gulf War experience and not just continue to hearken on the past. Just as our committee has worked to resolve the health problems, we believe it is critical to apply the lessons in the future.

Early this year, for example, the country again faced the possibility of committing our armed forces to military intervention in Iraq with the potential for renewed combat in the Persian Gulf theater we have to be prepared, and we have to have in place legislation to care for these soldiers that might go to fight again.

The findings that we provided in our hearings underscores the importance both of increasing understanding of war-related illness generally and of ensuring that the Department of Veterans Affairs is better prepared to treat veterans in future wars or military combat.

So, Mr. Speaker, I think this bill takes a long step forward, and let me again say that H.R. 3980 is an important bill, not just for Persian Gulf veterans, but for those now in military service and in the future. I believe the American Legion has best described the significance of these provisions in this bill when they talk about it by saying, "The best contribution that Congress can make in the search for the cause and medical treatment of Gulf War illnesses, they refer to this bill."

So, Mr. Speaker, I believe that H.R. 3980 is an important bill that all Members should support, and I urge all my colleagues to do so.

Mr. EVANS. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding this time to me, and I rise today to speak about two bills, H.R. 3980, the Persian Gulf War Veterans Health Care and Research Act of 1998, the measure that is before us today, and H.R. 4036, the Persian Gulf War Veterans Health Act of 1998 that I hope will be before us at a later date. I certainly appreciate the work of the Committee on Veterans' Affairs' Subcommittee on Health as well as our full committee on this issue. I think we have heard the eloquent statement of the gentleman from Florida (Mr. STEARNS), the chairman, that he is attempting to get at the root of our problems with the Persian Gulf War illness. The gentleman from Illinois (Mr. GUTIERREZ), his ranking member, and the gentleman from Arizona (Mr. STUMP), chairman of the full committee, and the gentleman from Illinois (Mr. EVANS), the ranking member, have spent countless hours in crafting this legislation, and as the gentleman from Florida said, I think this will address many of the concerns of our Persian Gulf War veterans.

I will be voting for this bill. But I think the statement that the gentleman from Florida (Mr. STEARNS) so eloquently gave and the compassion which he feels for our veterans should logically lead to a bill which would go a little further, and let me make my concerns clear about that by spending a few minutes on a bill that was later introduced, H.R. 4036, introduced by the gentleman from Connecticut (Mr. SHAYS), who was chairman of the Subcommittee on Human Resources for the Committee on Government Reform and Oversight of our House. That is a bill which also enjoys bipartisan support in Congress, widespread support in both the Gulf War veterans' community and the veterans' community at large. The Shays bill does three things more than the bill before us:

Number 1, it assumes that our fighting men and women were indeed exposed to toxins found in the Gulf War, including chemical warfare agents, experimental drugs and depleted uranium. Thus this legislation provides researchers with a blueprint of where to begin. It creates a definitive toxic exposure list, one that can be added to with new information. Given dramatic failures at the Department of Defense and the Department of Veterans' Affairs to begin, even begin, research on oil well fire pollution, depleted uranium or combinations of exposures creating this sort of list is a clear step in the right direction, and passage of such a bill has strong precedent. The Agent Orange Act of 1991, for example, contained a listing of herbicide toxic exposures. If we never actually list the toxins, as H.R. 4036 does, then the suspected causes are left open for endless future debate with little possibility of action or treatment for our veterans.

Secondly, what I find most disturbing about the bill before us is that the Veterans Administration and the Department of Defense remain basically in charge of the medical research, research the Committee on Government Reform and Oversight of this House has found, and I quote, irreparably flawed, hobbled by institutional

inertia, plagued by arrogant incuriosity and a pervasive myopia. In my view, these agencies, condemned by their own stonewalling and lack of forthrightness to the American people, have forfeited the right to direct this research effort.

H.R. 4036, the bill that I hope will come before us, would establish an independent research body to investigate toxic exposures and true, true independent oversight of government research. With this kind of expanded research scientists would have a better chance of discovering treatment programs that Gulf War veterans desperately need, contrasted with most of the research done by the VA and DOD up to this point. The General Accounting Office, as already pointed out by the gentleman from Florida (Mr. STEARNS), characterized those efforts as lacking focus and putting little or no emphasis on developing treatment programs. It is time for a radical change in the structure by which we carry out this research.

Thirdly, under H.R. 4036, when scientists find an association between the exposure and illness, the ill Gulf War veteran becomes classified as service connected; that is, eligible for not only health care but compensation and other benefits. This is a health crisis, Mr. Speaker, not a political football to be decided by the public relations and turf-conscious referees in those departments. This issue should be in the hands of scientists.

As I said earlier, I will vote in favor of H.R. 3980. The gentleman from Florida (Mr. STEARNS) has made an excellent case for how it will make improvements in our treatment of Persian Gulf War veterans. But I do not believe that this should be the final vote on this issue. It gets us closer to the goal, but it does not score the goal. Why I ask, Mr. Speaker, after 7 years should Gulf War veterans settle for anything less than a full accountability and full responsibility from their government? H.R. 4036 goes all the way and addresses the core problems at issue. Congress can do no less than to support those who have allowed this great Nation to remain free and prosperous.

All Gulf War veterans want to know is how they got sick, how they are going to get better and how this country is going to prevent future comrades from getting the same sickness. This is the essence of the written as well as the unwritten contracts between those who lay their lives on the line for our people. Our Persian Gulf War veterans gave their best, they deserve the best from their country: the best in research, the best in treatments. We should be doing nothing less.

□ 1245

Mr. EVANS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Mrs. THURMAN).

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

Mr. Speaker, I rise in support of the Persian Gulf Veterans Health Care and Research Act of 1998. Seven years and hundreds of billions of dollars later, our Nation's Gulf War veterans still do not have the answer to their most pressing question, what is causing Persian Gulf War syndrome.

While I continue to find this troubling, I believe that Congress is on the right track by continuing to elevate the priority for access to VA health care for Persian Gulf War veterans. The symptoms associated with Gulf War syndrome are often so complex and obscured that it can be difficult to continuously prove service-connected disability. Furthermore, Congress should be encouraging early intervention and treating these illnesses, often made difficult by current eligibility requirements. This legislation would provide priority health care to treat illness that may be attributable to a veteran's service in combat.

Unfortunately, our Nation's troops may be needed again in a region where chemical warfare is a possibility. When they put their lives on the line to protect our freedoms, we should hold nothing back to ensure their safety. We owe our veterans, present and future, this investment.

I would also like to thank the gentleman from Arizona (Chairman STUMP) for all of his help over the last couple of months, and the ranking member, the gentleman from Illinois (Mr. EVANS) and the entire Florida delegation, including the gentlewoman from Florida (Ms. BROWN) and the gentleman from Florida (Mr. STEARNS), for including in this comprehensive bill my legislation, H.R. 3336, renaming the VA Medical Center in Gainesville, Florida, the Malcolm Randall VA Medical Center.

After 32 years of service, on April 27 of this year Mr. Malcolm Randall retired as director of the Gainesville VA Medical Center. Mr. Randall has devoted his life to serving our country bravely and meritoriously. His long and honorable career is recognized worldwide.

Not only did Mr. Randall serve on PT boats and battleships in the South Pacific in World War II, he was formerly Air Staff Commander of the Naval Air Reserve Unit in Jacksonville, Florida, and holds the rank of Captain in the U.S. Naval Reserve.

In addition, he was awarded the two highest awards the VA offers, the Meritorious Service Award and Exceptional Service Award. Throughout Florida, Mr. Randall is regarded as a leader in introducing medical technology and techniques that have resulted in higher quality medical care being delivered to greater numbers of veterans.

It is altogether fitting that one of the premier VA medical centers in this country, one that symbolizes innovation and excellence in medical care, should bear his name. With passage of this bill, not only the entire Florida delegation but the Nation can take pride in Mr. Randall's achievements.

Again, I want to thank the gentleman from Arizona (Chairman STUMP) for all of his help.

Mr. STUMP. Mr. Speaker, I yield one minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I just want to echo the comments of my colleague, the gentlewoman from Florida (Mrs. THURMAN). We did indeed recognize Malcolm Randall for his efforts, the 40 years of hard work he has done at that hospital. I had the privilege to represent that hospital for 4 years in Congress, and I wanted to echo the sentiments of my colleague.

Mr. Randall has been an outstanding administrator, and, more importantly, he has been there for 40 years. He developed this hospital from a very small facility to a very prestigious institution. I have toured that facility many times and I have spoken at their dedications and veterans' ceremonies, so I feel a special akin to that institution.

So I am pleased to recognize the naming of the institution, as the gentlewoman from Florida (Mrs. THURMAN) has mentioned. I am glad we included this initiative as part of our bill. I wanted to thank the gentlewoman for her efforts, because she is the one that spearheaded this effort and got it going in the early stages. She also got the Florida delegation to all sign on. The gentlewoman is to be recognized, and that is another reason I stand. I stand also to recognize the gentlewoman from Florida (Mrs. THURMAN) for her efforts.

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

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

Mr. Speaker, I would like to again commend the gentleman from Florida (Mr. STEARNS), the chairman of the Subcommittee on Health, the gentleman from Illinois (Mr. EVANS), the ranking member on the committee, and the gentleman from Illinois (Mr. GUTIERREZ), for their work in drafting this bill. I am pleased to be able to accommodate the gentlewoman from Florida (Mrs. THURMAN), and I thank her.

Mr. DOYLE. Mr. Speaker, I rise today in support of H.R. 3980, the Persian Gulf War Veterans Health Care and Research Act. Incorporated as part of H.R. 3980, is legislation I introduced, H.R. 2775, which designates the Department of Veterans Affairs medical center in Aspinwall, Pennsylvania as the H. John Heinz, III Veterans Affairs Medical Center.

As the Chairman of the Senate VA–HUD Appropriations Subcommittee, the late Senator Heinz made a top priority of ensuring that the federal government maintained its commitment

to our nation's veterans. In keeping with this legacy, I am confident Senator Heinz would be honored to have his name associated with legislation that reinforces our commitment to those who served in the Persian Gulf War.

In the area of southwestern Pennsylvania where both Senator Heinz and I were born and raised, young men and women have served in our nation's armed forces at a greater rate than almost anywhere in our country. Because of this, the VA has been a major part of life in our communities for generations, and the benefits and services provided by the VA have improved the lives of countless families in our area. As the son of a fully disabled World War II veteran, I can personally attest to this fact.

Without question, the Aspinwall facility was constructed as a direct result of Senator Heinz' recognition of the critical need for increased VA health care services in Pittsburgh. Thus, it is fitting and appropriate that the Aspinwall facility be renamed to acknowledge his dedication to all those who have benefited from the hospital's medical care. I can assure all members of the House that renaming the Aspinwall VA facility is no small tribute.

The tragic death of Senator Heinz in 1991 was, and continues to be, a heartfelt loss for not only the veterans of Pennsylvania, but for all of its residents. The gratitude that Pennsylvanians have for Senator Heinz is evident in the overwhelming support my bill has received from members of the Pennsylvania delegation and veterans organizations from across the Commonwealth.

I am pleased that the House is considering H.R. 2775 as part of the Persian Gulf War Veterans Health Care and Research Act. I want to extend my sincere thanks to Veterans' Affairs Committee Chairman STUMP and Ranking Member EVANS for their support of my efforts to rename the Aspinwall VA facility in honor of the life and achievements of Senator John Heinz. I urge support for H.R. 3980.

Mr. EVERETT. Mr. Speaker, I rise in strong support of H.R. 3980. Eight years after 700,000 American troops were deployed to the Persian Gulf, many disturbing questions remain unanswered about their residual medical conditions. As I said at our joint Subcommittee on Health and Oversight Hearings on Persian Gulf War Veterans' Health Concerns in April 1997, "It is clearly evident that our government was aware of the presence of chemical weapons in Iraq since at least 1986. The CIA and the Defense Department's long denial of the possibility of chemical weapons exposure was a great disservice to thousands of Gulf War veterans who believe their tour of duty in the Persian Gulf has adversely affected their health."

While DoD and the VA have improved their research, a more disciplined approach is required to address the unresolved questions regarding Persian Gulf veterans health problems as well as applying these lessons learned from the Persian Gulf experience to assist veterans who may deploy in future conflicts.

As my colleagues have mentioned before me, this legislation would authorize the VA to provide priority health care to treat illnesses that may be attributable to a veteran's service in combat during any period of war after the Vietnam War or during any other future period of hostilities.

This legislation would require the VA to establish a multi-disciplinary National Center for the Study of War-Related Illnesses to carry out and foster research, education and improved clinical care of war-related illnesses.

This bill contains many requirements for accountability and openness, so I have chosen to address only a few. I fully support all provisions of this bill.

Mr. Speaker, I want to commend Chairman STUMP of the full Committee, Mr. EVANS, the Ranking Minority Member, Chairman STEARNS of the Subcommittee on Health, and Mr. GUTIERREZ, the Subcommittee's Ranking Minority Member, for their hard work and bipartisan approach on the bill. I am pleased to join them in cosponsoring the bill.

And finally, Mr. Speaker, when we send American troops into the hostile physical and military environment of war and they come back wounded or ill, we need to do all we can to heal the wounds of war. I urge all of my colleagues to approve this bill.

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in strong support of H.R. 3980, the Persian Gulf War Veterans Health Care and Research Act.

HR. 3980 establishes priority VA health care enrollment to treat illnesses that may have been caused by a veterans service in any combat period after the Vietnam war or for any future combat service. This treatment will be available for five years after a veterans discharge from service.

This legislation also directs the VA to establish a multi-disciplinary center to support research, education and improved treatment of war-related illnesses. Furthermore, the VA must establish a joint research project with the national academy of sciences to study the efficacy of treatments given to Gulf war veterans for possible service-connected illness. Finally, the emphasis of public input on gulf war illness efforts is increased.

Mr. Speaker, in my view this legislation is long overdue. As we all know, the track record of the Department of Defense and the Pentagon regarding Gulf War illness research is sorely lacking. For years, the VA was all too happy to accept the overly optimistic findings of DOD that no veterans had been exposed to toxic chemicals or other materials. Consequently, research on Gulf-war illness did not truly begin until 1995, four years after the war ended.

Moreover, Mr. Speaker, this research effort has been slow to get off the ground and lacks, a uniform approach. The General Accounting Office has been sharply critical of the VA research efforts, and the VA has chosen to contest GAO findings, rather than adopt more of them.

In the interim, our Gulf-war veterans, have not been getting any healthier, their symptoms are real, they are debilitating, and they are most definitely not products of the veterans' imaginations, I hope that this legislation will continue to make their lives, and their coping with their symptoms, a somewhat easier.

According, I urge my colleagues to support this worthwhile legislation.

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 3980, as amended.

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

A motion to reconsider was laid on the table.

AUTHORIZING ADMINISTRATIVE ASSISTANT TO CHIEF JUSTICE TO ACCEPT VOLUNTARY SERVICES

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2143) to amend chapter 45 of title 28, United States Code, to authorize the Administrative Assistant to the Chief Justice to accept voluntary services, and for other purposes.

The Clerk read as follows:

S. 2143

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

SECTION 1. AUTHORIZATION FOR VOLUNTARY SERVICES.

Section 677 of title 28, United States Code, is amended by adding at the end the following:

"(c)(1) Notwithstanding section 1342 of title 31, the Administrative Assistant, with the approval of the Chief Justice, may accept voluntary personal services to assist with public and visitor programs.

"(2) No person may volunteer personal services under this subsection unless the person has first agreed, in writing, to waive any claim against the United States arising out of or in connection with such services, other than a claim under chapter 81 of title 5.

"(3) No person volunteering personal services under this subsection shall be considered an employee of the United States for any purpose other than for purposes of—

"(A) chapter 81 of title 5; or

"(B) chapter 171 of this title.

"(4) In the administration of this subsection, the Administrative Assistant shall ensure that the acceptance of personal services shall not result in the reduction of pay or displacement of any employee of the Supreme Court.".

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

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

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2143.

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

There was no objection.

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

Mr. Speaker, this bill was passed by unanimous consent in the other body.

It is an innocuous measure that will benefit the Supreme Court in its day-to-day operations, as well as the estimated 1 million visitors who tour the building annually.

The Supreme Court, Mr. Speaker, as all of us no doubt know, is inundated with visitors. Now, this is perhaps a mixed blessing. On the one hand, it is a good thing, because it demonstrates the interest that the American people have in the history of our national jurisprudence. On the other hand, it means that the small group of men and women who conduct tours and deliver lectures at the facility cannot accommodate all these visitors in an orderly fashion.

This bill simply authorizes the Administrative Assistant to the Chief Justice of the Supreme Court to accept voluntary personal services to assist with public and visitor programs. Importantly, S. 2143, the bill before us, contains a proviso to ensure that the acceptance of these personal services will not result in the reduction of pay or displacement of any employee of the Court. This restriction is similar to the one which applies to the operations of the Capitol tour guide service.

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

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

Mr. Speaker, over 1 million tourists visit the Supreme Court building each year, and, because of budgetary pressures, the Court has asked Congress to enact legislation permitting volunteers in the Supreme Court Historical Society to conduct public tours of the Court.

As we know, here at the Capitol, the Capitol Guide Service is assisted by 35 volunteers who help with Capitol visitors, and the volunteers have expanded the service to increase the number of tours to the Capitol by approximately 25 percent.

As the chairman has indicated, this bill authorizes the Supreme Court to accept volunteers to assist the public with the visitor program. The volunteers could not be hired unless they waive all claims against the Federal Government arising out of their service, and the bill specifies that the volunteers would not be considered Federal employees. Importantly, the bill prevents paid Supreme Court employees from being fired or having their salary reduced as a result of increased volunteer services.

Having said that, I must point out that concern has been raised about this bill. If adopted, the Supreme Court could accept the services. However, we have not had a hearing on the House side, and I note that apparently no hearing was held on the Senate side either. Because of that and concerns expressed by the gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee, and the gentleman from Massachusetts (Mr. FRANK), the ranking member of the subcommittee, it is suggested that we do have a hearing. There is concern among employees that this might have adverse ramifications, despite the language suggesting otherwise.

So that would be my comment. Should this bill pass anyhow, I would strongly urge the administrators at the Court to deliberate collaboratively with the employee groups there.

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

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

Mr. Speaker, I appreciate the comments of the gentlewoman from California who, by the way, has been a valued member of the Committee on the Judiciary and specifically a valued member of the Subcommittee on Courts and Intellectual Property.

Permit me just to say this, Mr. Speaker, in response. As I said before, the bill requires the Administrative Assistant to the Chief Justice to ensure that no Supreme Court employee will be displaced or have his or her pay reduced. None of the workers at the Court, including the police officers, who are members of the Fraternal Order of Police, oppose this bill, to my knowledge, and the Chief Justice is enthusiastic about its passage.

I think, Mr. Speaker, and I say to my friend, the gentlewoman from California, I think this is an operational problem that can be cured without requiring the Court to submit a larger budget request, and I urge its passage.

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

Mr. Speaker, I would just note the very courteous remarks of the chairman, and should this bill pass, that that consideration and administrative deliberation would indeed take place as the chairman has expressed.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the Senate bill, S. 2143.

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

A motion to reconsider was laid on the table.

GRANTING FEDERAL CHARTER TO AMERICAN GI FORUM

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1759) to grant a Federal charter to the American GI Forum of the United States.

The Clerk read as follows:

S. 1759

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

SECTION 1. RECOGNITION AND GRANT OF FEDERAL CHARTER.

The American GI Forum of the United States, a nonprofit corporation organized under the laws of the State of Texas, is recognized as such and granted a Federal charter.

SEC. 2. POWERS.

The American GI Forum of the United States (in this Act referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State of Texas and subject to the laws of the State of Texas.

SEC. 3. PURPOSES.

The purposes of the corporation are those provided in its bylaws and articles of incorporation and shall include the following:

(1) To secure the blessing of American democracy at every level of local, State, and national life for all United States citizens.

(2) To uphold and defend the Constitution and the United States flag.

(3) To foster and perpetuate the principles of American democracy based on religious and political freedom for the individual and equal opportunity for all.

(4) To foster and enlarge equal educational opportunities, equal economic opportunities, equal justice under the law, and equal political opportunities for all United States citizens, regardless of race, color, religion, sex, or national origin.

(5) To encourage greater participation of the ethnic minority represented by the corporation in the policy-making and administrative activities of all departments, agencies, and other governmental units of local and State governments and the Federal Government.

(6) To combat all practices of a prejudicial or discriminatory nature in local, State, or national life which curtail, hinder, or deny to any United States citizen an equal opportunity to develop full potential as an individual.

(7) To foster and promote the broader knowledge and appreciation by all United States citizens of their cultural heritage and language.

SEC. 4. SERVICE OF PROCESS.

With respect to service of process, the corporation shall comply with the laws of the State of Texas and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 5. MEMBERSHIP.

Except as provided in section 8(g), eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws and articles of incorporation of the corporation.

SEC. 6. BOARD OF DIRECTORS.

Except as provided in section 8(g), the composition of the board of directors of the corporation and the responsibilities of the board shall be as provided in the bylaws and articles of incorporation of the corporation and in conformity with the laws of the State of Texas.

SEC. 7. OFFICERS.

Except as provided in section 8(g), the positions of officers of the corporation and the election of members to such positions shall be as provided in the bylaws and articles of incorporation of the corporation and in conformity with the laws of the State of Texas.

SEC. 8. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the corporation may

inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection may be construed to prevent the payment of reasonable compensation to the officers and employees of the corporation or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The corporation may not make any loan to any member, officer, director, or employee of the corporation.

(c) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The corporation may not issue any shares of stock or declare or pay any dividends.

(d) DISCLAIMER OF CONGRESSIONAL OR FEDERAL APPROVAL.—The corporation may not claim the approval of Congress or the authorization of the Federal Government for any of its activities by virtue of this Act.

(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation organized and incorporated under the laws of the State of Texas.

(f) CORPORATE FUNCTION.—The corporation shall function as an educational, patriotic, civic, historical, and research organization under the laws of the State of Texas.

(g) NONDISCRIMINATION.—In establishing the conditions of membership in the corporation and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

SEC. 9. LIABILITY.

The corporation shall be liable for the acts of its officers, directors, employees, and agents whenever such individuals act within the scope of their authority.

SEC. 10. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The corporation shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the corporation.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the corporation may be inspected by any member having the right to vote in any proceeding of the corporation, or by any agent or attorney of such member, for any proper purpose at any reasonable time.

(d) APPLICATION OF STATE LAW.—This section may not be construed to contravene any applicable State law.

SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end the following:

"(80) American GI Forum of the United States.".

SEC. 12. ANNUAL REPORT.

The corporation shall annually submit to Congress a report concerning the activities of the corporation during the preceding fiscal year. The annual report shall be submitted on the same date as the report of the audit required by reason of the amendment made in section 11. The annual report shall not be printed as a public document.

SEC. 13. RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL CHARTER.

The right to alter, amend, or repeal this Act is expressly reserved to Congress.

SEC. 14. TAX-EXEMPT STATUS REQUIRED AS CONDITION OF CHARTER.

If the corporation fails to maintain its status as a corporation exempt from taxation as provided in the Internal Revenue Code of 1986 the charter granted in this Act shall terminate.

SEC. 15. TERMINATION.

The charter granted in this Act shall expire if the corporation fails to comply with any of the provisions of this Act.

SEC. 16. DEFINITION OF STATE.

For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1759, the bill we are considering today would grant a Federal charter to the American GI Forum of the United States. This Senate bill is the companion measure to H.R. 3843, introduced and championed by my colleagues, the gentleman from Texas (Mr. RODRIGUEZ) and the gentleman from Texas (Mr. BONILLA).

The American GI Forum will be holding its 50th anniversary celebration during August, and both House and Senate supporters have worked very hard to make sure we pass this legislation in time for that anniversary.

The American GI Forum of the United States is a Hispanic veterans family organization. The organization has more than 100,000 Members and 500 chapters in 32 States and Puerto Rico. Although predominantly Hispanic, the American GI Forum is open to all veterans and their families.

The House subcommittee of jurisdiction suspended the granting of Federal charters to private nonprofit organizations in 1989. Organizations seek Federal charters primarily to obtain the prestige of Federal Government recognition. The charter itself grants no special privileges or legal rights to the organization. It does, however, lead to the public perception that the Federal Government ensures the integrity and worthiness of the group's activities.

Unfortunately, Congress does not have the resources to monitor the activities and operations of the numerous existing federally chartered organizations, and has maintained the moratorium to keep from exacerbating the problem.

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However, it was brought to the attention of the Congress that the circumstances surrounding the G.I. Forum are such that this exception needs to be made to the moratorium.

The American G.I. Forum of the United States is a family-oriented Hispanic veterans group founded in 1948, and responds to a lack of representation available to Hispanic veterans within already established veterans' organizations. By the 1960s, membership had grown to an amount equal to or greater than that of the major veterans' organizations.

At that time, the American G.I. Forum looked into obtaining a Federal charter like their contemporaries, the American Legion and the VFW. They were told they could not obtain one because their membership was not limited to veterans only. This was a clear misrepresentation. Restrictions on membership have never been a standard for the granting of a Federal charter. Prior to the American G.I. Forum's inquiry, many charters have been given to organizations that were not limited to veterans. The American G.I. Forum tried again to obtain a Federal charter in 1992, but by then the current moratorium on the granting of new Federal charters was in place.

When looking at the historical record, it appears that the general prejudice against Hispanics during the 1950s and 1960s prevented the American G.I. Forum, representing a large portion of the veterans' community, from receiving a Federal charter, rather than any lack of qualification on their part.

Research has already shown that no other group that has consistently represented such a large number of veterans and has been in existence since World War II was subject to rejection for a Federal charter.

The American G.I. Forum's history and situation is unique. It is appropriate, as a matter of policy, to make this exception to the moratorium on the granting of Federal charters, and bestow upon this organization the recognition that should have been granted decades ago. I urge the House to pass this legislation to give the American G.I. Forum this long-overdue recognition.

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

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

Mr. Speaker, I urge Members to support S. 1759, which is the companion bill to H.R. 3843. This measure will permit the American G.I. Forum of the

United States to receive a Federal charter.

The American G.I. Forum is a national organization of Hispanic veterans founded in 1948 in Corpus Christi, Texas. The organization has 30 State chapters, over 100,000 members, and is dedicated to addressing issues affecting Hispanic veterans and their families, including resolving problems of discrimination or inequity endured by Hispanic veterans.

The American G.I. Forum sought to obtain a charter, as the chairman has indicated, 40 years ago when other large veterans' organizations received them, but because of the discrimination, they were denied. This year, the organization celebrates its 50th anniversary. Clearly the American G.I. Forum should receive the same national charter that other veterans' organizations did.

I would like to commend the gentleman from Texas (Mr. Rodriguez) for sponsoring this measure, and am grateful for the bipartisan support for the measure.

Unknown to many, perhaps, in this body, the G.I. Forum was founded in response to the worst kind of racial and ethnic discrimination. In fact, those who had fought for our freedom in World War II and gave their lives for American freedom were denied burial in the cemeteries in Texas because of discrimination against Hispanic Americans. The G.I. Forum sprang up in response to that egregious discrimination.

Since that time, the G.I. Forum has played a crucial role in many parts of this country. I would like to note that in my own community in San Jose, California, the G.I. Forum engages in a variety of absolutely wonderful and admirable activities, including one of the broadest scholarhship programs and the most vigorous—one of the most vigorous veterans' groups. They are eager and active participants in the United Veterans' Council in my community, and really play leadership roles in veterans activities.

I am proud that although there has been a moratorium, we are able to make an exception in this case, because the discrimination that Hispanic soldiers and their families found subsequent to World War II unfortunately continued in the fifties and perhaps sixties, as the chairman has indicated. I think it is a proud day that this Congress can go back, acknowledge the errors of our past, and rectify them, and especially on this 50th anniversary of the G.I. Forum. I would urge my colleagues to support this bill.

Mr. ORTIZ. Mr. Speaker, I rise today to offer my unconditional support for the extension of a Federal Charter to the American GI Forum, an organization founded and maintained by Dr. Hector Garcia of Corpus Christi, who was my personal hero and one of the most important Americans of our time.

Dr. Garcia was a different breed of patriot and citizen. Long before the issue of civil rights was on anyone else's agenda, Dr. Hector Garcia recognized the need for equal rights for the citizens of the United States, particularly in our little corner of the world in South Texas. Rather than make the larger elements of society uncomfortable with a direct public assault on the status quo, Dr. Garcia began making quiet inroads into the system. He began his work by establishing the GI Forum, initially to help Hispanic war veterans get the veterans' benefits routinely denied to them.

Dr. Garcia encouraged all of us to become involved. He articulated clearly why it was necessary for Hispanics to show an interest in the workings of our city, our community and our country. He underscored the basic workings of democracy, preaching his message about the strength of numbers, the necessity of registering to vote, and the power of voting.

Today, Dr. Garcia's message is the political gospel to which we all adhere; and his pulpit was the GI Forum. While others fought the system, often unsuccessfully, Dr. Garcia worked within the system to open it up for everyone to participate. He amazed us all with his wisdom, foresight, and longevity.

Dr. Garcia began fighting for the cause of civil rights in 1948—long before others joined that cause. He fought for basic, fundamental civil, human and individual rights. The seeds he planted all those years ago have grown into ideas whose roots are firmly planted in South Texas. Those seeds have produced today's leaders and laid the foundation for tomorrow's pioneers.

As a veteran, I am particularly grateful to Dr. Garcia for his very special service, during conflict with the enemy, and within the bureaucracy. The American GI forum was originally intended to guide WWI and WWII veterans through the maze of bureaucracy to obtain their educational and medical benefits, and it grew into the highly acclaimed civil rights organization.

The seeds of Dr. Garcia's inspiration and leadership have sprouted, and they will continue to grow and succeed, just as he planned. Dr. Garcia was a tremendously decent man, and his legacy to us is to treat each other decently as human beings. He embodied the Golden Rule: "Do unto others as you would have them do unto you." There are a host of people in South Texas who received free medical care from him because they simply couldn't afford to pay him.

We all appreciate his simple decency, and I commend the Veterans' Affairs Committee for their wisdom in granting a Federal Charter to the American GI Forum. It is a fitting legacy for both the American GI Forum and for the man who founded it.

Mr. BONILLA. Mr. Speaker, I rise in strong support of S. 1759, legislation granting a federal charter to the American GI Forum (AGIF). This legislation is identical to H.R. 3843, a bill introduced by my colleague Mr. RODRIGUEZ and myself, and worthy of all our support. The Senate passed S. 1759 last week and it is up to us to pass it today so that it becomes law.

It is particularly fitting that we are approving this legislation this Congress, as this year the GI Forum is celebrating its 50th anniversary.

The American GI Forum was founded by the late Dr. Hector P. Garcia on March 26, 1948, in Corpus Christi. Today, the GI Forum has 500 chapters and over 100,000 members. The GI Forum is the largest national veterans service organization without a federal charter. It is only fitting that this patriotic family organization receive recognition with a federal charter. The GI Forum members have earned this special recognition through their sacrifices on behalf of America.

I commend the Senate for passing this legislation and urge all my colleagues to join me in voting for this important bill. The American GI Forum is an institution in Texas and the Hispanic community. This bipartisan bill provides a means for this Congress to recognize the service of more than 1,000,000 Hispanic veterans. Let's take this opportunity to provide GI Forum the recognition it deserves. Please join me in voting for S. 1759.

Mr. RODRIGUEZ. Mr. Speaker, I rise today in support of granting a federal charter to the American GI Forum (AGIF), the nation's oldest and largest Hispanic veterans organization.

As the original sponsor of the House bill, HR 3843, I am especially gratified by the imminent passage of this bill. For too long, the American GI Forum has waited for this recognition. Now, on the eve of its 50th Annual Convention, to be held in its home state of Texas, we are in a position to present the AGIF membership what it rightfully deserves.

The American GI Forum was founded fifty years ago in Corpus Christi, Texas by the late Dr. Hector P. Garcia, a medical doctor and Army veteran of World War II. This year, the AGIF celebrates its 50th year of service to our Nation's veterans and their families. Today, the AGIF has over 100,000 members in 500 chapters across 32 states and Puerto Rico.

This is not the first time the AGIF has sought a federal charter. At least as early as the 1960's, in an era when Hispanic veterans were facing exclusion and discrimination, AGIF approached Congress for a federal charter. Several groups were almost routinely given charters, but the American GI Forum was left out. As the American GI Forum enters its 50th Year, it is fitting to secure passage of this important legislation.

Within the veteran community, a federal charter is deemed to be recognition of a national veteran organization's commitment and service to our nation's veterans. The Hispanic community is among the most patriotic in America, historically ready to answer the call to service. Having earned the highest number of medals of honor per capita, Hispanic Americans have a distinguished record of valor and patriotism. There are more than 1,000,000 Hispanic veterans alive today.

I urge you to join us in passing this legislation to grant a federal charter to this worthy organization. I would like to take this opportunity to thank the Chairman of the Judiciary Subcommittee on Immigration and Claims, Mr. SMITH of San Antonio, for his help and his staff's help in passing this bill. I would also like to thank the distinguished Chairman of the Senate Judiciary Committee and his staff for their work in expediting passage of this historic legislation.

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

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the Senate bill, S. 1759.

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

A motion to reconsider was laid on the table.

PRIVATE TRUSTEE REFORM ACT OF 1998

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2592) to amend title II of the United States Code to provide private trustees the right to seek judicial review of United States trustee actions related to trustee expenses and trustee removal, as amended.

The Clerk read as follows:

H.R. 2592

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 "Private Trustee Reform Act of 1998".

SEC. 2. SUSPENSION AND TERMINATION OF PANEL TRUSTEES AND STANDING TRUSTEES.

Section 586(d) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(d)", and

(2) by adding at the end the following:

"(2) A trustee whose appointment to the panel or as a standing trustee is terminated or who ceases to be assigned to cases filed under title 11 may obtain judicial review of the final agency decision by commencing an action in the United States district court for the district in which the panel member or standing trustee resides, after first exhausting all available administrative remedies, which if the trustee so elects, shall also include an administrative hearing on the record. Unless the trustee elects to have an administrative hearing on the record, the trustee shall be deemed to have exhausted all administrative remedies for purposes of this section if the agency fails to make a final agency decision within 90 days after the trustee requests administrative remedies. The Attorney General shall prescribe procedures to implement this paragraph.".

SEC. 3. EXPENSES OF STANDING TRUSTEES.

Section 586(e) of title 28, United States Code, is amended by adding at the end the following:

"(3) After first exhausting all available administrative remedies, an individual appointed under subsection (b) of this section may obtain judicial review of final agency action to deny a claim of actual, necessary expenses under this paragraph by commencing an action in the United States district court in the district where the individual resides.

"(4) The Attorney General shall prescribe procedures to implement this subsection.".

SEC. 4. PROCEDURES FOR AND STANDARD OF REVIEW.

Section 157 of title 28, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and

(2) by inserting after subsection (c) the following:

"(d)(1) In conducting judicial review under section 586(d)(2) or section 586(e)(3) of this title, the district court shall determine whether to retain the case or to refer the case to a bankruptcy judge in the district. Any bankruptcy judge to whom a case is referred shall submit a recommendation for disposition to the district court based solely on a review of the administrative record before the agency, and a final order or judgment shall be entered by the district court after considering the bankruptcy judge's recommendation, and after reviewing those matters to which any party has timely and specifically objected. The decision of the agency shall be affirmed unless it is unreasonable and without cause based upon the administrative record before the agency.

"(2)(A) The district courts of the United States shall have jurisdiction to review final agency decisions under subsection 586(d)(2) and final agency actions under subsection 586(e)(3).

"(B) Bankruptcy judges are authorized to submit to such courts recommendations in accordance with paragraph (1).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2592, as amended.

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

There was no objection.

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

Today we consider a truly significant piece of legislation within the world of the courts, and particularly the bankruptcy courts. This bill, the one before us now, has been jointly cosponsored by the gentleman from Virginia (Mr. GOODLATTE), the gentleman from Texas (Mr. SMITH), and the gentleman from Georgia (Mr. BARR).

It attempts, and does succeed, or else we would not be here at this moment, in striking a well-deserved balance between the respective rights of the private trustees, which play a gigantic role in the world of bankruptcy, and those of the U.S. Trustees' Office, which is charged with the responsibility of guidelining, as it were, the work and cases of the private trustees.

Where before we had conflict as to the assignment of cases and whether or not a private trustee could be removed from a case, or whether or not future cases would be withheld from a private trustee, all these issues were points of tremendous conflict. This bill goes a long way in resolving all of those particular problems that may have arisen and could arise in the future.

In addition to that, this bill seeks to provide certain methodologies of judicial review when a decision by a U.S. Trustee or otherwise is inimical in the minds of the private trustees to their interests.

This bill, after negotiation on a wide range of issues, also resolved that particular one, so now the question of who should review a decision made, those kinds of decisions that adversely, in their minds, affect the private trustees, that has been settled by the language of this bill.

Then this bill, with amendments, makes one additional substantive and three technical revisions to the version of the bill as we reported to the House out of the full committee.

In response to concerns raised by representatives of the Federal judiciary, the bill, as amended, deletes the provision that would have permitted a magistrate judge to make proposed recommendations to the district court for final disposition. As a result, the district court, under the now amended version of H.R. 2592, may dispose of the matters that are the subject of this bill, or allow, when appropriate, bankruptcy judges to make proposed recommendations. The other other amendments, are strictly technical.

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

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

Mr. Speaker, this legislation attempts to balance two very important public interests, giving the office of the United States Trustee the ability to oversee the administration of bankruptcy estates, and to ensure that private trustees perform their job honestly and efficiently.

For the most part, the private trustees do an outstanding job, and they deserve our respect. This legislation would provide due process rights for private trustees in those instances in which they disagree with the decision by the U.S. Trustee to stop assigning cases, or in a dispute over expense reimbursement.

It is a product of the hearings by the Subcommittee on Commercial and Administrative Law, as well as lengthy and careful negotiations between the Department of Justice, the sponsors, and interested parties, including the trustees and the bankruptcy judges. I would note that this is of interest, as well, to bankruptcy lawyers on all sides who value and strive for a system that is efficient and fair.

It is my understanding that the Department of Justice still has some concerns about this legislation, but it is my hope that in the spirit of cooperation which has moved this legislation to this point, that the sponsors and the Department of Justice will be able to resolve any remaining issues, and get this legislation to the President before the end of this Congress.

I am sure that whatever minor issues need resolving can indeed be resolved,

and I would urge that my colleagues vote for this bill, that we move forward with this reform.

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

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

Mr. Speaker, many times in the full Committee on the Judiciary we come to an impasse, borne out of questions raised right at the time we are in markup or in full consideration of a particular bill. Many times members on other side will request that the bill be put off until negotiations can occur on parcels of that bill could be negotiated, and a final bill represent the views of all of the members of the Committee on the Judiciary.

This bill was a perfect example of the willingness on the part of many to continue negotiations and talks on contentious issues until full resolution could be made of the problems.

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

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

I would note that, in agreement with the chairman, this is certainly one where we are not suggesting delay or defeat. Everyone has worked in good faith, and I think this deserves our support.

Mr. GOODLATTE. Mr. Speaker, I rise today in strong support of H.R. 2592, the Private Trustee Reform Act of 1998. This bill reflects several months of negotiations between the private trustees and the Executive Office of the U.S. Trustee, and while it was modified slightly from the compromise approved by the Judiciary Committee last month, the core principles agreed upon by both sides remain in the bill. The bill has recently gained the support of the National Association of Bankruptcy Judges as well.

Mr. Speaker, I introduced this legislation last year to restore fairness and equity to the relationship between the United States Trustee and private standing trustees. Specifically, this legislation amends title 28 of the U.S. Code to provide private trustees the right to seek judicial review in court, in certain cases following an administrative hearing on the record, of U.S. Trustee actions related to trustee expenses and trustee removal.

The bill provides for judicial review of decisions by the U.S. Trustee to terminate, suspend, or cease assigning cases to a panel or standing trustee including a decision not to reappoint the trustee to a panel. This section includes language giving the panel or standing trustees the option of an administrative hearing on the record and includes a maximum of a 90 day time frame for agency review should the panel or standing trustee not elect to have an administrative hearing on the record.

The bill also provides for judicial review of a decision by the U.S. Trustee to deny a claim of actual, necessary expenses by a standing trustee. It does not allow for an administrative hearing on the record, but would require the standing trustee to exhaust all available administrative remedies before seeking judicial review.

Finally, the bill provides (1) procedures for and (2) the standard of review for conducting judicial review. It allows the district court to retain the case or refer it to a bankruptcy judge in the same district for a recommendation. I strongly support the inclusion of this provision because I believe that bankruptcy courts are best situated to make informed judgments about these issues. Bankruptcy judges understand which expenses are justified and which are not, as well as the nature and purpose of those expenses. Additionally, bankruptcy judges understand the full ramifications of a decision to cease assigning cases to a private trustee.

If the case is referred, the district judge shall enter a final order or judgement after considering that recommendation and after reviewing those matters to which any party has timely and specifically objected.

The decision of the agency shall be affirmed unless it is unreasonable or without cause based upon the administrative record before the agency.

As I mentioned at the outset, H.R. 2592 is simply about fairness—fairness to those who dedicate themselves to their duties as private trustees. It is also about firmness in the review process, as the U.S. Trustee should be subject to the same checks and balances as other government agencies are required to bear.

Ms. JACKSON-LEE of Texas, Mr. Speaker, although this measure is still being negotiated by the parties involved, I believe that this legislation is an excellent initial effort to streamline the Federal bankruptcy system.

By establishing a procedure for private bankruptcy trustees to contest their removal from cases, this bill provides the foundation for a more efficient Federal bankruptcy system.

Under this measure, if the U.S. Trustee (part of the Justice Department) declines to reappoint a trustee or assign future cases to a trustee, the affected trustee may seek administrative review, judicial review, or both. Thus, this measure would create "on the record" administrative hearings for affected trustees.

This bill also provides jurisdiction to the U.S District Court over trustee challenges of administrative rulings from the Office of the U.S. Trustee.

I am pleased that we are working hard to protect the due process interests of the trustees. By providing adequate hearing and judicial review processes, we can fashion both an efficient and fair Federal bankruptcy structure.

Although the Justice Department and Bankruptcy judges still have some concerns that need addressing, I find our progress very heartening. I hope that the involved parties will continue to negotiate until a workable solution becomes reality.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 2592, as amended.

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

The title of the bill was amended so as to read:

A bill to amend title 28 of the United States Code to provide trustees the right to seek administrative and judicial review of the refusal of a United States trustee to assign, and of certain actions of a United States trustee relating to expenses claimed relating to, cases under title 11 of the United States Code.

A motion to reconsider was laid on the table.

CONTROLLED SUBSTANCES TRAFFICKING PROHIBITION ACT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3633) to amend the Controlled Substances Import and Export Act to place limitations on controlled substances brought into the United States from Mexico, as amended.

The Clerk as read as follows:

H.R. 3633

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 "Controlled Substances Trafficking Prohibition Act".

SEC. 2. LIMITATION.

(a) AMENDMENT.—Section 1006(a) of the Controlled Substances Import and Export Act (21 U.S.C. 956(a)) is amended—

(1) by striking "The Attorney General" and inserting "(1) Subject to paragraph (2), the Attorney General"; and

(2) by adding at the end the following:

"(2) Notwithstanding any exemption under paragraph (1), a United States resident who enters the United States through an international land border with a controlled substance (except a substance in schedule I) for which the individual does not possess a valid prescription issued by a practitioner (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) in accordance with applicable Federal and State law (or documentation that verifies the issuance of such a prescription to that individual) may not import the controlled substance into the United States in an amount that exceeds 50 dosage units of the controlled substance.".

(b) FEDERAL MINIMUM REQUIREMENT.—Section 1006(a)(2) of the Controlled Substances Import and Export Act, as added by this section, is a minimum Federal requirement and shall not be construed to limit a State from imposing any additional requirement.

(c) EXTENT.—The amendment made by subsection (a) shall not be construed to affect the jurisdiction of the Secretary of Health and Human Services under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3633, as amended.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I include for the RECORD an exchange of letters between the gentleman from Illinois (Chairman HYDE) and the gentleman from Virginia (Chairman BLILEY).

The letters referred to are as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 16, 1998.

Hon. TOM BLILEY,
Chairman, Committee on Commerce,
House of Representatives, Washington, DC.

DEAR TOM: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 3633, the Controlled Substance Trafficking Prohibition Act.

I acknowledge your interest in this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I appreciate your cooperation and agree to work with you as this legislation moves forward. I further agree that your decision to forego further action on the bill will not prejudice the Commerce Committee with respect to its jurisdictional prerogatives on H.R. 3633, or similar legislation.

Thank you again for your cooperation.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, July 16, 1998.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary,
Washington, DC.

DEAR MR. CHAIRMAN: On May 20, 1998, the Judiciary Committee ordered reported H.R. 3633, the Controlled Substances Trafficking Prohibition Act, without amendment. The bill would amend the Controlled Substances Import and Export Act to place limitations on certain controlled substances brought into the United States from Mexico. As you know, this legislation was introduced on April 1, 1998, and referred to the Judiciary Committee and in addition to the Commerce Committee.

Given the importance of this legislation and your interest in moving the bill to the House Floor in an expeditious manner, I will agree not to exercise the Commerce Committee's jurisdiction over the bill. By agreeing not to exercise the Commerce Committee's jurisdiction, the Committee does not waive its jurisdictional interest in this bill or similar legislation. Further, the Committee would preserve its prerogative to seek to be represented in any House-Senate conference committee that may be convened on H.R. 3633.

I appreciate your consideration of our interest in this legislation and look forward to working with you on its passage. Further, I would appreciate an acknowledgment of this letter and would request that our exchange of letters be included in the record of debate on this bill.

Sincerely,

TOM BLILEY,
Chairman.

Mr. Speaker, the Controlled Substances Trafficking Prohibition Act was introduced by my friend, the gentleman from Ohio (Mr. CHABOT), and was the subject of a subcommittee hearing by the Subcommittee on Crime of the Committee on the Judiciary on March 26. It was reported favorably out of the Subcommittee on Crime on May 7.

The magnitude of illegal drugs moving through Mexico into the United States is dramatic and has been well documented in recent years. An estimated 60 to 70 percent of the nearly 500 metric tons of cocaine entering the United States each year enters through Mexico. An even greater amount of marijuana pours into the United States from Mexico annually.

The problem addressed by this legislation is a less visible side but a growing and serious side of the drug problem: the rising volume of controlled substances being purchased legally in Mexico and then brought across the border into the United States.

The ease with which large quantities of controlled substances can be purchased in Mexico and then legally transported into the United States has led to serious concerns among U.S. law enforcement agencies, including the Customs Service, the DEA, and the drug czars's office about the illegal diversion of these drugs.

H.R. 3633 is a carefully crafted response to the problems associated with the importation of drugs across the border with Mexico. The bill amends the Controlled Substances Import and Export Act so as to limit controlled substances brought across the border into the United States from Mexico.

The bill limits the "personal use exemption" in current law with respect to any individual entering the United States through a land border with Mexico with a controlled substance who enters without a prescription. Under H.R. 3633, such an individual may not bring in more than 50 dosage units of such a controlled substance, or in the case of an individual who does not lawfully reside in the United States, an amount may be brought in based on the approximate length of stay by that individual in the United States.

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I strongly support this bill as a reasonable and targeted solution to a growing problem, a problem, I might add, which has not been amenable to regulatory solutions.

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

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

I support this legislation limiting an individual's ability to bring into the U.S. from abroad a 90-day supply of prescription medicines that are allegedly for personal use. In reality this loophole in the law has allowed individuals to travel to other countries and return with amphetamines, tranquilizers and date rape drugs and sell them here in the United States.

This bill would reduce the limit on "personal use" imports of drugs in pill form to 50 pills, generally a two-week supply of most pharmaceuticals. The bill would also permit anyone with a prescription from a U.S. physician to bring in as many pills as were prescribed, allowing, therefore, individuals with legitimate prescriptions to purchase drugs in countries such as Mexico where they are often less expensive.

Because this bill limits the improper import of prescription drugs while still allowing import for legitimate reasons, I am pleased to support this measure. I urge my colleagues to support the measure.

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

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

I just want to make a couple of additional points that are important and that may not have been evident from my initial remarks: that is, to reemphasize that this bill does not apply just to our border with Mexico but applies equally to the border with Canada as well. This clearly addresses the possibility of a problem with drug trafficking of controlled substances that come across our northern border as well as our southern border. I might say that this emphasis on both borders is supported, I understand, by the administration as well as by my colleagues on the other side of the aisle.

Finally, Mr. Speaker, I wanted to point out that it is my colleague, the gentleman from Ohio (Mr. CHABOT) who deserves the credit for recognizing the problem and then coming up with the solution that we are discussing today. It is with much appreciation to the gentleman from Ohio (Mr. CHABOT) for all his hard work on this legislation.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume. I just wanted to note the lead and important role played by my colleague, the gentleman from North Carolina (Mr. WATT), in making sure that all countries abutting the United States are included in this bill, a measure that was readily accepted at the committee. I agree that this is an important issue.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the distinguished chairman of the Committee on International Relations for yielding me the time.

Mr. Speaker, I would like to thank my colleagues, particularly the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. LOFGREN), for their support of H.R. 3633, the Controlled Substances Trafficking Prohibition Act, legislation that I sponsored and that was adopted by the House earlier this afternoon.

This important initiative will close a loophole in Federal law that allows dangerous drugs, particularly drugs

used in connection with date rape, to be legally imported into the United States.

Federal, State and local law enforcement agencies have raised serious concerns about the trafficking of controlled substances from Mexico. Right now uppers, downers, hallucinogens and date rape drugs similar to Rohypnol may be easily obtained from so-called health care providers or pharmacists in Mexico with no documentation of medical need whatsoever.

According to DEA, these drugs are frequently resold illegally in the United States. This situation is especially dangerous because these powerful drugs may be used in connection with date rapes. While Rohypnol, the most well-known date rape drug, has been banned in the U.S., it is still being used to rape young women, and many other dangerous controlled substances have taken its place. Jane Maxwell, director of the Texas Commission on Alcohol and Drug Abuse, says that this loophole continues to allow date rape drugs to cross the border.

For example, the drug Rivotril is everywhere, according to Maxwell, and is now being used by juveniles, just as Rohypnol has been used. A 1996 study documented the controlled substance drug trafficking problems along the U.S.-Mexico border. The study found that in just one year at the Laredo border crossing over 60,000 drug products were brought into the U.S. by more than 24,000 people. All of the top 15 drug products, which represented 94 percent of the total quantity of declared drugs, were controlled substances. These dangerous drugs, classified as prescription tranquilizers, stimulants and narcotic analgesics, are potentially addictive and subject to abuse. Specifically, Valium was declared by 70 percent of the people, with the average person bringing in 237 tablets. Rohypnol was brought in by 43 percent of those who declared their prescription medication. Over a full year that means that over 4 million doses of Valium and almost 1.5 million doses of Rohypnol were brought in at one single border crossing.

The median age for those who declared Valium and Rohypnol is 24 and 26 years old respectively. The large quantity of dangerous drugs passing through a single border crossing underscores the seriousness of the problem. The quantity and types of pills discovered also back up DEA's view that these drugs are being used for illegal purposes.

While this problem is most notable in communities along the U.S.-Mexico border, it impacts communities well outside the Southwest. The study in Laredo found that residents from 39 States crossed the border and returned to the United States with a variety of drug products.

Around the country, prescription drug abuse is a growing problem, especially among our youth. The purity and low price of prescription drug pills makes them an attractive alternative to traditional street drugs. At a recent Subcommittee on Crime hearing on date rape drugs, experts testified that GHB, Rohypnol and other date rape drugs are rapidly becoming the drug of choice in various communities and among the different types of users, particularly among teenagers.

Mr. Speaker, this legislation will help close the loophole which allows these dangerous drugs into our communities. I thank my colleagues for their support, and I particularly want to thank the gentleman from Texas (Mr. SMITH) for yielding me the time.

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

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

Mr. GILMAN. Mr. Speaker, I just want to commend the gentleman for his outstanding efforts in trying to control illicit drug trafficking. This is an important area, and we commend the gentleman for his farsighted approach to this critical problem.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for his comments. As all of us who work in the House of Representatives know, the gentleman from New York (Mr. GILMAN) has for many years been one that has fought the scourge of drugs that we have had going on in our country for a long time. I just want to commend the gentleman from New York (Mr. GILMAN) for his leadership.

Mr. Speaker, this legislation will close a loophole in federal law that allows dangerous drugs—particularly drugs used in connection with date rape—to be legally imported into the United States.

Federal, state and local law enforcement agencies; drug abuse prevention organizations; independent studies; and media reports have raised serious concerns about the trafficking of controlled substances from Mexico. Right now, uppers, downers, hallucinogens, and date rape drugs similar to Rohypnol may be easily obtained from so-called "health-care providers" or "pharmacists" in Mexico with no documentation of medical need. According to DEA, these drugs are frequently resold illegally in the United States.

This situation is especially dangerous because these powerful drugs may be used in connection with date-rapes. While Rohypnol—the most well-known date-rape drug—has been banned in the U.S., it is still being used to rape young women, and many other dangerous controlled substances have taken its place. Jane Maxwell, director of the Texas Commission on Alcohol and Drug Abuse (TCADA) says that this loophole continues to allow date-rape drugs to cross the border. For example, the drug Rivotril is "everywhere" according to Maxwell, "and is now being used by juveniles . . . just as Rohypnol has been used."

A 1996 study documented the controlled substance drug trafficking problem along the U.S.-Mexico border. The study found that in just one year at the Laredo border crossing, over 60,000 drug products were brought in to the U.S. by more than 24,000 people. All of the top 15 drug products, which represented 94.1 percent of the total quantity of declared drugs, were controlled substances. These dangerous drugs, classified as prescription tranquilizers, stimulants, and narcotic analgesics, are potentially addictive and subject to abuse.

Specifically, Valium was declared by 70 percent of the people, with the average person bringing in 237 tablets. Rohypnol was brought in by 43 percent of those who declared their prescription medication. Over a full year, that means that over 4 million doses of Valium and almost 1.5 million doses of Rohypnol were brought in at a single border crossing. The median age for those who declared Valium and Rohypnol? It was 24 and 26 years old respectively.

The large quantity of dangerous drugs passing through a single border crossing underscores the seriousness of this problem. The quantity and types of pills discovered also backup DEA's view that these drugs are being used for illegal purposes.

While this problem is most noticeable in communities along the U.S.-Mexico border, it impacts communities well outside the southwest. The study in Laredo found that residents from 39 states crossed the border and returned to the United States with a variety of drug products.

Around the country, prescription drug abuse is a growing problem, especially among our youth. The purity and low price of prescription pills makes them an attractive alternative to traditional street drugs. At a recent Crime Subcommittee hearing on date-rape drugs, experts testified that GHB, Rohypnol and other date-rape drugs are rapidly becoming the so-called "drug of choice" in various communities and among different types of users, particularly teenagers.

Surprisingly, prescription painkillers, sedatives, stimulants, and tranquilizers account for 75 percent of the top 20 drugs mentioned in emergency room episodes in 1995.

While American children become addicts or overdose, Mexican drug dealers use this loophole to make a mockery out of our anti-drug efforts. Their brazen practices include providing detailed instructions to help people entering the U.S. avoid arrest or drug confiscation. These instructions read:

"Don't use marijuana or cocaine for 2 days before because dogs may smell."

"Don't open boxes in Mexico."

"Customs and Border Patrol don't care about medication."

"Medication must be used only in U.S.A. not in Mexico."

Ironically, while Mexican authorities don't mind supplying dangerous drugs to American citizens, they strictly prohibit their use in Mexico.

This gaping hole in U.S. drug policy exists because of a so-called "personal use" exemption to the Controlled Substances Act that allows American drug dealers to bring in up to a 90 day supply of such drugs without a legitimate prescription or medical purpose, as long as they are declared at the border. This lax exemption permits people to import multiple drugs and thousands of pills in a single day.

We have been working with Customs, DEA, and the Office of National Drug Control Policy to solve this problem. This legislation offers a targeted and straight-forward solution.

This legislation would limit the exemption for individuals who do not posses a prescription issued by a U.S. physician or documentation which verifies a legitimate prescription. An individual without this documentation would be limited to a maximum of 50 dosage units of a controlled substance. The 50 dose limit would provide those people who have a legitimate need for a controlled substance ample time to seek medical attention in the U.S. while virtually eliminating the abuses that are now prevalent.

I want to be very clear about what this legislation does and does not do:

The legislation is strictly limited to controlled substances. Controlled substances are drugs that the DEA has either banned or subjected to closely regulated status because of their danger, addictiveness and potential for abuse.

The legislation is strictly limited to those individuals that do not posses documentation that a U.S. prescription exists. The legislation does not impact the ability of people with a prescription issued by a U.S. doctor to import any medications, including controlled substances.

The legislation does not in any way change current U.S. law as it relates to the importation of prescription drugs that are not considered controlled substances. In other words, this legislation will not make it more difficult for people to obtain drugs to treat heart disease, cancer, AIDS or other serious illnesses, because these drugs are not controlled substances. In fact, none of the top 20 heart, cancer or AIDS drugs are controlled substances.

The manager's amendment makes an important change from the Judiciary Committee passed version.

Throughout the process of learning about this problem and researching possible solutions, I have worked closely with the Office of National Drug Control Policy, the Texas Department of Alcohol and Drug Abuse, the Drug Enforcement Agency, the U.S. Customs Service, Crime Subcommittee Chairman Bill McCollum, Senator DeWine, the sponsor of this legislation in the Senate, and Senator Grassley's Senate Caucus on International Narcotics to come to an agreement on this legislation.

The principal change in the final version is that the legislation includes all international land borders in its coverage. This is to guard against possible diversion from Mexico to Canada and to ensure that this problem does not expand to Canada.

This expansion is supported by the U.S. Customs Service, which prefers a uniform standard, as well as DEA and ONDCP, who support broader application of this legislation.

The other changes made from the Committee version to the final version are technical changes that don't change the force or effect of the legislation. They are changes that were suggested by the Justice Dept., DEA and Customs, as well as language tightening up the bill as drafted by Legislative Counsel in the Senate.

Mr. Speaker, this should not be a controversial proposal. DEA and Customs identified this as a critical problem over two years ago. General McCaffery has written to me and expressed his belief that there is general agreement among my office, ONDCP, DEA, and Customs regarding the scope of the problem and the proposed solution.

Mr. Speaker, I especially want to thank Mr. Joe Rubin of my staff for his outstanding work on this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on behalf of this legislation, which amends the Controlled Substances Import and Export Act, and tightens the rules regarding the importation of prescription medication into the United States.

I support this bill for several reasons, foremost amongst them because some medications used in other countries are imported into this country to be sold and used for illicit purposes. One of those medications has found a truly insidious use here in the United States. That drug is Rohypnol, otherwise known as the "Date Rape Drug".

I have spoken numerous times about the dangers of Rohypnol, and other drugs used to facilitate the rape of innocent women, but I feel compelled to do so again. The use of Rohypnol to commit rape has become a scourge in our society, and we must make sure that we minimize the dangers that it presents.

This drug and others like it, are slipped into the drinks of unsuspecting women at bars and clubs. As a result, many of them become ill, or black out. During their period of unconsciousness, these women are helpless against any assault on their bodily integrity. Even worse, is that after the fact, many of the victims cannot remember the events that have transpired. They are forced to deal with the consequences of the crime, without a clue as to who perpetrated it. Not only does this make it harder for a victim to recover from such an emotional incident, but it makes it near impossible for law enforcement to bring the full force of the criminal justice system upon the head of the perpetrator.

In the city of Houston in the past 6 months, there have been over 60 admissions to emergency rooms resulting from the ingestion of the various date-rape drugs. We must pursue all available and necessary avenues to ensure that this drug cannot be used for illegal purposes, and this bill presents one such opportunity to safeguard the daughters of this great Nation.

Although I mainly support this legislation for its effects on the importation of drugs, I also would like to note that this bill was carefully crafted to protect the interests of visitors from outside of the country who have legitimate medical needs. People coming into the country should rest assured that this bill will not compromise their health. Under the provisions in H.R. 3633, legitimate prescription medicine is approved for import, so long as the amount does not exceed 50 doses. If that amount is insufficient, then the visitor can have the cap increased to reflect a change in the approximate length of their visit.

I urge all of my colleagues to vote in favor of this bill, and to remain vigilant in their efforts to protect our children from all drugs.

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

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3633, as amended.

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

The title of the bill was amended so as to read: "A bill to amend the Controlled Substances Import and Export Act to place limitations on controlled substances brought into the United States.".

A motion to reconsider was laid on the table.

GEORGE H.W. BUSH CENTER FOR CENTRAL INTELLIGENCE

Mr. GOSS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3821) to designate the Headquarters Compound of the Central Intelligence Agency located in Langley, Virginia, as the George H.W. Bush Center for Central Intelligence.

The Clerk read as follows:

H.R. 3821

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

SECTION 1. DESIGNATION.

The Headquarters Compound of the Central Intelligence Agency located in Langley, Virginia, shall be known and designated as the "George H.W. Bush Center for Central Intelligence".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Headquarters Compound referred to in section 1 shall be deemed to be a reference to the "George H.W. Bush Center for Central Intelligence".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. GOSS) and the gentleman from Missouri (Mr. SKELTON), each will control 20 minutes.

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

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3821.

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

There was no objection.

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

I am pleased to bring this legislation before the House today. H.R. 3821 will designate the Central Intelligence Agency's headquarters complex in Langley, Virginia as the George H.W. Bush Center for Central Intelligence. This is a fitting tribute to our 41st

President and former Director of Central Intelligence, the only person in our Nation's history to have occupied both offices.

The Permanent Select Committee on Intelligence has taken no formal action on this bill. However, I would note that all 16 of our members are cosponsors, among the 150-plus cosponsors we have for this legislation. There is strong bipartisan support for H.R. 3821 in the House as a whole, and the other body has passed a similar measure as part of its fiscal year 1999 Intelligence Authorization Act.

George Bush has dedicated much of his life to public service. I think we all know that. Beginning back in World War II where he flew for the Navy in the Pacific theater. We have heard many of those stories. In 1967, Bush was elected to the House of Representatives, and he would later serve as Ambassador to the United Nations and as chief of the U.S. Liaison Office to the People's Republic of China.

In January of 1976, Bush was appointed Director of Central Intelligence by President Ford, a position he held through the end of the Ford Administration. His tenure as DCI was relatively short, but it came at a time when the U.S. intelligence community was undergoing increasing public scrutiny and some criticism.

It was during this year that the first permanent congressional committee on house oversight devoted to intelligence matters was formed. Took place in the other body. Of course, the House followed suit.

Bush demonstrated leadership and trustworthiness at a time when both were desperately needed to help restore confidence in the Central Intelligence Agency and the other intelligence agencies that make up our intelligence community. Mr. Speaker, I urge the House to support to this bill. I congratulate its author and lead sponsor, my friend, the gentleman from Ohio (Mr. PORTMAN).

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

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

Mr. Speaker, I rise in support of H.R. 3821, to designate the headquarters of the Central Intelligence Agency in Langley, Virginia as the "George Herbert Walker Bush Center for Central Intelligence."

George Bush served this country not only as President but also as Vice President, Member of Congress, United Nations Ambassador, chief of the U.S. Liaison Office to the People's Republic of China, Director of the Central Intelligence Agency and also, Mr. Speaker, as a naval aviator in World War II. As a matter of fact, he received the Navy Cross for his courageous action in the Pacific.

He is the only Director of Central Intelligence to have become President of the United States. The CIA headquarters does not now have a formal name, and there is no facility in the Washington, D.C. area named after President Bush. I thus believe this legislation represents a fitting tribute to honor President Bush's long and distinguished career in public service.

I have known President George Bush for a good many years. History has shown that he was an excellent Director of Central Intelligence, and I heartily endorse naming the CIA headquarters after him.

I am thus happy to join my colleagues on the Permanent Select Committee on Intelligence in cosponsoring this tribute to former President George Bush, and I urge its passage by the House.

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

Mr. GOSS. Mr. Speaker, I thank my colleague and friend from Missouri, who participates in an extraordinarily helpful and valuable way on matters of national security, many of the things we cannot talk about. If people knew the contributions he made, they would indeed be gratified. I think that to have his support for this bill is a very meaningful statement, and we appreciate it very, very much.

Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. PORTMAN), author of the bill, and I ask unanimous consent that he be permitted to control the balance of the time.

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

There was no objection.

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

While he is here, let me thank him for the critical role he has played in this concept from the outset in his role as Chairman of the Permanent Select Committee on Intelligence, but also in his role as a friend and supporter of George Bush. He has been absolutely essential to getting this legislation to this point.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I thank my colleague for yielding me the time. I also thank him for his leadership in advancing this important legislation.

I am privileged to serve on the Permanent Select Committee on Intelligence, and in that capacity I have come to appreciate even more than before the invaluable contributions of President Bush, former Director of the Central Intelligence Agency Bush, for all that he did so well for so long, but particularly in his capacity as Director of the Central Intelligence Agency.

He took over that agency at a time when it was somewhat troubled. Morale was low. He elevated it to a new high. For that, everyone in the intelligence community will be internally grateful.

But when I think of President Bush, I just think about him in today's terms. Every day when I get up and read the day's newspaper, we read yet another story about how good the economy is and how the Nation is moving forward, and I am reminded and all of us should be reminded that this longest period of sustained growth in our economy started under the leadership of President Bush, during his administration, and it has sustained itself. I think that is something that he can be proud of. It is one of the enduring legacies he has left to this Nation.

I also think of George Bush the human being, one of the finest, most decent, most caring, sharing individuals it has ever been my privilege to know. He is a wonderful inspiration for generations to come. He still is at it, providing leadership. He is still at it, providing valued friendship. He is very deserving of this honor for a whole bunch of the right reasons. And for that, I am proud to identify as one of the 16 members on a bipartisan basis of the Permanent Select Committee on Intelligence who have cosponsored this legislation.

Let me again thank my colleague for the leadership he has demonstrated.

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

I thank the gentleman for his wonderful comments and for his support of the legislation.

I would like to make one point, to reiterate what the gentleman said, which is that all members of the Permanent Select Committee on Intelligence, Republican and Democrat, have now cosponsored this legislation, and that is the one committee of jurisdiction for the naming of the CIA center. So we are appreciative of the support of the gentleman from New York (Mr. BOEHLERT) and really the entire committee, Republican and Democrat.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I want to thank our colleague, the gentleman from Ohio (Mr. PORTMAN) for sponsoring this bill. It is with great honor I rise today in support of this legislation that would designate the CIA headquarters in Langley, Virginia as the George H.W. Bush Center for Central Intelligence.

Renaming the CIA headquarters would be a fitting tribute to our distinguished former President. The fact is, in the early 1980s this used to be in my congressional district. I was out there at the dedication of the addition to the new building. At that time former President Bush, who was then Vice President, was out there with then President Reagan and was so warmly

and well thought of by everybody at the CIA at those times.

George Bush has an exceptional career in service to the American people. He triumphantly led our country to victory in the Gulf War crisis, and he paved the way for freedom and democracy in Eastern Europe as the Cold War ended and the communist empire broke up.

George Bush also served our Nation in many other capacities. He has the distinction of being the only former President to be Director of the Central Intelligence Agency. George Bush is still today held in highest regard by the CIA and its employees. In fact, many times I will talk with a CIA employee or former employee, they tell me they thought George Bush was one of the best directors they ever had.

When appointed Director to the CIA in 1976, he inherited a very difficult situation, but during his tenure he created strength and stability in the intelligence community, and he is widely credited for restoring morale at the CIA.

Mr. Speaker, America has a proud tradition of honoring our great presidents. What better way to honor George Bush than to place his name on the CIA headquarters in Langley. I urge my colleagues to join me in support of this. I thank the gentleman from Ohio (Mr. PORTMAN) for introducing the bill.

Mr. PORTMAN. Mr. Speaker, I thank my friend from Virginia for that great statement. The folks at the CIA near his district certainly have a lot of continuing respect and really warm feelings toward their former Director and former President, George Bush.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA), one of the original cosponsors of this legislation.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time. In my early years here I used to visit agencies to get a better understanding of how the various departments functioned. One of those I visited was the CIA. This is where I first met President George Bush. I was tremendously impressed.

It was so great that, as the Director, he took a lot of time to explain to me the function of the CIA and all the various facets of this organization. I thought at the time when I first met him, this is a person I would like to support as President of the United States. Fortunately, I had that opportunity in subsequent years, and I have always been pleased that I could be one of the backers of President Bush for the highest office. I was proud to have been part of his team, with the integrity and the leadership he brought to this office.

A couple of things I would mention. One of the great diplomatic achievements, I think, was the transition in Russia during times of President Gorbachev, when there was a lot of turmoil in that country. As outlined in Ambassador Jack Matlock's book "Autopsy of an Empire," President Bush had to make some really tough decisions as to what the position of the United States would be in light of the events in Russia. I thought he handled it with great skill, and I believe that the success of the transition in that nation, from what was formerly the U.S.S.R. to what we have today, was due in no small part, or I should say due in large part to the sense of diplomacy, the sense of understanding that President Bush brought to his role of leadership in establishing the position of the United States.

Also, I think it is very appropriate to name this building after President Bush because it does have a connection to our international relationships. His leadership during Desert Storm was just remarkable. His ability and the confidence and respect for him throughout the world and particularly with the other leaders enabled him to reach out and get the support that was essential for a successful Desert Storm. I think it was a remarkable achievement that a President of the United States could pick up the phone and elicit the kind of support that we had in the venture known as Desert Storm and without question the success of the coalition of governments in prosecuting Desert Storm was due in large part to the leadership of President George Bush.

Mr. PORTMAN. Mr. Speaker, I yield 30 seconds to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me this time, and rise informally but very sincerely to commend our colleagues for bringing this legislation to the floor. I am pleased to be a cosponsor.

As a former member of the House Permanent Select Committee on Intelligence, I am aware, very much aware, of the extraordinary respect that the men and women of the CIA hold for their former Director, the honorable George Bush, our very distinguished former President. He brought innovation to the agency, he improved the morale dramatically of the Central Intelligence Agency, and his legacy continues on there today. So I think it is a very fitting tribute to name this facility after our former President and the former head of the Central Intelligence Agency, George Bush.

Mr. PORTMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. ARCHER), chairman of the House Committee on Ways and Means, who actually took George Bush's seat in the United States Congress and has continued to be a strong supporter and friend of President Bush's over the years, and was one of the original cosponsors and supporters of this effort.

Mr. ARCHER. Mr. Speaker, I thank the gentleman for yielding me this time, and I am excited and pleased to be able to speak in favor of naming the CIA headquarters at Langley, Virginia as the George H. W. Bush Center for Central Intelligence.

I am proud for many reasons. Yes, I do hold the seat that he held in the Congress of the United States back in the 1960s, and I would like to think that I can walk in his footsteps, but his feet were very, very big.

In the life of a Nation, it is crucial that some men and women take it upon themselves to preserve and foster the Nation's institutions; to preserve the blessings of the past and create new opportunities for the future. While most of us spend our lives pursuing personal gain, George Bush early on took up the long and wearying task of building and maintaining the Nation's institutions, guarding them for future generations.

His patriotism and courage were evident from the beginning of his adult life when, as the youngest Navy pilot flying torpedo bombers in World War II, he was shot down on a bombing run in the South Pacific and narrowly escaped death. He was truly a hero and was distinguished with the Flying Cross and three Air Medals.

Coming back from the war, he married his sweetheart, Barbara Pierce of Rye, New York, and later that year made his first civilian adult decision when he made the appropriate choice of moving to Texas, and lived the rest of his life in Texas, where he started his own company and was successful in one of the riskiest businesses in the world, the oil business.

After selling it, he became involved in politics, his love for the rest of his life, and he was elected to represent Texas's 7th Congressional District, the district that I now represent, and he served on the Committee on Ways and Means, where I now serve. I am privileged to represent him as my most famous constituent today, living with his wife, Barbara, in my district.

History already records what he went on to do. Ambassador to the United Nations; chairman of the Republican National Committee, when it was in dire straits during Watergate; and chief U.S. liaison official to China, the first one after China was recognized by the United Nations; and then, when the Central Intelligence Agency needed leadership because of its great struggles, again during the Watergate period, he was picked, and did an outstanding job heading that institution; and of course, later, became Vice President under Reagan until 1988, when he was elected President.

He is a man of unblemished integrity, and his life has been the model of selfless public service, honor and scrupulous commitment to the people's institutions. Men like George Bush have preserved the peace, freedom and prosperity that we all enjoy as Americans

today, and it is our privilege, mine particularly, to honor him by naming the headquarters of the CIA after him.

I particularly compliment my friend, the gentleman from Ohio (Mr. ROB PORTMAN), for bringing forward this issue and giving us this opportunity.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume to again compliment the gentleman from Ohio (Mr. PORTMAN) on his efforts, which appear to be successful, in naming the CIA headquarters after former President George Bush. It is a very, very fitting tribute to this man who was the head of the CIA, and who later became President of our country.

I had the opportunity, Mr. Speaker, to work with President Bush rather closely in preparation for Desert Storm and Desert Shield, in which American interests were so vitally involved, and he not only marshaled support for the effort here in our country, he marshaled support among our allies, and he should long be remembered for that.

I compliment the gentleman and thank him for his work on putting this piece of legislation together. It certainly is a fitting tribute to Mr. Bush.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume, and thank my colleagues who have spoken about George Bush, the man, and about the appropriateness of this tribute.

The gentleman from Missouri (Mr. SKELTON) and I both have other speakers but because our time was changed a little bit, we do not have all of them here right now. Others may arrive in a moment, but I might just take a moment to talk about this legislation and talk about the people who helped so much to get us here.

The gentleman from Florida (Mr. GOSS) has already spoken. He was very critical in his role as chairman of the Permanent Select Committee on Intelligence, of course, in getting us to this point, but also in his support from the outset. The gentleman from Missouri, who we just heard from, was the original cosponsor of this legislation, along with the gentleman from Florida and the gentleman from Indiana (Mr. LEE HAMILTON), and myself.

I want to thank the gentleman from Missouri. He added a lot of credibility to this effort, frankly made it bipartisan from the start, and has a deep, as we just heard from the gentleman himself, personal relationship to Mr. Bush, which grows, among other things, out of his close working relationship with the President during the Persian Gulf conflict.

The gentleman from Indiana (Mr. LEE HAMILTON) is the other original cosponsor, as I said, the ranking member of the Committee on International Relations. I want to thank him again personally for his support of this effort from the start.

There are many others on both sides of the aisle who have been critical in getting us here today. Many were original cosponsors; others have come on since then, and we have heard from some today and we may hear from others in a moment.

The CIA complex at Langley, Virginia, as has been said today, is currently unnamed, and the effort we have before us here is to designate that center the George Bush Center. It is a particularly fitting tribute, I think, to the only President in our history who has served as Director, and his extraordinary leadership as Director, during a very difficult time for the agency, makes this a particularly appropriate way to remember President Bush.

That extraordinary leadership is pretty well documented. What is not as well documented, perhaps, is the personal importance George Bush places on his service there. I think it is fair to say he remembers that service as fondly as any to his Nation, and the other thing that has come up today in various speeches that we have heard is the degree to which the CIA employees, the career employees there, hold George Bush in high regard. Again, all of these make this a perfect fit.

He served his country for over 50 years. It was in 1942, on June 12th, as the gentleman from Texas (Mr. ARCHER) said earlier, the day he turned 18 years old, that George Bush joined the United States Navy. He was the youngest pilot in the Navy, and he proved himself time and time again with his older peers in the Navy. He was the youngest pilot, but also was one who, in the face of combat, showed himself to be one of the most effective.

He was shot down over the Pacific, as has been commented on earlier today. Of course, he completed his mission before he was shot down. He went on to win not only the distinguished Flying Cross but also three Air Medals for his courageous service to our country during World War II.

After the war, he moved to Texas and he was gradually drawn into politics. In 1966, he was elected to this House, sat in this Chamber for two terms, distinguished terms, as a member of the Committee on Ways and Means, at that time the most junior member ever appointed to the House Committee on Ways and Means. He served the 7th District of Texas, which is the Houston area.

In 1971, he was appointed U.S. Ambassador to the United Nations, and it is interesting, then as now, tensions were very high in the Middle East. It was Ambassador Bush, using his strong friendships with leaders around the Middle East, who was able to diffuse those tensions between Israel and the Arab nations.

In 1974, George Bush had his choice of any ambassadorship in the world, it is said. He took on the challenge of normalizing relations with the People's Republic of China and was appointed as the first U.S. liaison to China.

He was widely regarded at the time as the right man for the job because of the contacts he had made at the United Nations, but folks did not know the degree to which his people skills would be put to use in opening up the relationship between the United States and the largest country in the world. For over a year he worked hard at that effort and was very successful in breaking through the wall, which was really centuries thick, between the People's Republic of China and the United States.

When he returned from China, he became Director of the Central Intelligence Agency, again in a very tough time. This was in the aftermath of the Church hearings up here on Capitol Hill. I think it is fair to say that morale was quite low at the agency, maybe at an all time low. It was George Bush, who came into the CIA, who improved the morale, who improved the agency's standing not only here on Capitol Hill but among the American people.

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Again, he is remembered so fondly by the agency and its people for that effort and for his continuing support over the years after being Director of the CIA, in supporting the CIA's mission and in supporting the people at the Agency.

In 1980 he reentered elective politics, this time as the vice presidential candidate with Ronald Reagan. As Vice President, he was as involved as any Vice President in history, with all the major issues that the White House faced.

In particular, he focused on the administration's war against international terrorism and drugs. He also headed the task force on regulatory relief, which reduced the size of government and increased American industry's competitiveness around the world.

In 1988, he became the first incumbent Vice President since Martin Van Buren to be elected President of the United States. While in office, he led this country through some very historic times.

In 1989, for instance, he ushered in the end of the Cold War with the elimination of the Berlin Wall and the reunification of Germany.

Mr. SKELTON. Mr. Speaker, if I have the time, I would be pleased to yield additional time to the gentleman from Ohio (Mr. PORTMAN). My inquiry of the Chair is do I have the time?

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Missouri (Mr. SKELTON) has 16½ minutes remaining.

Mr. SKELTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN).

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

Again, he led this country through change as President in 1989, the end of

the Cold War, reunification of Germany, the elimination of the Berlin Wall, leading the effort to spread democracy around Eastern Europe.

He signed the Start I and Start II treaties that established the game plan for the reduction of two-thirds of the existing nuclear warheads by 2003.

Of all the major events in which President Bush played a key role as Commander in Chief, the one that perhaps best showcases his ability was the one that the gentleman from Missouri (Mr. SKELTON) talked about earlier, which is his abilities as leader during the Persian Gulf War.

He put together an unprecedented coalition of 30 nations headed by the United States to stop the aggression of Saddam Hussein in the Middle East. I think it is particularly fitting that we consider this legislation, Mr. Speaker, honoring President Bush exactly 8 years and 1 day from the date that Kuwait was liberated.

Mr. Speaker, to me President Bush exemplified the highest values and principles of public life. As a staff member in the Bush White House, I was privileged to learn firsthand from President Bush that honor, integrity, and responsibility are the most important code of conduct for a public official.

I feel the Bush Center will not only provide the needed national recognition for as many years of distinguished service, but also on a personal note it is gratifying to me to see this legislation coming to the floor of the House today honoring someone who has given so much to his Nation.

I urge all my colleagues to support this fitting tribute to our former President. I want to thank the gentleman from Missouri (Mr. SKELTON) again for yielding time and for the leadership of the gentleman from Florida (Mr. GOSS) in this effort.

Mr. MORAN of Virginia. Mr. Speaker, I rise in support of this bill to designate the Headquarters Compound of the Central Intelligence Agency as the George H.W. Bush Center for Central Intelligence. This is a fitting tribute to the great contributions of George Bush to the CIA, our federal government and our nation.

Mr. Speaker, George Bush served our country not only as President, but also Vice President, U.N. Ambassador, Chief of the U.S. Liaison Office to the People's Republic of China, Member of Congress and Director of the Central Intelligence Agency. His life was truly one in the public service, and he served our nation ably and faithfully for more than 50 years.

He was appointed to serve as director of the CIA in 1976, and provided leadership to that agency at a time when the U.S. intelligence community was publically unpopular and roundly criticized as too secretive. George Bush is credited with many improvements at the CIA and restoring the morale of the employees. As the only president to have served as director of the CIA, he continues to be held in high regard by past and present CIA employees, and may members of the U.S. intelligence community.

Mr. Speaker, the CIA building is in my district. And although I am a Democrat and George Bush has been a loyal Republican all his life, it is highly appropriate to memorialize a man of George Bush's integrity, work ethic and dedication to public service by naming the headquarters of an indispensable part of the U.S. Government and an irreplaceable instrument of world peace in his honor.

George Bush loved the people, and respected the institution of the CIA as no other American President has. I urge all my colleagues to grant him this honor.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to add my enthusiastic support to H.R. 3821, which would name the Central Intelligence Agency (CIA) Headquarters in Langley, Virginia after our 41st President, George Herbert Walker Bush.

I can think of no one today who is more deserving of this honor than this man of courage, who has such a long and distinguished record of service to our nation and the cause of freedom. George Bush definitely represents the principles of dignity and character that we have always prized in our statesmen. From his service as a teenage pilot during World War II to his administration as President, he has always dedicated his life to God, family and country.

Among the roles he served in during his remarkable career, George Bush should be especially proud of his record as Director of the CIA from 1976 to 1977. This was a critical time for this key agency which he helped rebuild after a major Congressional investigation. His determined leadership helped restore the morale of the CIA at a crucial turning point in the Cold War. This spade work for our nation's defense helped pave the way for the triumph of freedom over communism during his service as Vice President under President Ronald Reagan and his service as President.

This is definitely a fitting tribute for the only President who served as Director of the CIA. The overwhelming bi-partisan support for this proposal definitely demonstrates the widespread respect which George Bush has from his fellow citizens for his legacy of service to our nation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. GOSS) that the House suspend the rules and pass the bill, H.R. 3821.

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

A motion to reconsider was laid on the table.

SENSE OF THE HOUSE REGARDING ASSISTANCE TO MEXICO TO COMBAT WILDFIRES

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 469) expressing the sense of the House of Representatives regarding assistance to Mexico to combat wildfires, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 469

Whereas the United States has a Cooperative Fire Suppression Agreement with Canada to address the issue of fires occurring along the border between the two countries;

Whereas in the past fires starting in Mexico have grown out of control and have spread into the United States; and

Whereas both the United States Forest Service and the Mexican Forest Service have expressed an interest in having a cooperative fire suppression agreement between the United States and Mexico: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the United States should initiate negotiations with Mexico at the earliest date possible in order to come to a mutually beneficial agreement as soon as possible addressing the concerns of both countries in suppressing fires occurring along the border between the two countries.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, recently raging fires engulfed over 1 million acres of land in Mexico. Our border states, in particular Texas, were overwhelmed by a pile of smoke that created an acute pollution problem and raised serious health concerns. The administration deployed emergency assistance to help Mexico cope with fires.

I would like to thank my colleagues on the Committee on International Relations, particularly the gentleman from Texas (Mr. BRADY), for working with the honorable gentleman from Texas (Mr. HALL) to offer an answer, which was unanimously approved in committee updating this resolution.

In the aftermath of these terrible fires, it is important for the House to endorse this resolution's call for the negotiation with Mexico of a cooperative fire suppression agreement similar to the one that exists between the United States and Canada.

I ask my colleagues to join me in supporting H. Res. 469, as amended.

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

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H. Res. 469.

The fires in Guatemala and in Mexico earlier this summer had wide-ranging

impact. The smoke from the fires was noticeable as far north as the State of Wisconsin, and many people suffered serious health consequences along the U.S.-Mexico border.

We are right to seek to put into place a framework that will allow us to maximize cooperation in the case that we are faced with these problems along the border. It is worth noting that the United States made a significant contribution to controlling and extinguishing these fires. We provided in excess of $8 million to defeat fires in Guatemala and Mexico.

In so doing, we generated a lot of goodwill among the people of those two countries who suffered a great deal because of the fires. The greatest assistance the U.S. provided was the fire experts from the United States Forest Service. All of us, I am sure, want to commend their work. They braved some dangerous conditions and in the process provided a great service to our country and certainly to the people of Mexico and Guatemala.

I urge the adoption of this resolution.

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

Mr. HAMILTON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas (Mr. BENTSEN).

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

Mr. Speaker, I rise in strong support of this legislation so that the United States and Mexico can be better prepared the next time we face a fire and public health emergency such as the one we faced earlier this year.

This spring, Texas and many other states were blanketed by thick, unhealthy smoke from more than 10,000 fires that burned, many of them out of control in Mexico and in other Central American countries.

While our two nations have worked well together to bring this threat under control, we did so largely on an ad hoc basis. We need a more permanent and proactive solution, and this resolution takes the right approach in calling for the negotiation of a cooperative fire suppression agreement with Mexico similar to that which we already have in place with Canada.

Such an agreement would be in the best interest of both the United States and Mexico so that we could respond more quickly and effectively to future fire emergencies.

This year's experience showed clearly that fire emergencies know no borders. These fires were a threat not only to the residents in the immediate vicinity but to the communities thousands of miles away.

For several days this spring, the entire State of Texas was under a public health alert that urged all Texans to stay indoors and limit outdoor activity in order to limit exposure to the smoky haze. Many outdoor activities were cancelled and delayed.

In particular in my district, all school children were ordered to stay inside and a number of school Little League and high school baseball games and baseball playoffs were cancelled as a result of the threat.

Additionally, senior citizens were urged to stay inside because of the threat. The Greater Houston area and the Gulf Coast area remained under this threat for several weeks.

At its peak, smoke from these fires affected at least six States, including Texas, Louisiana, Arkansas, Missouri, and Mississippi. We must work to prevent this type of public health threat from occurring.

I also want to take this opportunity to thank the firefighting personnel from both the United States and Mexico for their hard work in fighting the fires this spring. Despite the lack of a fire suppression agreement, our two nations worked well together to fight this threat.

After receiving a letter from the Texas Congressional Delegation which I had organized, our government worked quickly to provide the necessary assistance to Mexico. I greatly appreciate the prompt and effective assistance that was provided by the U.S. Agency for International Development, the U.S. Forest Service, the U.S. Environmental Protection Agency and the National Oceanic and Atmospheric Administration, as well as other agencies.

The assistance provided included firefighting equipment, heavy lift helicopters and C–130 tanker aircraft.

In addition, firefighting experts from the United States traveled to Mexico and helped provide technical assistance to Mexican firefighters on how to suppress these fires. However, this is only a starting point. This legislation would encourage these two nations to create a more comprehensive plan to reduce forest fires in the future and fight blazes once they have started.

I think it is important that we note that we share a very long border with Mexico, and while it directly affects those of us in Texas, again we saw that this could affect other States as well. This was not just an issue of helping out a neighbor who in fact deserved that help, but it was also a public health issue in the United States as well.

I think it underscores the need that the administration move quickly on trying to finish negotiations on a fire suppression agreement.

I also would like to point out the damage that was done in Mexico, in particular in the Chimalapas Jungles, which is one of the great natural areas in Mexico, which was not completely but very much of which was destroyed, and this is at great environmental cost not only to the people of Mexico but to the people of the Southern Hemisphere as well.

I congratulate my colleague, the gentleman from Texas (Mr. HALL), for authoring this legislation and the chairman and the ranking Democrat for bringing this to the floor.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BRADY), a distinguished member of the committee.

Mr. BRADY of Texas. I thank the gentleman from Nebraska for yielding me this time.

Mr. Speaker, I am pleased to support House Resolution 469 and would like to thank the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Texas (Mr. HALL) for introducing this important resolution expressing the sense of Congress concerning what is known as a cooperative fire suppression agreement with Mexico.

This resolution seeks to give congressional support for the negotiation of an agreement with Mexico, addressing fire suppression along the border region of the United States and Mexico.

As you may know and have heard, smoke from the recent fires in Mexico and Central America drifted into the southern United States from the Gulf of Mexico, causing respiratory health problems for people all over the United States. These fires brought to light a missing piece in our international firefighting programs: The lack of a cooperative agreement with Mexico.

The United States has had a cooperative fire suppression agreement with Canada since 1982. This agreement allows our U.S. Forest Service firefighters to enter Canada to aid in fire suppression when fires occur along the 200-kilometer band on the border, and vice versa. This agreement permits both countries to help contain border fires that threaten their territory and permits either country to seek reimbursement for these services.

The agreement has been successfully implemented to address fires that occur along the borders with U.S. and Canadian firefighters working jointly to protect both countries from wildfires. Unfortunately, we do not have such an agreement with Mexico. In the past, small, easily manageable fires have grown into large, destructive wildfires that spread into the United States. This type of agreement is imperative for the protection of both U.S. citizens and their property.

At the recent Binational Commission between the United States and Mexico, our State Department, with the backing of over 40 Members of the House of Representatives, and with the backing of 6 Senators from our border States, presented the Mexican delegation with a draft text of the agreement. It is extremely important that the State Department continue to pursue these negotiations if we are to prevent future catastrophes from occurring along the border.

Currently, the potential for fire on the border region is tremendously high.

The wet winter in the Southwest gave growth to large amounts of grass and underbrush. The ensuing drought and massive heat wave have turned these grasses into the perfect tinder for fires on both sides of the border. The danger is real and as we have seen from the fires in southern Mexico, you do not have to live next to the fire to be affected by it.

I strongly urge my colleagues to support this resolution.

□ 1400

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for his comments which are very relevant. As a Member from Texas, he is well aware of these problems.

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

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I want to echo the sentiments expressed earlier by the gentleman from Nebraska and the gentleman from Indiana (Mr. HAMILTON), the ranking minority member of the Committee on International Relations concerning this resolution that I sincerely hope that our colleagues will support and endorse.

Mr. Speaker, the fires in southern Mexico had far reaching consequences in the United States. We are right to look for lessons from those very damaging fires. The best way to do that is to look for a way to work well with our Mexican neighbors for future problems. This resolution does that. Getting the Congress on record in support of a bilateral fire suppression agreement will send a strong message to the President and to the good leaders and people of Mexico that we are interested in avoiding damages from fires in the future.

I might also add, Mr. Speaker, my strongest commendation to the men and women of the U.S. Forest Service who worked hard and so bravely to suppress this spring's fires in southern Mexico. They helped numerous Mexican citizens and in so doing generated great good and good will between the people of the United States and the good people of Mexico. We owe a great debt of gratitude to these brave men and women.

I urge my colleagues, Mr. Speaker, to support House Resolution 469.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume. May I simply observe that I have been informed that the gentleman from Texas (Mr. HALL) who is the principal author of H. Res. 469 wanted very much to speak on the resolution but is on his way to the Chamber, he has been traveling, and he may not make it in time. I do want to commend him for his initiative on this very worthy resolution.

Mr. GILMAN. Mr. Speaker, recently, raging fires engulfed over 1 million acres of land in Mexico. Our border states, in particular Texas, were overwhelmed by a pall of smoke that created an acute pollution problem and raised serious health concerns. The Administration deployed emergency assistance to help Mexico cope with the fires.

I would like to thank my colleague on the International Relations Committee, Mr. BRADY, for working with the honorable gentleman from Texas, Mr. HALL, to offer an amendment—which was unanimously approved in Committee—updating this resolution.

In the aftermath of these terrible fires, it is important for the House to endorse this resolution's call for the negotiation with Mexico of a Cooperative Fire Suppression Agreement similar to the one that exists between the United States and Canada.

I ask my colleagues to join me in supporting H. Res. 469 as amended.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on behalf of this resolution, which expresses the sense of Congress that the United States assist Mexico in its efforts to combat the forest fires which have plagued it this year.

It is rare in any neighborhood that neighbors will get along one hundred percent of the time, yet it is a good neighbor who always extends a helping hand to the other in the midst of a crisis. Mexico is currently dealing with a crisis of an alarming magnitude, and it is our time to step forward and offer our resources to help them through this difficult time.

The terrible forest fires that still rage in various parts of Mexico and Central America have shown no signs of slowing down. Just over the course of the last few weeks, over 1 million acres have been destroyed by flames, spurred on by months of dry conditions brought upon by drought.

Mexico and Central America's firefighters are overmatched, and desperately need assistance. With the adoption of this resolution, we can alleviate some of their burden and give them a fighting chance to outlast these blazes of misfortune. We are intimately familiar with the devastation that forest fires can wreck upon the environment, having just overcome similar fires in Florida just last month, and should make sure that wee minimize the danger to all of the families in harm's way, no matter their nationality.

I would also like to remind my colleagues that any efforts of ours in Mexico would also directly benefit our citizens here at home. Here in the United States, including my District in Houston, we have been subjected to the side effects of these huge fires, in the form of smoke which has blown up from South of the Rio Grande.

The "haze" as it has been called, has darkened the skies and worsened the health of our citizens. The State of Texas has been forced to issue special health warnings, advising people to stay indoors on certain days when the conditions are particularly bad.

These conditions are only exacerbated by the extended period of drought that the Southwestern portion of the United States has suffered in recent years. Although it is not within the power of Congress to change Mother Nature, we can help farmers financially, and try to fight the fires that are irritating our children's eyes, and filling their lungs with smoke.

I urge my fellow colleagues to vote for this declaration, and to reaffirm our partnership with the people and governments of Mexico and Central America.

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

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, House Resolution 469, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Resolution expressing the sense of the House of Representatives regarding a cooperative fire suppression agreement with Mexico.".

A motion to reconsider was laid on the table.

SHACKLEFORD BANKS WILD HORSES PROTECTION ACT

Mr. JONES. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 765) to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore.

The Clerk read as follows:

Senate Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. MAINTENANCE OF WILD HORSES IN CAPE LOOKOUT NATIONAL SEASHORE.

Section 5 of the Act entitled "An Act to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes", approved March 10, 1966 (Public Law 89-366; 16 U.S.C. 459g-4), is amended by inserting "(a)" after "Sec. 5.", and by adding at the end the following new subsection:

"(b)(1) The Secretary, in accordance with this subsection, shall allow a herd of 100 free roaming horses in Cape Lookout National Seashore (hereinafter referred to as the 'Seashore'): *Provided*, That nothing in this section shall be construed to preclude the Secretary from implementing or enforcing the provisions of paragraph (3).

"(2) Within 180 days after enactment of this subsection, the Secretary shall enter into an agreement with the Foundation for Shackleford Horses (a nonprofit corporation established under the laws of the State of North Carolina), or another qualified nonprofit entity, to provide for management of free roaming horses in the seashore. The agreement shall—

"(A) provide for cost-effective management of the horses while ensuring that natural resources within the seashore are not adversely impacted; and,

"(B) allow the authorized entity to adopt any of those horses that the Secretary removes from the seashore.

"(3) The Secretary shall not remove, assist in, or permit the removal of any free roaming horses from Federal lands within the boundaries of the seashore—

"(A) unless the entity with whom the Secretary has entered into the agreement under paragraph (2), following notice and a 90-day response period, fails to meet the terms and conditions of the agreement; or

"(B) unless the number of free roaming horses on Federal lands within Cape Lookout National Seashore exceeds 110; or

"(C) except in the case of an emergency, or to protect public health and safety.

"(4) The Secretary shall annually monitor, assess, and make available to the public findings regarding the population, structure, and health of the free roaming horses in the national seashore.

"(5) Nothing in this subsection shall be construed to require the Secretary to replace horses or otherwise increase the number of horses within the boundaries of the seashore where the herd numbers fall below 100 as a result of natural causes, including, but not limited to, disease or natural disasters.

"(6) Nothing in this subsection shall be construed as creating liability for the United States for any damages caused by the free roaming horses to property located inside or outside the boundaries of the seashore.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

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

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

Mr. Speaker, I would like to first thank my colleagues and staff in the House, the Senate, and the White House for helping secure passage of this important legislation. The Shackleford Banks Wild Horse Protection Act requires the National Park Service to work in alliance with a nonprofit entity to maintain a herd of no less than 100 horses, a number consistent with the number of horses on the island when the Park Service assumed ownership. H.R. 765 is needed to preserve this historically rich herd of wild horses.

It was my intent and the Committee on Resources' intent to designate the Foundation for Shackleford Banks as the nonprofit agency to work with the Park Service. The Senate concurred by passing its version, also. Throughout the process, the foundation was listed in the legislation further indicating Congress' intent. I am confident that the foundation, as listed in the legislation, and the Park Service will develop a long-range management plan for the horses.

Again, I would like to thank my colleagues and ask for their support for H.R. 765.

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

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

Mr. Speaker, H.R. 765 introduced by the gentleman from North Carolina (Mr. JONES), a member of the Committee on Resources, requires the National Park Service to maintain a herd of wild horses on Shackleford Banks at Cape Lookout National Seashore. On July 16, 1998, President Clinton signed Public Law 105-202, the Peace Garden Memorial extension. Included as part of that law was language that is identical to the gentleman's bill, which is H.R. 765.

Mr. Speaker, I do want to highly commend my good friend and colleague from North Carolina for his ingenuity in seeing that although this has already become law but I think for reassurances to make sure that the gentleman's horses on Shackleford are duly protected. I want to commend the gentleman for his persistence in making sure that this matter is going to be taken care of. I say to my colleagues that this matter has been addressed, although I think it is good that we need to give this reinforcement in the process. I thank my good friend from North Carolina for his persistence in this bill.

I urge my colleagues to support this legislation, H.R. 765.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 765.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES. 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 the Senate amendment to H.R. 765.

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

There was no objection.

NATIONAL PARK SYSTEM NEW AREA STUDIES ACT

Mr. JONES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1728) to provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1728

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 "National Park System New Area Studies Act".

SEC. 2. STUDY OF NEW PARK SYSTEM AREAS.

Section 8 of Public Law 91-383 (16 U.S.C. 1a-5; popularly known as the National Park System General Authorities Act) is amended as follows:

(1) By inserting "GENERAL AUTHORITY.—" after "(a)".

(2) By striking the second through the seventh sentences of subsection (a).

(3) By designating the last two sentences of subsection (a) as subsection (e) and inserting in the first of such sentences before the words "For the purposes of carrying" the following: "(e) AUTHORIZATION OF APPROPRIATIONS.—".

(4) By inserting the following after subsection (a):

"(b) STUDIES OF AREAS FOR POTENTIAL ADDITION.—(1) At the beginning of each calendar year, along with the annual budget submission, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

"(2) In developing the list to be submitted under this subsection, the Secretary shall give consideration to those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility. The Secretary shall give special consideration to themes, sites, and resources not already adequately represented in the National Park System.

"(3) No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of this subsection, except as provided by specific authorization of an Act of Congress.

"(4) Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than $25,000.

"(5) Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply to or to affect or alter the study of any trail for potential addition to the national trails system.

"(c) REPORT.—(1) The Secretary of the Interior shall complete the study for each area for potential inclusion in the National Park System within 3 complete fiscal years following the date of enactment of specific legislation providing for the study of such area. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.

"(2) In conducting the study, the Secretary shall consider whether the area under study—

"(A) possesses nationally significant natural or cultural resources and represents one of the most important examples of a particular resource type in the country; and

"(B) is a suitable and feasible addition to the system.

"(3) Each study—

"(A) shall consider the following factors with regard to the area being studied—

"(i) the rarity and integrity of the resources;

"(ii) the threats to those resources;

"(iii) similar resources are already protected in the National Park System or in other public or private ownership;

"(iv) the public use potential;

"(v) the interpretive and educational potential;

"(vi) costs associated with acquisition, development and operation;

"(vii) the socioeconomic impacts of any designation;

"(viii) the level of local and general public support, and

"(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

"(B) shall consider whether direct National Park Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

"(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service be most effective and efficient in protecting significant resources and providing for public enjoyment; and

"(D) may include any other information which the Secretary deems to be relevant.

"(4) Each study shall be completed in compliance with the National Environmental Policy Act of 1969.

"(5) The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary's preferred management option for the area.

"(d) LIST OF AREAS.—At the beginning of each calendar year, along with the annual budget submission, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas which have been previously studied which contain primarily historical resources, and a list of areas which have been previously studied which contain primarily natural resources, in numerical order of priority for addition to the National Park System. In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c) of this section. The Secretary should only include on the lists areas for which the supporting data is current and accurate.".

(5) By adding at the end of subsection (e) (as designated by paragraph (3) of this section) the following: "For carrying out subsections (b) through (d) there are authorized to be appropriated $2,000,000.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 1728 is a bill introduced by the gentleman from Colorado (Mr. HEFLEY). The gentleman from Colorado is to be commended for the hard work he has done to craft a bill that addresses needed changes in current law dealing with how new units are added to the National Park System.

H.R. 1728 provides for the development of a plan and a management review of the National Park System to reform the current process by which areas are considered for addition to the National Park System. The bill would assist the National Park Service in planning for the future of the National Park System and provide a structured process to ensure that the Congress considers only the most worthy nationally important sites for inclusion in any expansion of the National Park System.

Mr. Speaker, this is an important bill, and H.R. 1728 provides a better way to include worthy areas into the park system. I urge my colleagues to support H.R. 1728.

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

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

Mr. Speaker, H.R. 1728 establishes new procedures by which potential new additions to the National Park System are studied. The bill is identical to the language in title II of H.R. 260 from the 104th Congress.

The administration and other interested parties are in general support of putting in place new procedures for the study of potential additions to the National Park System. These new procedures make a lot of sense to me. They will improve the quality of information we have on potential additions to the National Park System, as well as help prioritize our consideration of such additions.

With the minor changes to the bill that were made by the Committee on Resources, I think the House should give the bill its unqualified support. I urge my colleagues to adopt this proposed bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 1728, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1728, the bill just passed.

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

There was no objection.

AUTHORIZING EXPANSION OF FORT DAVIS NATIONAL HISTORIC SITE

Mr. JONES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3047) to authorize expansion of Fort Davis National Historic Site in Fort Davis, Texas, by 16 acres.

The Clerk read as follows:

H.R. 3047

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

SECTION 1. EXPANSION OF FORT DAVIS HISTORIC SITE, FORT DAVIS, TEXAS.

The Act entitled "An Act Authorizing the establishment of a national historic site at Fort Davis, Jeff Davis County, Texas", approved September 8, 1961 (75 Stat. 488; 16 U.S.C. 461 note), is amended in the first section by striking "not to exceed four hundred and sixty acres" and inserting "not to exceed 476 acres".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 3047 is a bill introduced by the gentleman from Texas (Mr. BONILLA). The gentleman from Texas has worked hard on this bill which addresses an important historical site in Texas.

H.R. 3047 would authorize the expansion of Fort Davis National Historic Site by 16 acres by increasing the "not to exceed" acreage clause in the current enabling legislation which prevents the historical site from expanding. The acreage to be acquired is needed to protect the site's historic setting and viewshed. Of particular note, no federally appropriated funds are requested for this land acquisition.

I strongly urge my colleagues to support passage of H.R. 3047.

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

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

Mr. Speaker, this proposed legislation now before us was introduced by the gentleman from Texas (Mr. BONILLA). The bill, H.R. 3047, authorizes the addition of 16 acres to the Fort Davis National Historic Site in Texas.

This is a measure that the National Park Service testified in favor of at the hearing that was held before our Subcommittee on National Parks and Public Lands. I understand that the 16 acres in question is being acquired by a third party and will be donated to the park once the necessary authorization is received.

Mr. Speaker, I support the passage of this legislation and I urge my colleagues to do likewise.

Mr. BONILLA. Mr. Speaker, I rise in support of this legislation. I would like to thank Chairman YOUNG for his cooperation and assistance in moving this bill through his committee.

Fort Davis is located in the heart of West Texas, nestled in an area that is very scenic in its own rough and rugged way. I am very proud to represent this area, and I would invite my colleagues to visit the area to see the beauty for yourself.

The fort was a key post in the defense of West Texas and thus played a major role in this region's history. From 1854 to 1891, troops at the post guarded immigrants, freighters and stagecoaches on the San Antonio-El Paso road. Fort Davis is the best remaining example in the Southwest of the typical post-Civil War frontier fort. The post has extensive surviving structures and ruins.

My bill would permit a simple 16 acre expansion of the historical site. This legislation is necessary because the original legislation limited the historic site to 460 acres.

The particular parcel of land that would be added to the site is known as Sleeping Lion Mountain. This land overlooks the park's historic landmarks. The land is slated to be donated to the National Park Service by the Conservation Fund. The land has been purchased by the Conservation Fund. They secured the funds from several private foundations to purchase the land. The purchase of the land was completed in April and they are simply waiting for us to act.

The tract is adjacent to the fort's southern boundary and I believe that the inclusion of this tract of land into the site would ensure the visual and historic integrity for this state and national treasure.

This park expansion has the blessing of the local community and is also supported by the Texas Historical Commission. As you can see this is a simple piece of legislation to allow for a minor park expansion. This would allow us to preserve a very important piece of our heritage and history in West Texas.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 3047.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3047, the bill just passed.

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

There was no objection.

□ 1415

LAND CONVEYANCE IN CARSON AND SANTA FE NATIONAL FORESTS, NEW MEXICO

Mr. JONES. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 434) to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. LAND CONVEYANCE, SANTA FE NATIONAL FOREST, NEW MEXICO.

(a) CONVEYANCE OF PROPERTY.—Within 60 days of enactment of this Act, the Secretary of Agriculture (herein "the Secretary") shall convey to the town of Jemez Springs, New Mexico, subject to the terms and conditions under subsection (c), all right, title, and interest of the United States in and to a parcel of real property (including any improvements on the land) consisting of approximately one acre located in the Santa Fe National Forest in Sandoval County, New Mexico.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the town of Jemez Springs.

(c) TERMS AND CONDITIONS.—

(1) Notwithstanding exceptions of application under the Recreation and Public Purposes Act (43 U.S.C. 869(c)), consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purposes Act; and,

(B) an agreement between the Secretary and the town of Jemez Springs indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for the purposes of construction and operation of a fire substation. If such lands cease to be used for such purposes, at the option of the United States, such lands will revert to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 434, introduced by former Congressman Bill Richardson, the current Ambassador to the United Nations, would revise a land conveyance from the Forest Service to Jemez Springs, New Mexico. I support the desire of the gentleman from New Mexico (Mr. REDMOND) to see that Jemez Springs attains one acre of land within the town in order to construct a fire substation.

It is my understanding that in 1993 the Jemez National Recreation Area was carved out of the Santa Fe National Forest. This transformed Jemez Springs from an obscure little village located in the Santa Fe National Forest to a little community hosting over 1 million visitors annually. I applaud Jemez Springs for cooperating and assisting the Forest Service in answering the numerous fire calls throughout the area. Without much imagination my colleagues can see how such increased activities would cause significant problems for any community.

The Senate amended and passed H.R. 434 by unanimous consent. I urge my colleagues to support H.R. 434.

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

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

Mr. Speaker, I want to express my personal commendation to the gentleman from North Carolina (Mr. JONES) for his leadership in managing these pieces of legislation now before the House.

Mr. Speaker, I will not object to the passage of this legislation, but I want to note for the record that the Forest Service has objections to language which has been included by the other body. Specifically, the Senate amendment would subject this land conveyance to the Recreation and Public Purposes Act process. H.R. 434, as reported by the committee and passed by the House, would have provided for an equal value exchange of lands pursuant to routine Forest Service law and procedures.

H.R. 434, as amended by the Senate, provides for a one-acre conveyance to the town of Jemez Springs, New Mexico, of land from the Santa Fe National Forest. The land is to be used for the public purpose of a fire station. The bill also contains a reverter clause providing that if the land is not used for a fire station it will revert to the United States.

Mr. Speaker, if this bill provided for a general application of the Recreation and Public Purposes Act to all national forest lands, I would strongly oppose it. But since H.R. 434 is limited to a one-acre parcel of land in one New Mexico community, I will not object to the Senate amendment. I view this, however, to be a limited and unique circumstance and not as a precedent for future conveyances of Forest Service lands.

I urge my colleagues to support this piece of legislation.

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

Mr. JONES. Mr. Speaker, I yield 5 minutes to the gentleman from New Mexico (Mr. REDMOND).

Mr. REDMOND. Mr. Speaker, I stand in support of H.R. 434, as was introduced by former Congressman Bill Richardson, now Ambassador to the United Nations.

Mr. Speaker, the history of the Jemez Mountains Recreation Area dates back to the early 1990's when it was carved out by Congress as a special recreation area for the American people. As a result of declaring the Jemez Mountains a recreation area, we have

an additional one million people that now travel through the tiny village of 350 to 450 people, a little village called Jemez Springs. This little village is the closest village that can respond to emergency and disaster, whether it be fire, whether it be first aid emergency for those million visitors that come through the Jemez Springs area. This is the village of first response in time of crisis.

I believe that the village is well within its limits by asking for merely one acre of land on which to build a modern fire station so that they can respond to the emergency needs of the American people as the American people visit the Jemez Recreation Area. The Federal Government owns over 28 million acres in the State of New Mexico, and I believe that yielding one acre to a village of 350 people who are the first individuals to respond in times of crisis to the visitors of the Jemez Recreation Area is well within reason.

I understand that there is objection to this. This objection on behalf of the Forest Service I believe is unreasonable. The Forest Service does not always have a good reputation of being a good neighbor in New Mexico. I would encourage them to wholeheartedly embrace the transfer of the one acre to Jemez Springs to begin to build bridges with the people of northern New Mexico.

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

Mr. Speaker, I want to note for the RECORD that former Congressman Bill Richardson was a very distinguished member of our Committee on Resources, and I think, also to my good friend from New Mexico, that former Ambassador Bill Richardson to the United Nations is now the new Secretary of Energy. It was just confirmed last Friday by the other body.

I want to commend my good friend the gentleman from New Mexico (Mr. REDMOND) for following up this piece of legislation, and I just want to note that and commend him for allowing us to bring this piece of legislation now for consideration, and again I urge my colleagues to support this bill and thank my colleague again from North Carolina for his management of these pieces of legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 434.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES. 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 materials on H.R. 434, the bill just debated.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

APPROVING A GOVERNING INTERNATIONAL FISHERY AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF LATVIA

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3460) to approve a governing international fishery agreement between the United States and the Republic of Latvia, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3460

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

SECTION 1. GOVERNING INTERNATIONAL FISHERY AGREEMENT WITH LATVIA.

Notwithstanding section 203 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1823), the governing international fishery agreement between the Government of the United States of America and the Government of the Republic of Latvia, as contained in the message to Congress from the President of the United States dated February 3, 1998, is approved as a governing international fishery agreement for the purposes of such Act and shall enter into force and effect with respect to the United States on the date of enactment of this Act.

SEC. 2. REAUTHORIZATION OF THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.

(a) REAUTHORIZATION.—Section 211 of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5610) is amended by striking "for each of" and all that follows through the end of the sentence and inserting "for each fiscal year through fiscal year 2001.".

(b) MISCELLANEOUS TECHNICAL AMENDMENTS.—The Northwest Atlantic Fisheries Convention Act of 1995 is further amended—

(1) in section 207(e) (16 U.S.C. 5606(e)), by striking "sections" and inserting "section";

(2) in section 209(c) (16 U.S.C. 5608(c)), by striking "chapter 17" and inserting "chapter 171"; and

(3) in section 210(6) (16 U.S.C. 5609(6)), by striking "the Magnuson Fishery" and inserting "the Magnuson-Stevens Fishery".

(c) REPORT REQUIREMENT.—The Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 201 et seq.) is further amended by adding at the end the following:

"SEC. 212. ANNUAL REPORT.

"The Secretary shall annually report to the Congress on the activities of the Fisheries Commission, the General Council, the Scientific Council, and the consultative committee established under section 208.".

(d) NORTH ATLANTIC FISHERIES ORGANIZATION QUOTA ALLOCATION PRACTICE.—The Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 201 et seq.) is further amended by adding at the end the following:

"SEC. 213. QUOTA ALLOCATION PRACTICE.

"(a) IN GENERAL.—The Secretary of Commerce, acting through the Secretary of State, shall promptly seek to establish a new practice for allocating quotas under the Convention that—

"(1) is predictable and transparent;

"(2) provides fishing opportunities for all members of the Organization; and

"(3) is consistent with the Straddling Fish Stocks Agreement.

"(b) REPORT.—The Secretary of Commerce shall include in annual reports under section 212—

"(1) a description of the results of negotiations held pursuant to subsection (a);

"(2) an identification of barriers to achieving such a new allocation practice; and

"(3) recommendations for any further legislation that is necessary to achieve such a new practice.

"(c) DEFINITION.—In this section the term 'Straddling Fish Stocks Agreement' means the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.".

SEC. 3. REAUTHORIZATION OF THE ATLANTIC TUNAS CONVENTION ACT OF 1975.

(a) REAUTHORIZATION.—Section 10(4) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h(4)) is amended by striking "For fiscal year 1998," and inserting "For each of fiscal years 1998, 1999, 2000, and 2001,".

(b) MISCELLANEOUS TECHNICAL AMENDMENTS.—(1) The Atlantic Tunas Convention Act of 1975 is further amended—

(A) in section 2 (16 U.S.C. 971), by redesignating the second paragraph (4) as paragraph (5);

(B) in section 5(b) (16 U.S.C. 971c(b)), by striking "fisheries zone" and inserting "exclusive economic zone";

(C) in section 6(c)(6) (16 U.S.C. 971d(c)(6))—

(i) by designating the last sentence as subparagraph (B), and by indenting the first line thereof; and

(ii) in subparagraph (A)(iii), by striking "subparagraph (A)" and inserting "clause (i)";

(D) by redesignating the first section 11 (16 U.S.C. 971 note) as section 13, and moving that section so as to appear after section 12 of that Act;

(E) by amending the style of the heading and designation for each of sections 11 and 12 so as to conform to the style of the headings and designations of the other sections of that Act; and

(F) by striking "Magnuson Fishery" each place it appears and inserting "Magnuson-Stevens Fishery".

(2) Section 3(b)(3)(B) of the Act of September 4, 1980 (Public Law 96–339; 16 U.S.C. 971i(b)(3)(B)), is amended by inserting "of 1975" after "Act".

SEC. 4. AUTHORITY OF STATES OF WASHINGTON, OREGON, AND CALIFORNIA TO MANAGE DUNGENESS CRAB FISHERY.

(a) IN GENERAL.—Subject to the provisions of this section and notwithstanding section 306(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1856(a)), each of the States of Washington, Oregon, and California may adopt and enforce State laws and regulations governing fishing and processing in the exclusive economic zone adjacent to that State in any

Dungeness crab (Cancer magister) fishery for which there is no fishery management plan in effect under that Act.

(b) REQUIREMENTS FOR STATE MANAGEMENT.—Any law or regulation adopted by a State under this section for a Dungeness crab fishery—

(1) except as provided in paragraph (2), shall apply equally to vessels engaged in the fishery in the exclusive economic zone and vessels engaged in the fishery in the waters of the State, and without regard to the State that issued the permit under which a vessel is operating;

(2) shall not apply to any fishing by a vessel in exercise of tribal treaty rights; and

(3) shall include any provisions necessary to implement tribal treaty rights pursuant to the decision in United States v. Washington, D.C. No. CV-70-09213.

(c) LIMITATION ON ENFORCEMENT OF STATE LIMITED ACCESS SYSTEMS.—Any law of the State of Washington, Oregon, or California that establishes or implements a limited access system for a Dungeness crab fishery may not be enforced against a vessel that is otherwise legally fishing in the exclusive economic zone adjacent to that State and that is not registered under the laws of that State, except a law regulating landings.

(d) STATE PERMIT OR TREATY RIGHT REQUIRED.—No vessel may harvest or process Dungeness crab in the exclusive economic zone adjacent to the State of Washington, Oregon, or California, except as authorized by a permit issued by any of those States or pursuant to any tribal treaty rights to Dungeness crab pursuant to the decision in United States v. Washington, D.C. No. CV-70-09213.

(e) STATE AUTHORITY OTHERWISE PRESERVED.—Except as expressly provided in this section, nothing in this section reduces the authority of any State under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) to regulate fishing, fish processing, or landing of fish.

(f) TERMINATION OF AUTHORITY.—The authority of the States of Washington, Oregon, and California under this section with respect to a Dungeness crab fishery shall expire on the effective date of a fishery management plan for the fishery under the Magnuson-Stevens Fishery Conservation and Management Act.

(g) REPEAL.—Section 112(d) of Public Law 104-297 (16 U.S.C. 1856 note) is repealed.

(h) DEFINITIONS.—The definitions set forth in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802) shall apply to this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. FARR) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

Mr. Speaker, first let me say a word of thanks to the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON), who permitted us to take this bill out of order, and we will move through this quickly. It is noncontroversial, and we appreciate very much their consideration.

First, let me say to my friend the gentleman from California (Mr. FARR), the ranking member of the subcommittee, a strong "thank you" for helping on a bipartisan basis to bring this bill to the floor. We find that most of the good progressive, supportive, forward-looking things that we do out of our subcommittee are done because of the great relationship between the majority and the minority both on the Member and staff level.

Mr. Speaker, I rise in strong support of H.R. 3460 to approve a governing international fisheries agreement between the United States and the Republic of Latvia to reauthorize the Atlantic Tuna Convention Act of 1975, to extend the Northwest Atlantic Fisheries Conservation Act of 1995 and extend the current regulatory scheme for the Dungeness crab in the Pacific Ocean.

Governing International Fishery Agreements, GIFAs, are currently authorized under Title II of the Magnuson-Stevens Fishery Conservation and Management Act. Foreign fishing vessels may not operate in the U.S. Exclusive Economic Zone unless they are registered in the country, has agreed and has signed a GIFA with the United States.

The Northwestern Atlantic Fisheries Convention Act is the implementing legislation for the convention on the future multilateral cooperation in the Northwest Atlantic fisheries. The Northwest Atlantic Fisheries Organization, NAFO, was established in 1979 under the terms of the convention. While the U.S. has participated in fishery negotiations in the past, the U.S. did not agree to the convention until 1996. The implementing legislation delineates our involvement in the NAFO, which is responsible for managing and conserving fishery resources from North Carolina to Baffin Bay, Canada, and it establishes the procedures for the delegate selection and includes a reporting requirement.

The Atlantic Tunas Convention Act is the implementing legislation for the International Convention for the Conservation of Atlantic Tuna and for other species. This bill also speaks strongly to that issue.

The final title of the bill extends the current regulatory scheme of the Dungeness crab fisheries in the Pacific Ocean. The Pacific Ocean fisheries for Dungeness crab is found in the State waters off California, Oregon, Washington and in the EEZ adjacent to those States.

In order to assure continued conservation of the Dungeness crab as well as accommodate tribal treaty rights, some regulatory authority is necessary in the EEZ. The Pacific Fisheries Management Council unanimously recommended that Congress make the in term State authority permanent. This bill would establish that purpose.

Mr. Speaker, for all of the appropriate reasons I strongly support this important bill and urge an aye vote on it, and I ask that my entire statement be placed in the RECORD.

The statement referred to is as follows:

Mr. Speaker, I rise in strong support for H.R. 3460, to approve a Governing International Fishery Agreement between the United States and the Republic of Latvia, to reauthorize the Atlantic Tunas Convention Act of 1975, to extend the Northwest Atlantic Fisheries Convention Act of 1995 and extend the current regulatory scheme for Dungeness crab in the Pacific Ocean.

Governing International Fishery Agreements (GIFAs) are currently authorized under Title II of the Magnuson-Stevens Fishery Conservation and Management Act. Foreign fishing vessels may not operate in the U.S. Exclusive Economic Zone (EEZ) unless they are registered in a country that has signed a GIFA with the United States. These agreements require the foreign nations and vessels to comply with all U.S. laws governing the conservation and management of living marine resources. In return, foreign fishermen may receive an allocation of any excess fish that our government determines is available in the fishery.

The Northwest Atlantic Fisheries Convention Act is the implementing legislation for the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries. The Northwest Atlantic Fisheries Organization (NAFO) was established in 1979 under the terms of the Convention. While the U.S. has participated in fishery negotiations in the past, the U.S. did not agree to the Convention until 1996. The implementing legislation delineates our involvement in NAFO, which is responsible for managing and conserving fishery resources from North Carolina to Baffin Bay, Canada, and it establishes the procedures for delegate selection and includes a reporting requirement.

The Atlantic Tunas Convention Act (ATCA) is the implementing legislation for the International Convention for the Conservation of Atlantic Tunas (ICCAT), an international treaty for the conservation and management of highly migratory tuna and tuna-like species of the Atlantic Ocean, Gulf of Mexico, and Mediterranean. The Act delineates the involvement of the United States in ICCAT. It establishes such necessary procedures as the selection of the U.S. delegates to the ICCAT Commission, the U.S. Advisory Committee, and Species Working Groups.

The final title of the bill extends the current regulatory scheme for the Dungeness crab fishery in the Pacific Ocean. The Pacific Ocean fishery for Dungeness crab is found in the State waters of California, Oregon, and Washington and in the EEZ adjacent to those States. A related tribal fishery is conducted under the provisions of court order (*United States v. Washington*) in ocean areas designated by regulation as tribal "usual and accustomed" areas. Conservation and management regulations are implemented and enforced by the three States and the tribal governments.

In order to ensure continued conservation of Dungeness crab, as well as accommodate tribal treaty rights, some regulatory authority is necessary in the EEZ. The Pacific Fishery

Management Council (Council) unanimously recommended that Congress make the interim State authority permanent. This bill would accomplish that purpose. While the Council could develop a fishery management plan, such a step could impose a fiscal burden on taxpayers, an unnecessary regulatory burden on harvesters and processors, and it would detract from efforts to conserve other species under the Council's jurisdiction.

I strongly support this important bill and urge an AYE vote on it.

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

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

Mr. Speaker, I rise in support of H.R. 3460.

I would also like to say before beginning the statement here, point out how much I have enjoyed working with the gentleman from New Jersey (Mr. SAXTON). I think that our committee is a committee that deals an awful lot with public domain and the oceans and the resources in the oceans, and we work in a wonderful bipartisan effort to make sure that those resources are protected for the citizens of this country and, frankly, the world, and this legislation in a small way plays a part in that.

What this legislation does, Mr. Speaker, is reauthorize several important fishery conventions, including the governing international fishery agreement between the United States and the Republic of Latvia. While the international agreement is unlikely to result in a foreign allocation of fish from U.S. waters, we have in several instances permitted foreign vessels to process fish caught by U.S. fishermen in the United States waters. As such, the GIFA, which is the Governing International Fisheries Agreement, renewal is an important building block in our long-term bilateral relationships with the Republic of Latvia and was requested by this administration to potentially allow both countries to expand their business opportunities.

Section 2 of the bill reauthorizes the Northwest Fisheries Atlantic Fisheries Convention Act of 1995. Unfortunately, this organization has not been successful in preventing overfishing in many of the fisheries managed by treaty nations, and as a result, many of these stocks have been severely depleted. As the U.S. joined the organization only recently, we did not participate in the overexploitation of these resources, and ironically we therefore do not have the catch history to justify a quota for U.S. fishermen. Improving both conservation efforts and equity within these organizations should be a primary goal of the United States as we continue to play a large role in the international fisheries conventions and agreements.

Section 3 of the bill delineates the U.S. role in the International Convention for the Conservation of Atlantic Tunas. As we know, many of the highly migratory species managed by the International Convention for the Conservation of Atlantic Tunas are overfished and desperately in need of strong conservation measures. The convention must work harder to protect these stocks not only from overfishing but also from nontreaty nations whose activities diminish the effectiveness of the ICCAT recommendations. This act delineates the involvement of the United States in this organization, and it authorizes the Secretary of Commerce to adopt the regulations which are necessary to manage these valuable stocks consistent with international conservation efforts.

Section 4 of the bill allows the States of California, Oregon and Washington to continue to cooperatively adopt and enforce State laws to manage the Dungeness crab fishery in the Exclusive Economic Zone along the West Coast of the United States. As my colleagues know, that Exclusive Economic Zone goes out to 200 miles.

□ 1430

In the Sustainable Fisheries Act of 1996, Congress granted these States interim authority to manage the Dungeness crab fishery in the exclusive economic zone while future options for the fishery were explored. The primary reason for this was to accommodate the rights of the Northwest Indian tribes to harvest a share of the crab resources off the Washington coast.

The Pacific Fisheries Management Council was then asked to report to Congress on progress towards the development of a Federal fishery management plan. The Council examined the management options for the fishery, and, after careful evaluation, voted unanimously to request Congress to allow the existing management structure to be extended.

This legislation does not override the Council's authority in any way. It is supported by all the States, the tribes, the processors and the fishermen. The legislation is limited solely to the fishery for Dungeness crab, and, more importantly, the authority granted to the States under this bill expires when the Secretary of Commerce approves a Council fishery management plan for crab.

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased that we are considering H.R. 3460, a noncontroversial bill that will renew the Governing International Fishery Agreement with the Republic of Latvia, and reauthorize the Northwest Atlantic Fisheries Convention Act of 1995 and the Atlantic Tunas Convention Act of 1975 until September 30, 2001.

H.R. 3460 was introduced by JIM SAXTON, the chairman of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans on March 12, 1998.

The Northwest Atlantic Fisheries Convention Act delineates the involvement of the United States in NAFO, which is responsible for managing and conserving fishing resources from North Carolina to Baffin Bay, Canada. The Atlantic Tunas Convention Act is the implementing legislation for the International Convention for the Conservation of Atlantic Tunas, and international treaty for the conservation and management of highly migratory tuna and tuna-like species of the Atlantic Ocean, Gulf of Mexico, and Mediterranean.

In addition, language from H.R. 3498, the Dungeness Crab Conservation and Management Act, has been incorporated within this bill. The Dungeness crab language will allow the States of Washington, Oregon, and California to continue to jointly manage the Dungness crab fishery in the Exclusive Economic Zone adjacent to their States.

The Pacific Fishery Management Council has unanimously voted to urge Congress to extend the interim management authority that was granted to the States by the Sustainable Fisheries Act of 1996. This bill specifically states that if the Pacific Council, at any time, determines there is a need for and approves a Federal fishery management plan for this fishery, then the authority given to the States would be terminated.

This legislation is time-sensitive because the temporary authority given to the States will soon expire and Members should vote for this innovative conservation and management measure.

I urge an "aye" vote on H.R. 3460.

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

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 3460, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3460, the bill just passed.

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

There was no objection.

IRAN NUCLEAR PROLIFERATION PREVENTION ACT OF 1998

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3743) to withhold voluntary proportional assistance for programs and projects of the International Atomic Energy Agency relating to the development and completion of the Bushehr nuclear power plant in Iran, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3743

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 "Iran Nuclear Proliferation Prevention Act of 1998".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Iran remains the world's leading sponsor of international terrorism and is on the Department of State's list of countries that provide support for acts of international terrorism.

(2) Iran has repeatedly called for the destruction of Israel and Iran supports organizations, such as Hizballah, Hamas, and the Palestine Islamic Jihad, which are responsible for terrorist attacks against Israel.

(3) Iranian officials have stated their intent to complete at least 3 nuclear power plants by 2015 and are currently working to complete the Bushehr nuclear power plant located on the Persian Gulf coast.

(4) The United States has publicly opposed the completion of reactors at the Bushehr nuclear power plant because the transfer of civilian nuclear technology and training could help to advance Iran's nuclear weapons program.

(5) In an April 1997 hearing before the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations of the Senate, the former Director of the Central Intelligence Agency, James Woolsey, stated that through the operation of the nuclear power reactor at the Bushehr nuclear power plant, Iran will develop substantial expertise relevant to the development of nuclear weapons.

(6) Construction of the Bushehr nuclear power plant was halted following the 1979 revolution in Iran because the former West Germany refused to assist in the completion the plant due to concerns that completion of the plant could provide Iran with expertise and technology which could advance Iran's nuclear weapons program.

(7) Iran is building up its offensive military capacity in other areas as evidenced by its recent testing of engines for ballistic missiles capable of carrying 2,200 pound warheads more than 800 miles, within range of strategic targets in Israel.

(8) In January 1995 Iran signed a $780,000,000 contract with the Russian Federation for Atomic Energy (MINATOM) to complete a VVER-1000 pressurized-light water reactor at the Bushehr nuclear power plant.

(9) In March of 1998, Russia confirmed its intention to complete work on the two reactors at the Bushehr nuclear power plant and agreed in principle to the construction of 2 more reactors at the Bushehr site.

(10) At least 1 reactor could be operational within a few years and it would subsequently provide Iran with substantial expertise to advance its nuclear weapons program.

(11) Iran ranks 10th among the 105 nations receiving assistance from the technical cooperation program of the International Atomic Energy Agency.

(12) Between 1995 and 1999, the International Atomic Energy Agency has provided and is expected to provide a total of $1,550,000 through its Technical Assistance and Cooperation Fund for the Iranian nuclear power program, including reactors at the Bushehr nuclear power plant.

(13) The United States provides annual contributions to the International Atomic Energy Agency which total more than 25 percent of the annual assessed budget of the Agency and the United States also provides annual voluntary contributions to the Technical Assistance and Cooperation Fund of the Agency which total approximately 32 percent ($16,000,000 in 1996) of the annual budget of the program.

(14) The United States should not voluntarily provide funding for the completion of nuclear power reactors which could provide Iran with substantial expertise to advance its nuclear weapons program and potentially pose a threat to the United States or its allies.

(15) Iran has no need for nuclear energy because of its immense oil and natural gas reserves which are equivalent to 9.3 percent of the world's reserves and Iran has 73,000,000,000 cubic feet of natural gas, an amount second only to the natural gas reserves of Russia.

SEC. 3. WITHHOLDING OF VOLUNTARY CONTRIBUTIONS TO THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR PROGRAMS AND PROJECTS IN IRAN.

Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) is amended by adding at the end the following:

"(d) Notwithstanding subsection (c), the limitations of subsection (a) shall apply to programs and projects of the International Atomic Energy Agency in Iran.".

SEC. 4. ANNUAL REVIEW BY SECRETARY OF STATE OF PROGRAMS AND PROJECTS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY; UNITED STATES OPPOSITION TO PROGRAMS AND PROJECTS OF THE AGENCY IN IRAN.

(a) ANNUAL REVIEW.—

(1) IN GENERAL.—The Secretary of State shall undertake a comprehensive annual review of all programs and projects of the International Atomic Energy Agency in the countries described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) and shall determine if such programs and projects are consistent with United States nuclear nonproliferation and safety goals.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act and on an annual basis thereafter for 5 years, the Secretary shall prepare and submit to the Congress a report containing the results of the review under paragraph (1).

(b) OPPOSITION TO CERTAIN PROGRAMS AND PROJECTS OF INTERNATIONAL ATOMIC ENERGY AGENCY.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to oppose the following:

(1) Programs of the Agency that are determined by the Secretary under the review conducted under subsection (a)(1) to be inconsistent with nuclear nonproliferation and safety goals of the United States.

(2)(A) Technical assistance programs or projects of the Agency designed to develop or complete the Bushehr nuclear power plant in Iran.

(B) Subparagraph (A) shall not apply with respect to programs or projects of the Agency that provide for the discontinuation, dismantling, or safety inspection of nuclear facilities or related materials, or for inspections and similar activities designed to prevent the development of nuclear weapons by Iran.

SEC. 5. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and on an annual basis thereafter for 5 years, the Secretary of State, in consultation with the United States representative to the International Atomic Energy Agency, shall prepare and submit to the Congress a report that—

(1) describes the total amount of annual assistance to Iran from the International Atomic Energy Agency, a list of Iranian officials in leadership positions at the Agency, the expected timeframe for the completion of the nuclear power reactors at the Bushehr nuclear power plant, and a summary of the nuclear materials and technology transferred to Iran from the Agency in the preceding year which could assist in the development of Iran's nuclear weapons program; and

(2) contains a description of all programs and projects of the International Atomic Energy Agency in each country described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) and any inconsistencies between the technical cooperation and assistance programs and projects of the Agency and United States nuclear nonproliferation and safety goals in these countries.

(b) ADDITIONAL REQUIREMENT.—The report required to be submitted under subsection (a) shall be submitted in an unclassified form, to the extent appropriate, but may include a classified annex.

SEC. 6. SENSE OF THE CONGRESS.

It is the sense of the Congress that the United States Government should pursue internal reforms at the International Atomic Energy Agency that will ensure that all programs and projects funded under the Technical Cooperation and Assistance Fund of the Agency are compatible with United States nuclear nonproliferation policy and international nuclear nonproliferation norms.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3743.

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

There was no objection.

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

Mr. Speaker, I would like to commend the gentleman from New Jersey (Mr. MENENDEZ) for introducing this measure and moving it through the committee, and I thank the ranking minority member, the gentleman from Indiana (Mr. HAMILTON) for his cooperation.

I am pleased to support the bill, which amends current law to ensure that the United States does not provide funding for the completion of nuclear power reactors in Iran. We all know that the Iranians have dedicated significant resources to completing at least three nuclear power plants by the year 2015, and are now at work, with Russian assistance, to complete the Bushehr nuclear power plant.

Our Nation is opposed to completion of the reactors of the Bushehr facility because the transfer of civilian nuclear technology and training would help to advance Iran's nuclear weapons program. Between 1995 and 1999 it is anticipated that the International Atomic Energy Agency, IAEA, will have provided over $1.5 million to the Iranian nuclear power program through its Technical Assistance and Cooperation Fund.

Our Nation provides annual voluntary contributions to that fund, totaling $16 million in 1996. This legislation does not halt our voluntary contributions to the IAEA, but it does require that none of our funds may be used to fund IAEA programs and projects in Iran.

That is exactly the right policy. Our Nation should not voluntarily provide any funding which would help Iran complete nuclear power reactors that could assist them in developing a nuclear weapons program which could pose a threat to our Nation or to our allies.

This measure also establishes two important reporting requirements. One would provide the Congress with a comprehensive report on IAEA assistance to Iran. The second requirement would direct the Secretary of State to review IAEA programs, and ensures that they are consistent with our United States nuclear nonproliferation and safety goals. Based on that review, the Secretary shall direct the U.S. representative to IAEA to oppose establishing any program that is not consistent with U.S. policy.

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

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

Mr. HAMILTON. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ), the chief deputy whip.

Mr. MENENDEZ. Mr. Speaker, I thank the ranking Democrat on the Committee on International Relations for yielding me time, even though I know he does not support my bill.

Mr. Speaker, I want to thank the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations, for both calling the bill up for consideration as well as for his support here today.

First let me say that as the sponsor of the bill, I recognize the importance of the International Atomic Energy Agency and its role in ensuring the safety of nuclear sites around the world. In recent months we have witnessed their struggle to carry out inspections in Iraq.

This bill, however, will not affect the IAEA's safeguard program. The bill does not seek to withhold any funds to IAEA's safeguard programs in Iran or elsewhere. The only funds affected by this bill are voluntary, not assessed, contributions to the IAEA's Technical Assistance and Cooperation Fund for Iran.

Prior to 1994, U.S. law required the withholding of proportional IAEA voluntary funds to all countries on our list of terrorist states, and, despite the change in the law, the administration continued to withhold those funds for two more years, until 1996.

What this bill does is require the administration to reinstate proportional withholding of IAEA's voluntary funds for Iran. It also requires our Secretary of State to undertake a comprehensive review of all IAEA programs and projects in other states which sponsor international terrorism to determine if the IAEA is sponsoring any other projects which conflict with U.S. nuclear nonproliferation and safety goals.

As it is, since the IAEA's inception more than $52 million for the Technical Assistance and Cooperation Fund has gone to countries on the U.S. list of states which sponsor terrorism. The United States is the largest supporter of the IAEA. We provide them with more than 25 percent of their annual budget.

In the Technical Assistance and Cooperation Fund we contribute in addition 32 percent, or $16 million annually, in voluntary funds, and it is from those funds that the IAEA intends to provide $1.5 million to assist in the development of the Bushehr power plant between 1997 and 1999.

Now, the Clinton Administration has publicly stated its opposition to Iran's development of nuclear reactors and its concern about the development of the Bushehr nuclear power plant. In Senate testimony last year, Deputy Assistant Secretary Bob Einhorn explained,

> In our view, this is a large reactor project. It will involve hundreds of Russians being in Iran, hundreds of Iranians or more being in Moscow being trained, and this large scale kind of project can provide a kind of commercial cover for a number of activities that we would not like to see, perhaps much more sensitive activities than pursuing this power reactor project. It also will inevitably provide additional training and expertise in the nuclear field for Iranian technicians. In our view, given Iran's intention to acquire nuclear weapons, we do not want to see them move up the nuclear learning curve at all, and we believe this project would contribute to them moving up that curve.

In essence, this technical cooperation assistance is in fact helping them move up that learning curve that the Assistant Secretary spoke about. Given Iran's historic support for terrorism, coupled with the fact that Iran boasts immense oil and natural gas reserves, and the seismic activity near Bushehr which just recently took place, we must question Tehran's motives for constructing expensive nuclear reactors.

Moreover, the development of the nuclear reactors has been an economic nightmare for the Iranians. Clearly Iran does not need additional energy sources, nor is nuclear energy an economic choice for Iran.

So we need to ask a few basic questions. Given Iran's test last week of a medium range ballistic missile and reports that Iran is seeking technology for a long range missile, is it responsible to take Iran's word that it is also not developing nuclear weapons?

Despite the IAEA's presence in Iraq, we were surprised to learn of that country's extensive chemical and biological warfare programs. Why do we trust Iran?

Given the recent trial and imprisonment of the Mayor of Tehran, a political ally of President Khatami, do we really think President Khatami can control extremist elements in Iran?

And, lastly, does it make sense for the United States and U.S. taxpayers to provide any kind of support for the construction of a nuclear reactor which we clearly and justifiably oppose, or any type of technical assistance in the operation of such a plant that we do not want to see? The answer clearly must be no.

This bill seeks to protect the U.S. taxpayers from assisting countries like Iran who sponsor international terrorism, denounce the United States, and seek to develop weapons of mass destruction which may be used against us or our allies. It is ludicrous for the United States to support in any way a plant, even indirectly, which could pose a threat to the United States and to stability in the Middle East.

I urge my colleagues to support this legislation.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman from Indiana for yielding me time.

Mr. Speaker, I thank our chairman, the gentleman from New York (Mr. GILMAN), and my very good friend, the sponsor of this bill, the gentleman from New Jersey (Mr. MENENDEZ).

Mr. Speaker, I rise today in support of H.R. 3743, the Iran Nuclear Proliferation Prevention Act of 1998. It is emblematic of the serious need to pass this bill that on July 22 of this year, the same day that the bill was considered and passed by the Committee on International Relations, Iran tested a missile capable of striking American troops throughout the Middle East. I do not think I have to explain to any of my colleagues here in the House, or to any American, for that matter, the implications of an Iranian nuclear missile.

H.R. 3743 rightfully seeks to prevent U.S. tax dollars from being used to help Iran develop nuclear technology, specifically nuclear power plants. Helping Iran develop its nuclear technology

through U.S. taxpayer dollars, or in any other way, is like training a known assassin how to use an AK–47 assault rifle and expecting him to only use it for defensive purposes.

The only reason that Iran, one of the most oil-rich countries on the planet, is developing nuclear power technology is to advance its offensive missile technology program. To think that Iran is developing nuclear technology for civilian power needs is naive and dangerous, dangerous to the United States of America.

The Iranian Shahab-3 missile, which was successfully tested only two weeks ago, will reportedly have a range of between 1,300 and 1,500 kilometers and be capable of carrying a 750 to 1,000 kilogram warhead.

□ 1445

According to various intelligence reports, Russia is now helping Iran develop its technology that will put Shahab missiles within range of U.S. troops throughout the Middle East. If Iran combines their nuclear technology with these Shahab missiles, like the one fired just 2 weeks ago, the threat to our troops and the region will be unthinkable. The lives of American soldiers, sailors, U.S. allies, and ultimately, American citizens, would be in needless and mortal peril.

Let us send a message to the Iranians: The United States Congress still has its eye on the ball. We are not fooled by their President's statements of moderation, as welcome as those statements may be; statements made, however, at the same time they are trying to build weapons of mass destruction.

If they want to be friends with the United States of America they should behave as a friend, and they should let their actions speak louder than their words of moderation, which contradict their efforts to develop nuclear technology.

Mr. Speaker, I urge the passage of H.R. 3743.

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

Mr. Speaker, I rise in opposition to H.R. 3743. I do so with some reluctance because of my admiration for the sponsor of this bill, the gentleman from New Jersey (Mr. MENENDEZ), his very strong contributions over a period of time to the work of the Committee on International Relations, and his leadership on a variety of issues before this body.

I recognize the strong popular support for this bill, but I rise in opposition, because I really am not able to point to anything very positive about the bill that it will accomplish.

Mr. Speaker, this bill is not going to stop, it is not going to slow Iran's civilian nuclear power reactor program. It will not make Iran's nuclear facilities any safer. It will not prevent the troublesome Bushehr facility from being developed, and it will not bring any greater international consensus on curbing Iranian actions on the weapons of mass destruction programs which trouble all of us.

I do see several down sides to this bill. It will, I think, politicize and polarize the IAEA at the very time that the United States has fought off attempts in the IAEA to politicize technical assistance to Israel. It will be seen in the IAEA as an effort to punish Iran, just at the time that Iran has agreed to new anytime, anywhere, IAEA safeguards and inspections.

The bill will make it more difficult for the United States to get information about Iran's nuclear program. It will make Iran's nuclear program less safe if the IAEA is forced to curtail its safety and regulatory assistance.

It will make it more difficult for the United States to convince other countries to contribute to the IAEA technical assistance and cooperation fund, and it will make it more difficult to convince other countries of the merits of IAEA safeguards when the United States is trying to block safety and regulatory assistance to a country that is party to the nonproliferation treaty.

I think the bill directly harms the U.S. role in the IAEA. We are the single most influential member of the IAEA. We must remain the most influential member. When we introduce political issues into the IAEA, we undercut our own efforts to keep this institution focused on its technical responsibilities.

The IAEA has a critical mission to promote international peace, security, and safety. We rely on the IAEA to promote and improve nuclear safeguards, to expand the number of countries and activities subject to safeguard controls and inspections, to halt illicit trafficking in nuclear materials, to support the negotiation of international treaties on nuclear power safety and radioactive waste management, to provide technical assistance to developing countries on nuclear safety and handling nuclear waste, and to address problems that know no boundaries, such as environmental pollution and eradication of insect pests that can affect U.S. agriculture. This international agency, then, serves very important U.S. interests.

In a few minutes we will complete consideration of a joint resolution on Iraq. The IAEA, as everyone here knows, plays a very key role in investigating Iraq's nuclear program. This is the wrong time to undermine the IAEA's authority or U.S. support for that agency. By reducing U.S. support for this agency and by undermining U.S. leadership in it, the bill will make the IAEA less effective in meeting its responsibilities for international safety and security.

The chief argument put forward by the proponents of the bill is that it sends a message to Iran. We have sent a message to Iran a thousand times, for the past 20 years. There is not any doubt about that message. Everyone in the world knows what we do not like about Iran's policies.

This is a feel-good bill. We think we are doing something about a problem when in fact we are not. This bill will have zero impact on whether Iran builds a civilian nuclear reactor. It will mean less information for us about Iran's nuclear programs, and the bill hurts the one international organization that works to stop the spread of nuclear weapons.

Another argument put forward by proponents of the bill is that the IAEA should give no assistance whatever to help Iran operate civilian nuclear power reactors. When Iran builds those reactors, it is in the interests of the United States and in the interests of the entire world that those civilian power reactors operate safely. I do not understand why we are better off if Iran learns nuclear safety from the same people who brought us Chernobyl.

Every Member of this body shares exactly the same goals on Iran: stop terrorism, stop weapons of mass destruction, and stop Iran's opposition to the Middle East peace process. The problem is that the U.S. policy is not working. Twenty years of isolation have not changed Iran's objectionable policies. We need a better policy to protect and promote the American national interest. We have to get beyond a policy of just saying no to Iran.

There are forces in Iran today debating that country's future. That debate is heated. We have a decided interest in the outcome of that debate and the direction Iran's leaders choose. We certainly cannot determine that outcome, but our actions, our rhetoric, and our legislation on Iran do matter.

Secretary Albright was exactly right in her speech 6 weeks ago: The United States should move, step-by-step, on a reciprocal basis, to seek an improvement in relations in Iran, and move toward an authoritative dialogue. It will not be an easy or quick journey to settle the many differences we have with Iran, but we should not ignore the largest and most important state in the Gulf region.

As part of that dialogue, I believe that we should communicate to Iran that we will not block Iran's purchase of nuclear power reactors for civilian purposes, so long, of course, as all nuclear facilities in Iran are under safeguards, and as long as Iran responds to all special inspections and requests for information about its nuclear activities.

We should, of course, continue to oppose any effort to strengthen Iran's nuclear weapons program. And if we adopt the policy I have indicated, we would then have the support of our friends and allies, and we would have

an effective program to block Iran's nuclear weapons program. Today no one can claim that we have an effective policy or program.

The administration strongly opposes this bill. I quote from the letter from the Department of State:

"We oppose H.R. 3743. . . . The Department strongly objects to a bill requiring that the U.S. withhold the portion of our IAEA contribution used to fund International Atomic Energy Agency activities in Iran. Enactment of this legislation would harm our bipartisan effort to put a halt to any Iranian nuclear weapons program.

"Enactment of this legislation would be counterproductive to the Administration's efforts to cut off nuclear projects that might provide cover for an Iranian nuclear weapons program. The IAEA monitors commercial nuclear projects to help ensure that such projects do not benefit a covert nuclear weapons program. The IAEA has not, nor will it, provide support for construction of nuclear power plants in Iran or any other Nation. The IAEA has been careful to design its technical cooperation programs so that no assistance in potentially sensitive areas occurs. Recently Iran has agreed to new IAEA "anytime, anywhere" verification measures that will provide one of our only windows on Iran's commercial nuclear programs. This bill would therefore deny us this important nonproliferation tool."

Mr. Speaker, the bill before us provides no benefits to the United States. It does pose several risks. We will only succeed in stopping weapons programs in Iran with the close cooperation and support of our friends and allies. We will not succeed in stopping that program by acting unilaterally. We should not waste our time on punishing the IAEA and starting needless fights with the very same countries whose support we will need if we are going to have an effective policy to stop Iran's weapons program.

Mr. Speaker, I urge the bill's defeat, and I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for yielding time to me.

First of all, I respectfully clearly disagree with my distinguished colleague, the gentleman from Indiana (Mr. HAMILTON), although I respect fully his thoughtful, as always, analysis of the issues from his perspective.

I do want to not let a few things go unbalanced. Number one is it has been said that the safeguards are at risk here. Our contributions, our mandatory contributions to the IAEA is about safeguards, and those go untouched, untouched by this bill. So whatever we are providing by way of safeguards we will continue to provide.

What we do not want to see, and I think even the administration would agree with my distinguished colleague, the gentleman from Indiana, in his analysis of maybe we should permit nuclear reactors for civilian use, we have the Deputy Assistant Secretary, Mr. Einhorn, saying that this is not a project that we want to see built. This is not a project that we want to see built. He talks about the learning curve.

In essence, this is more than about sending a message to Iran. This is about slowing down, in any possible way, that learning curve that gets them to the point to put this reactor project online.

Also, we cannot believe that when the United States provides over 25 percent of the IAEA's budget, and 32 percent in addition, of its funds, that $1.5 million is going to make a dramatic difference to the IAEA, and that the IAEA is going to collapse, or that the U.S. role in the IAEA is going to be significantly diminished. I do not believe that that is possible.

We cannot have it both ways. Either this assistance is of value to Iran, in which case we should be looking not to provide assistance that is of value, or it is of no value, in which case we should not be spending our money on it.

The fact of the matter is that President Hatemi may be the hope we have for an Iran that is democratic in the future. He may be the hope that we have for a democratic Iran in the future, but he does not have the power. Recent analysis, statements by the administration, in fact say that whether or not he continues in power, that the missiles that we talked about today and that were recently tested in Iran will be in fact consummated.

The question is, do we want those missiles, as dangerous as they already are, to carry a nuclear warhead, have the potential to carry a nuclear warhead? Do we in any way want to assist those countries that are on our list of terrorist states in helping them in that learning curve? I would suggest we clearly do not want to have U.S. taxpayer dollars for that purpose.

This is not about safety. Safety is part of our regular program. We will continue to provide safety.

□ 1500

This is still continuing to have a major U.S. role in the IAEA, but it is an attempt to slow down the learning curve, not have any U.S. assistance, involuntary assistance to what the administration witnesses before the committee, when I questioned them, said, yes, we are providing assistance that in fact helps in an operational nature.

Why would we provide assistance in an operational nature to something that we do not want to see operate, to something that the administration has testified against? If this is unsafe, then why did the administration after 1994, when it was no longer the law, continue to withhold funds for 2 years? Clearly, during that period of time, if the argument is true, it could be said that it was unsafe to withhold funds.

This is not about safety. It is about having the United States not participate with its taxpayer dollars to assist a terrorist state that we may have hopes for that will be democratic in the future but that is not now, and having a learning curve that permits a nuclear reactor to be developed.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia, Mr. MORAN.

Mr. MORAN of Virginia. Mr. Speaker, in 1953, the United States was already competing in an international arms race. Recognizing that the danger of a buildup of nuclear weapons posed considerable, risk to the United States, President Eisenhower proposed not merely eliminating the use of nuclear technology for military purposes, but a mechanism to remove nuclear technology from the hands of soldiers and place it in the hands of those who could adapt it to the art of peace. The entity formed to accomplish this task was the International Atomic Energy Agency.

Under the auspices of the IAEA, nuclear technology has made substantial contributions to sustainable development across many sectors, including energy, health, agriculture and hydrology. It has also provided a platform for nuclear states to verify and monitor each other's compliance with nonproliferation treaties. This is why I oppose H.R. 3743, the so-called Iran Nuclear Proliferation Prevention Act of 1998.

Cutting U.S. contributions to the IAEA will not advance any legitimate United States interest, but it will increase risk to the United States and to civilians living in the Middle East. Without IAEA supervision, Iran will certainly turn to the Russians for help in constructing nuclear reactors. Would we really prefer that Iran's reactors be constructed by those responsible for Chernobyl? No offense to the Russians, but that would not even be in their own security interests.

If the IAEA withdraws from assisting Iran, as the sponsors of this bill would have it do, there will be even fewer organizations interacting with Iran. I would suggest that this is precisely the wrong course of action. The past few months have brought tentative first steps toward a more engaging relationship with Iran. We should not now push them away. We should try to find whatever positive opportunities there exists. I know the difficulties, but we need to support the moderates in Iran and not to give support, unintentionally, but in reality, to the most extreme elements. This bill, in fact, will give ammunition to the most extreme

elements just as these kinds of resolutions directed toward Cuba, only serve to strengthen Fidel Castro's hold.

Lastly, Mr. Speaker, we are undeniably subjecting the IAEA's actions to domestic politics. I suppose that we should not be surprised, because in the same way that U.N. dues are held hostage every year to family planning and abortion debates, IAEA funding is now fair game for those that may disagree with its programs in Iran or Cuba or other nations who are fair game to political sanctions.

This is an irresponsible and dangerous road to go down, Mr. Speaker. Nuclear safety is simply too important to be held hostage to the political whims of Congress. This Congress should vote against this resolution.

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

Let me simply observe that the whole purpose of this bill is to cut the U.S. funding to the International Atomic Energy Agency by an amount equal to that agency's funding of safety projects. Of course it affects the safety of that project. It is quite clear, I think, by the terms of the legislation that it does.

Finally, may I say that all of the arguments the gentleman makes are premised on the basis that the United States is the only country in the world that can furnish this technology. There are dozens of countries that can furnish it. Nuclear technology today is not the province of the United States, no matter what we do in this country.

The project is going to go forward with the assistance of many other countries. What we have today is a policy that is not effective and has not been effective for 20 years in stopping the development of nuclear weapons programs in Iran. Let us rethink the problem.

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

I want to commend the gentleman from New Jersey (Mr. MENENDEZ) again for pointing out some of the pertinent aspects of this measure. I would like to remind the ranking minority member, the gentleman from Indiana (Mr. HAMILTON), that what we are doing is merely to restore the policy that we had prior to 1993 and up to 1993, to make certain that we withhold any funding based on any violation of the prior agreements.

I would also like to note for our colleagues that last year before the Subcommittee on Near Eastern and South Asian Affairs in the Senate Committee on Foreign Relations, the former Director of Central Intelligence, Mr. Woolsey, stated that through the operation of the nuclear power reactor at the Bushehr nuclear power Plant, Iran will develop substantial expertise relevant to the development of nuclear weapons.

I would also like to note that the construction of the Bushehr nuclear power plant had initially been halted back in 1979 because the former West Germany refused to assist in the completion of the plant, due to concerns that the completion of the plant would provide Iran with expertise and technology which could advance Iran's nuclear weapons program.

We are all aware of the recent testing by Iran of a long range missile, missiles that could reach more than 800 miles, an 800-mile range, and be able to hit strategic targets throughout the Middle East, particularly Israel, at a time when we are trying to bring peace to that region.

In closing my argument, I would just like to urge our colleagues to fully support the Menendez measure that is before us now, in the interest of peace throughout that part of the world and throughout the entire world, because they say that eventually long range missiles being developed by Iran could reach the entire European continent and possibly our own shoreline in the future.

I urge full support for this measure.

Mr. WELLER. Mr. Speaker, currently, with the assistance of funding from the International Atomic Energy Agency (IAEA), Iran is seeking to complete construction of two nuclear reactors at the Bushehr nuclear power plant. In addition to the two reactors currently under construction, just a few months ago, Russia agreed to assist in building two more reactors at the Bushehr site. The legislation that we are consistently today, H.R. 3743, would withhold U.S. proportional voluntary assistance to the IAEA for programs assisting Iran with this and other projects.

Undoubtedly, if we continue to fund the IAEA's plans to assist Iran in building these nuclear reactor, we threaten our own national security interests as well as those of Israel and much of Europe. The transfer of civilian nuclear technology and training could help to advance Iran's nuclear weapons program. This is simply not acceptable. In fact, Iran suggests that it needs these reactor as a source of energy for its population. In reality, Iran has oil and gas reserves so large that it is second only to Russia in the depth of its energy supply.

The United States has an obligation to support our very loyal and only democratic ally in the Middle East Israel. We have a key responsibility to think long term—the long term security of Israel and the Middle East, as well as for our own national security here in the United States.

In fact, within just the past week, Iran successfully tested a missile with a range of about 800 miles.This range would allow a missile with nuclear warheads to hit any city in Israel or Saudi Arabia. Furthermore, this test makes it clear that Iran is interested in acquiring and show casing the ability to deliver nuclear weapons. We must not allow this to occur, and we most certainly should not aid them in advancing their knowledge of this technology. I have attached a CNN report about last week's Iranian missile test for the record.

It is imperative that we protect our allies by stopping the advance of Iran's nuclear program. I urge my colleagues to support H.R. 3743 so that we can protect ourselves, and our allies such as Israel, from the proliferation of Iranian nuclear weapons or mass destruction.

[From CNN Interactive, July 23, 1998]

REPORT: IRAN TESTED WEAPON THAT COULD REACH ISRAEL, SAUDI ARABIA

NEW YORK.—Iran this week successfully tested a missile with a range of about 800 miles, meaning it could hit Israel or Saudi Arabia, The New York Times reported Thursday.

The test comes a month after Secretary of State Madeleine Albright praised Iranian President Mohammad Khatami, a moderate who took office last summer and who has confronted considerable resistance from religious and other conservatives.

A U.S. spy satellite detected Wednesday morning's test of the medium-range missile the Iranians call Shahab-3, the Times reported, citing unidentified Clinton administration officials.

"This weapon would allow Iran to strike all of Israel, all of Saudi Arabia, most of Turkey and a tip of Russia," a senior administration official told the Times.

The officials, while sure of the test, could not provide immediate information on the location of the launch or landing, both inside Iran.

Intelligence experts investigating the launch believe Iran bought the missile from North Korea, which has said it would sell to any nation with hard currency.

Iran also has bought technology from Russia and China, and wants not to strike its enemies but to be seen as a political and military force in the Middle East, officials said.

Israel is the only nuclear power in the region, and its missiles are believed to be capable of striking any nation in the Middle East.

Iran is working on developing a nuclear warhead but is believed to be years away from building and testing a weapon, the Times said.

"This test shows Iran is bent on acquiring nuclear weapons, because no one builds an 800-mile missile to deliver conventional explosives," Gary Milhollin, an expert on the spread of weaponry, told the newspaper.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 3743, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

FINDING GOVERNMENT OF IRAQ IN BREACH OF INTERNATIONAL OBLIGATIONS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 54) finding the Government of Iraq in unacceptable and material breach of its international obligations.

The Clerk read as follows:

S.J. RES. 54

Whereas hostilities in Operation Desert Storm ended on February 28, 1991, and the conditions governing the cease-fire were specified in United Nations Security Council Resolutions 686 (March 2, 1991) and 687 (April 3, 1991);

Whereas United Nations Security Council Resolution 687 requires that international economic sanctions remain in place until Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities;

Whereas Resolution 687 established the United Nations Special Commission on Iraq (UNSCOM) to uncover all aspects of Iraq's weapons of mass destruction programs and tasked the Director-General of the International Atomic Energy Agency to locate and remove or destroy all nuclear weapons systems, subsystems or material from Iraq;

Whereas United Nations Security Council Resolution 715, adopted on October 11, 1991, empowered UNSCOM to maintain a long-term monitoring program to ensure Iraq's weapons of mass destruction programs are dismantled and not restarted;

Whereas Iraq has consistently fought to hide the full extent of its weapons programs, and has systematically made false declarations to the Security Council and to UNSCOM regarding those programs, and has systematically obstructed weapons inspections for seven years;

Whereas in June 1991, Iraqi forces fired on International Atomic Energy Agency inspectors and otherwise obstructed and misled UNSCOM inspectors, resulting in UN Security Council Resolution 707 which found Iraq to be in "material breach" of its obligations under United Nations Security Council Resolution 687 for failing to allow UNSCOM inspectors access to a site storing nuclear equipment;

Whereas in January and February of 1992, Iraq rejected plans to install long-term monitoring equipment and cameras called for in UN resolutions, resulting in a Security Council Presidential Statement of February 19, 1992 which declared that Iraq was in "continuing material breach" of its obligations;

Whereas in February of 1992, Iraq continued to obstruct the installation of monitoring equipment, and failed to comply with UNSCOM orders to allow destruction of missiles and other proscribed weapons, resulting the Security Council Presidential Statement of February 28, 1992, which reiterated that Iraq was in "continuing material breach" and noted a "further material breach" on account of Iraq's failure to allow destruction of ballistic missile equipment;

Whereas on July 5, 1992, Iraq denied UNSCOM inspectors access to the Iraqi Ministry of Agriculture, resulting in a Security Council Presidential Statement of July 6, 1992, which declared that Iraq was in "material and unacceptable breach" of its obligations under UN resolutions;

Whereas in December of 1992 and January of 1993, Iraq violated the southern no-fly zone, moved surface to air missiles into the no-fly zone, raided a weapons depot in internationally recognized Kuwaiti territory and denied landing rights to a plane carrying UN weapons inspectors, resulting in a Security Council Presidential Statement of January 8, 1993, which declared that Iraq was in an "unacceptable and material breach" of its obligations under UN resolutions;

Whereas in response to continued Iraqi defiance, a Security Council Presidential Statement of January 11, 1993, reaffirmed the previous finding of material breach, followed on January 13 and 18 by allied air raids, and on January 17 with an allied missile attack on Iraqi targets;

Whereas on June 10, 1993, Iraq prevented UNSCOM's installation of cameras and monitoring equipment, resulting in a Security Council Presidential Statement of June 18, 1993, declaring Iraq's refusal to comply to be a "material and unacceptable breach";

Whereas on October 6, 1994, Iraq threatened to end cooperation with weapons inspectors if sanctions were not ended, and one day later, massed 10,000 troops within 30 miles of the Kuwaiti border, resulting in United Nations Security Council Resolution 949 demanding Iraq's withdrawal from the Kuwaiti border area and renewal of compliance with UNSCOM;

Whereas on April 10, 1995, UNSCOM reported to the Security Council that Iraq had concealed its biological weapons program, and had failed to account for 17 tons of biological weapons material resulting in the Security Council's renewal of sanctions against Iraq;

Whereas on July 1, 1995, Iraq admitted to a full scale biological weapons program, but denied weaponization of biological agents, and subsequently threatened to end cooperation with UNSCOM resulting in the Security Council's renewal of sanctions against Iraq;

Whereas on March 8, 11, 14, and 15, 1996, Iraq again barred UNSCOM inspectors from sites containing documents and weapons, in response to which the Security Council issued a Presidential Statement condemning "clear violations by Iraq of previous Resolutions 687, 707, and 715";

Whereas from June 11–15, 1996, Iraq repeatedly barred weapons inspectors from military sites, in response to which the Security Council adopted United Nations Security Council Resolution 1060, noting the "clear violation on United Nations Security Council Resolutions 687, 707, and 715" and in response to Iraq's continued violations, issued a Presidential Statement detailing Iraq's "gross violation of obligations";

Whereas in August 1996, Iraqi troops overran Irbil, in Iraqi Kurdistan, employing more than 30,000 troops and Republican Guards, in response to which the Security Council briefly suspended implementation on United Nations Security Council Resolution 986, the UN oil for food plan;

Whereas in December 1996, Iraq prevented UNSCOM from removing 130 Scud missile engines from Iraq for analysis, resulting in a Security Council presidential statement which "deplore[d]" Iraq's refusal to cooperate with UNSCOM;

Whereas on April 9, 1997, Iraq violated the no-fly zone in southern Iraq and United Nations Security Council Resolution 670, banning international flights, resulting in a Security Council statement regretting Iraq's lack of "specific consultation" with the Council;

Whereas on June 4 and 5, 1997 Iraqi officials on board UNSCOM aircraft interfered with the controls and inspections, endangering inspectors and obstructing the UNSCOM mission, resulting in a UN Security Council presidential statement demanding Iraq end its interference and on June 21, 1997, United Nations Security Council Resolution 1115 threatened sanctions on Iraqi officials responsible for these interferences;

Whereas on September 13, 1997, during an inspection mission, an Iraqi official attacked UNSCOM officials engaged in photographing illegal Iraqi activities, resulting in the October 23, 1997, adoption of United Nations Security Council Resolution 1134 which threatened a travel ban on Iraqi officials responsible for non-compliance with UN resolutions;

Whereas on October 29, 1997, Iraq announced that it would no longer allow American inspectors working with UNSCOM to conduct inspections in Iraq, blocking UNSCOM teams containing Americans to conduct inspections and threatening to shoot down U.S. U–2 surveillance flights in support of UNSCOM, resulting in a United Nations Security Council Resolution 1137 on November 12, 1997, which imposed the travel ban on Iraqi officials and threatened unspecified "further measures";

Whereas on November 13, 1997, Iraq expelled U.S. inspectors from Iraq, leading to UNSCOM's decision to pull out its remaining inspectors and resulting in a United Nations Security Council presidential statement demanding Iraq revoke the expulsion;

Whereas on January 16, 1998, an UNSCOM team led by American Scott Ritter was withdrawn from Iraq after being barred for three days by Iraq from conducting inspections, resulting in the adoption of a United Nations Security Council presidential statement deploring Iraq's decision to bar the team as a clear violation of all applicable resolutions;

Whereas despite clear agreement on the part of Iraqi President Saddam Hussein with United Nations General Kofi Annan to grant access to all sites, and fully cooperate with UNSCOM, and the adoption on March 2, 1998, of United Nations Security Council Resolution 1154, warning that any violation of the agreement with Annan would have the "severest consequences" for Iraq, Iraq has continued to actively conceal weapons and weapons programs, provide misinformation and otherwise deny UNSCOM inspectors access;

Whereas on June 24, 1998, UNSCOM Director Richard Butler presented information to the UN Security Council indicating clearly that Iraq, in direct contradiction to information provided to UNSCOM, weaponized the nerve agent VX; and

Whereas Iraq's continuing weapons of mass destruction programs threaten vital United States interests and international peace and security: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON), each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

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

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

There was no objection.

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

S.J. Res. 54 is the Senate companion of H.J. Res. 125 which Speaker GINGRICH and I introduced on June 25, 1998.

We introduced our resolution in response to the mounting evidence that Iraq continues to defy the decisions of the United Nations Security Council with regard to its weapons of mass destruction.

The most recent example is the revelation in late June that Iraq has placed VX poison gas into missile warheads. That fact was established by lab testing in our Nation of missile warhead fragments which U.N. inspectors found in Iraq. This evidence proves that Iraq remains in violation of its obligations under U.N. Security Council Resolution 687 to disclose and eliminate its weapons of mass destruction programs and capabilities. It also demonstrates that Iraq continues even now to misrepresent to the United Nations and to the world about the history of its weapons of mass destruction programs.

There is nothing new about this, however. Iraq's record of continued evasion and obstruction of U.N. resolutions is spelled out in the 28 "whereas" clauses contained in our measure.

It quickly becomes apparent, from these 28-some clauses, that there has been a continuous and uninterrupted pattern of Iraqi noncompliance with Security Council resolutions going back as far as 1991. This problem emphatically has not been resolved by the agreement put together by U.N. Secretary General Kofi Annan just last February.

My colleagues will recall that earlier this year the Clinton Administration was on the verge of using military force to compel Saddam Hussein to comply with his international obligations. That threat was withdrawn after Kofi Annan went to Baghdad and came back with Saddam Hussein's promises of better behavior by Iraq for the future.

It now turns out that those promises were not even worth the paper they were printed on. The chief U.N. weapons inspector, Richard Butler, is in Iraq today, this very day, meeting with Iraqi officials about what they must do to comply with U.N. resolutions. It is apparent from news reports coming out of Iraq this morning that Saddam Hussein continues to resist international inspections and to reject his obligations under pertinent Security Council resolutions.

The purpose of S.J. Res. 54 is to draw attention to the fact that Saddam Hussein's behavior has not improved and that he remains in material and unacceptable breach of his international obligations. The international community cannot continue to look the other way.

S.J. Res. 54 is both timely and unassailable in its facts. It incorporates changes to the original text of H.J. Res. 125 that were negotiated among the interested members of the Committee on International Relations.

□ 1515

And it is not opposed by the Clinton administration. Accordingly, I urge my colleagues to fully support S.J. Res. 54.

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

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

Mr. Speaker, I rise in support of S.J. Res. 54. All of us in this Chamber recognize that we have a very serious problem with Iraq. It will likely become more serious in the months to come. Iraq is violating U.N. Security Council resolutions, it is engaging in unacceptable behavior, and it is certainly appropriate that Congress go on the record to express its strong objection to Iraq's conduct.

The administration, as I understand it, welcomes the support of Congress for actions that the President may have to take to get Iraq to comply with its international obligations. The administration, however, is concerned about the foreign policy implications of the President signing a joint resolution stating that Iraq is in material breach of its international obligations. Taking such a unilateral position strains U.S. relations with other U.N. Security Council members and jeopardizes a solid U.N. Security Council front against Iraq.

I do have three concerns with the resolve clause. First, I share the administration's concern over the statement that the government of Iraq is in material and unacceptable breach of its international obligations.

My problem with this formulation is that, as I understand it, most Security Council members take the position that only the Council can make a finding of material breach of Security Council resolutions. This is not a determination that the United States alone can or should make. There are implications to making such a statement.

For one thing, our U.N. Security Council colleagues will interpret this resolution as the United States getting ahead of the rest of the Council. If we make a unilateral determination of material breach, we make it more difficult to win international support for the use of force against Iraq.

For another, a finding of material breach is a clear signal that the Security Council is prepared to support the use of force to bring Iraq into compliance with Security Council resolutions.

In January 1993, President Bush carried out a series of successful military strikes against Iraq shortly after the U.N. Security Council formally found Iraq in material breach.

I think our message would be stronger if we used our own words, such as "grave violations," and not use the words "material breach," words that signal in the U.N. support for immediate military action.

Second, and building on my concerns with the first part of the resolve clause, the resolution broadly urges the President of the United States to take appropriate action.

My problem with this part of the resolve clause is the Congress identifies a serious problem, expresses its displeasure and then punts.

I appreciate the work of the gentleman from California (Mr. CAMPBELL) to find compromise language here. He, like I, was uncomfortable with the original language urging the President to act accordingly. He narrowed and, I think, somewhat improved the resolve clause. But it still falls short of Congress fulfilling its legitimate and important role in foreign policy because it provides no meaningful guidance to the executive.

The resolution would have been much improved if we called on the President to consult with Congress prior to using force rather than handing him a blank check and taking ourselves essentially out of the picture in case of future action in the Gulf.

Third, the process for considering this joint resolution does not measure up to the importance of the matter at hand. This resolution goes to the heart of the most important problem that government must address, the commitment of military forces abroad. Yet, we are debating it under a suspension of the rules, which we generally avoid when considering bills that merit serious and extensive debate.

No one here would dispute that Iraq has violated its international obligations. The recitation of Iraq's misconduct in this resolution is an important contribution. It is appropriate and worthwhile to spell out the record of Iraqi failure to comply with U.N. resolutions.

This resolution has merit in its expression of political support for Presidential action. The President should get support here for taking prudent and necessary action to protect U.S. interests in the Gulf. But this detailed condemnation of Iraq is followed by a policy statement that is simply astonishing in its vagueness.

This resolution is an absolutely classic example of how Congress deals with foreign policy. We complain, we point out the problem, we offer no solution, and we shift the entire burden to the President of the United States.

Congress is a coequal branch of government. We have an equal voice under the Constitution to set the direction of American foreign policy. But in this resolution we do not measure up to our constitutional responsibilities. In effect, we say, "Mr. President, this is a very big problem, you go figure it out."

This resolution endorses the use of force, but it states no objective for the use of force. We create trouble for ourselves when we are imprecise about policy and about the use of force and when we fail to articulate what we believe policy should be based on specific facts and specific objectives.

It would be better, I think, for the Congress to call on the President here to consult with Congress prior to using force. We would know at that time, and we do not know now, what circumstances require use of U.S. military forces in the Gulf. We would fulfill our role as a coequal branch of government if we leave authorization for such time. I understand this is not an authorization bill.

I am uncomfortable voting for this resolution, principally because I think it does not measure up to the way a responsible Congress should engage in foreign policy making. I am even less comfortable, however, voting against it.

I do not want to go on record against the use of force, first, because I think we are going to come up to this point again with Iraq in the months ahead; second, because of the egregious violations of the U.N. Security Council resolutions by Iraq and its pattern of avoidance and duplicity; and, third, because a vote against the resolution suggests that we are not prepared to use force against Iraq, and I think that would be unwise. Therefore, I will support the resolution with the reservations I have suggested.

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

Mr. GILMAN. Mr. Speaker, I yield myself the balance of my time and, in closing, I just want to remind our colleagues to let us concentrate on the fact that the government of Iraq's actions are unacceptable and a material breach of their obligations and, accordingly, this measure before us with regard to Iraq's continuing programs of building up weapons of mass destruction threaten our own vital interests and we should be supporting the measure.

I urge a supporting vote for S.J. Res. 54.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 54.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

EMERGENCY FARM FINANCIAL RELIEF ACT

Mr. SMITH of Oregon. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2344) to amend the Agricultural Market Transition Act to provide for the advance payment, in full, of the fiscal year 1999 payments otherwise required under production flexibility contracts.

The Clerk read as follows:

S. 2344

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 "Emergency Farm Financial Relief Act".

SEC. 2. SPECIAL RULE FOR FISCAL YEAR 1999 PAYMENT UNDER PRODUCTION FLEXIBILITY CONTRACTS.

Section 112(d) of the Agricultural Market Transition Act (7 U.S.C. 7212(d)) is amended by adding at the end the following:

"(3) SPECIAL RULE FOR FISCAL YEAR 1999.—Notwithstanding the requirements for making an annual contract payment specified in paragraphs (1) and (2), at the option of the owner or producer, the Secretary shall pay the full amount (or such portion as the owner or producer may specify) of the contract payment required to be paid for fiscal year 1999 at such time or times during that fiscal year as the owner or producer may specify.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. SMITH) and the gentleman from Minnesota (Mr. MINGE) each will control 20 minutes.

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

Mr. SMITH of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have problems in farm country. Prices have declined for farmers and ranchers. Many producers are wrestling with multiyear crop losses and others are suffering as a result of this year's severe adverse weather. Feed is expensive, livestock prices are down and, in some parts of the country, forage is virtually nonexistent. For this reason, I rise today in support of Senate 2344, the Emergency Farm Financial Relief Act. This legislation was originally introduced in the House, cosponsored by 50 farm state members.

Senate 2344 will allow farmers the option of receiving all of the Agricultural Market Transition Act payments for the year 1999 immediately after the beginning of the fiscal year. Annual payments are now made twice a year, in December or January, and again in September. This means a farmer may elect to receive all his 1998 and 1999 payments in October this year.

□ 1530

The bill would make $5.5 billion available to farmers as much as 1 year early to help them cope with the cash shortage that they now are experiencing due to low prices. It will have the effect of the huge interest-free cash loan to producers for up to 1 year.

For example, the 1,000-acre wheat farm with a 30-bushel AMTA payment would have the option of getting the entire $19,000 payment in October 1999 rather than waiting 3 months to get half the payment of $9,500 and the full payment 12 months from now of the remaining $9,500.

The proposal leaves the option of early payments with the farmer, who can then make the decision on the basis of personal circumstances. If it helps, the farmer will ask for the advance payment. If it only creates tax or the other difficulties, the farmer will not choose to exercise the option.

Because all of the 1999 AMTA payments occur within the same fiscal year, there is no CBO-scored cost to this proposal. Congress has the opportunity to address the current cash shortage on the farm without incurring any budget cost and give the U.S. farmers the opportunity to solve cash shortage problems immediately.

We have taken previous action that responds to the current situation and we will continue to act. We have passed a sound agricultural research bill. We have found $500 million to save crop insurance. We reversed the Administration's decision to stop food exports to India and to Pakistan, and we took action on normal trading relations with China. Beyond that, we will act on IMF funding and Fast Track authority in the near future.

We are developing new ideas and exploring recent proposals to address the crisis in our agricultural community. No one believes that the action we are taking here today is the complete answer to the difficulties that our farmers are facing. But it is a sound step that we can take today that will reassure producers and their bankers that the farmer's entire assets can be available to address the current situation.

Secretary Glickman told our committee last week that the Department of Agriculture will complete a total assessment of crop loss and the extent of the disaster by August 12 this year. With that in hand, Members' personal assessments during the work periods, along with the committee, will work in September to formulate an additional action that the House might need to take.

In addition, we will be calling upon the Secretary to use his full range of authorities already in his discretion to provide relief to suffering farmers.

This is a very, very important tool, Mr. Speaker, for farmers to relieve short-term cash-flow problems. We need to act swiftly to allow farmers the advance knowledge of the possibility of using these AMTA payments early on this year.

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

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

Mr. Speaker, I rise this afternoon in support of Senate 2344, the Emergency Farm Financial Relief Act, although I do so with reservations.

Many farmers and ranchers today are faced with disastrous conditions. In my area, one is more apt to see a bald eagle than to meet a beginning or new farmer. In some cases, these economic hardships are caused by low prices. In others, severe climatic conditions are causing major crop failures.

In my own State of Minnesota, farmers are facing falling wheat, corn, and soybean prices, with plantings of those crops the highest levels that they have seen since the 1980's, particularly the feed grains.

In the Red River Valley areas of North Dakota and Minnesota, the price loss is compounded by a multiple year loss of wheat and barley due to a disastrous disease known as scab.

Texas is currently facing one of the worst droughts in decades. Some areas have experienced more than 125 days without significant rainfall in combination with record-setting temperatures. This severe drought has also spread to other States, including Arkansas, Louisiana, Georgia, South Carolina, New Mexico and Oklahoma, with additional States being affected daily.

Today, with the passage of S. 2344, we are trying to address in a very modest way some of the economic hardships our farmers are experiencing. Under current law, producers who enter into an Agricultural Market Transition Act contract, or an AMTA contract, can elect to receive payment once or twice a year. Farmers can advance half of that total payment either to December 15 or January 15 and then receive the balance in September.

This bill would change the current timing and allow farmers the choice of receiving either one full payment at any time during the fiscal year, which starts October 1, 1998, or two payments of 50 percent at any time during the fiscal year at the producer's option.

Let me explain the precise benefit this legislation would provide in terms of an example. If a producer who receives a maximum allowable AMTA payment, which is $40,000, chooses to take his payment immediately, he would receive 3 months' additional interest on 50 percent of his payment and 12 months of additional interest on the other 50 percent of his payment. That is all of the clear calculable financial benefit, nothing more. If you put pencil to paper, with 8 percent interest, this comes out to roughly $2,000.

The legislation does not give producers $5½ billion in disaster assistance. That is not the case. These are payments that the producers are already entitled to. This payment merely allows producers to receive either 3 or 12 months earlier the money they were already expecting.

This legislation provides no assistance to producers facing hardship because of low prices. This needs to be addressed by increasing export demand or by reexamining the proposals to remove the caps on marketing loans.

Passing legislation as soon as possible to fund the International Monetary Fund will help raise the prices for our producers in the near future.

It is also important to note that this does not help producers if the payments are going to landowners as opposed to the producer himself. Advancing AMTA payments raises a question of why we are attempting to alleviate such severe conditions with a proposal which some have characterized as putting a Band-Aid on a bullet wound.

I support this legislation because it is a modest first step in the recognition of the major problems that are facing American farmers. This legislation does not in any way address fully the severity of those problems. It is more like offering chicken soup. If you are sick, it cannot hurt. It may make you feel better.

Senate 2344 will not solve the problems facing producers all across the country. We are going to have to provide real relief to our producers within the confines of the budget as soon as possible. I look forward for ways to work on a bipartisan basis to do this.

In the meantime, we are working today to seek to do whatever we can with respect to the AMTA payments that may provide some financial relief to producers.

Mr. Chairman, I have two matters I would like to raise in a colloquy. First, I understand that last week the Secretary of Agriculture voiced concerns about the Department's ability to implement S. 2344 as drafted. Because of technical limitations, the Department plans to offer producers the choice of receiving either one full payment at any time during the fiscal year or two payments of 50 percent at any time during the fiscal year at the producer's option.

Would my colleague agree that the Department would be in compliance with Congress' intent by offering these options?

Mr. SMITH of Oregon. Mr. Speaker, will the gentleman yield?

Mr. MINGE. I yield to the gentleman from Oregon.

Mr. SMITH of Oregon. Yes. Because producers would be able to get all their 1999 payments as early as October 1998, this form of implementation would provide the necessary financial assistance and flexibility, I believe, to producers. Recognizing the Department's inability to provide a greater range of options, implementation of Senate 2344 in the manner stated I believe would comply with intent of this legislation.

Mr. MINGE. Mr. Speaker, reclaiming my time, also I understand that this election to receive payments early is not intended by this body to change or create any tax liability with respect to payments that are not received in 1998 but are instead received in 1999.

Is this the understanding of my colleague?

Mr. SMITH of Oregon. If the gentleman would further yield, yes, it is. I believe this should not be intended to change any tax situation with respect to this legislation.

Mr. MINGE. Mr. Speaker, I would simply like to add in closing that speaking on behalf of many on the Committee on Agriculture, Nutrition, and Forestry, there is concern that the Farm Service Agency have adequate staff resources to effectively and efficiently comply with the legislation that we are currently considering. There certainly is continuing concern about the adequacy of staffing at the Farm Service Agency, and we urge the appropriators, as they consider the agricultural appropriations bill in conference committee, to take into consideration the legislation that we are acting on today.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, August 3, 1998.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

S. 2344—Emergency Farm Financial Relief Act

(Sen. COVERDELL (R) and 14 cosponsors.)

The Administration supports House passage of S. 2344 in order to accelerate the 1999 Agricultural Market Transition Act payments to producers.

The Administration regrets that the Senate did not include the provision of the Senate-passed FY 1999 Agricultural/Rural Development appropriations bill that would provide $500 million for new emergency funding for farmers and ranchers who face financial stress as a result of natural disasters and low prices. Nor does the House make in order such an amendment. The Administration urges the Congress to enact this provision as soon as possible. In the interim, the Department of Agriculture is continuing to assess the actual emergency needs of farmers and ranchers and will report to Congress in the near future.

PAY-AS-YOU-GO

S. 2344 would affect direct spending; therefore, it is subject to pay-as-you-go requirements of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimate is that the net budget cost of this bill is zero.

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

Mr. SMITH of Oregon. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. COMBEST), a capable member of our committee.

Mr. COMBEST. Mr. Speaker, as has been stated, the current conditions and crisis in agriculture is very broad and very wide and very deep. No single action that we can take or that anyone can take alone is going to solve this problem. In fact, many single actions that we take will not even address concerns of some farmers or ranchers.

Tomorrow, it will be one month that the temperatures in Texas have been in excess of 100 degrees and most of that has been without any rain. In fact, I have some counties in my district that have had less than an inch and a quarter of rain since January 1.

Even in those areas in which crops are irrigated, it is virtually impossible to keep up with the needs of a crop due to the fact of the high temperatures, the drought and the excessive winds. When that even is possible, the irrigation expenses this year are going to be phenomenal.

Pastures are burned up, not all of them from the drought; some of them literally have burned up. Cattle prices are down. Ranchers are having to take their cattle prematurely to the market at a down market time, and this further complicates the problem.

I once again call on the Secretary to allow a 5 percent a month penalty on the annual payments that would be made through CRP to allow the grazing of CRP lands. It might mean that some people can keep from having to send those cattle to the market, hopefully being able to preserve them until winter wheat pasture is available.

There is a lot more that needs to be done. The Secretary, in fact, told our committee last week that it will be sometime later in August even before the Department has the loss figures. So it makes it very difficult for the Congress to act on anything further at this particular time when even the loss figures are not known.

This is a tool. This is something that is going to provide some benefits to farmers if they wish to take advantage of it. It provides $551 billion October 1, across this country. That would be an infusion into the cash flow of the farmer if in fact they need to take it at this time and prevent them from having to take a loan. In Texas alone this would amount to over $536 million that would be available at a much earlier date.

While again I recognize that there are other things that need to be done, this is, in fact, only one of the arrows in a quiver that we hope we can combat this crisis with. To those who would argue against this, for the fact that it does not go far enough, I would simply say that that is recognized. No one has contended that it does go far enough, but it is another of the steps that we think can provide some assistance at a much needed time to farmers who are facing a crisis.

□1545

Mr. SMITH of Oregon. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS of Oklahoma. Mr. Speaker, I thank the gentleman for yielding me this time. I appreciate the opportunity to rise to the floor today to speak on behalf of S. 2344, the companion bill to the gentleman from Oregon's H.R. 4265, an effort to reach out and address some of the needs that we see in rural America in production agriculture.

In my very own western Oklahoma between the drought and the bugs and the supply problems, or should I say demand problems that have been brought on by the side effects of what some up here call the Asian flu, the Asian financial flu, I should say, we have some real problems that need to be addressed out in production agriculture. One of the efforts that I think provides a short-term band-aid that puts us in a position in a number of areas to be able to put another crop in the ground this fall is S. 2344. It makes available on or about the first day of October when you consider the option, the option, to take the entire 1999 market transition payment if a farmer who signed up under the 1996 farm bill chooses to do so, you take that money along with the funds that will come in the second half of the 1998 payment, it makes literally $8.3 billion cash available out in farm country for those farmers and ranchers to put into a crop. It does it in a way that my budgeteer friends sitting in the gallery right now who I have worked with, who are very dedicated to maintaining the financial integrity of this country, it does it in a way that does not impact the budget, because as the folks who have spoken before me pointed out clearly, it accelerates to the first day of fiscal year 1999 that farmer's option to take that money.

Bear in mind, Mr. Speaker, this is not a cure-all in itself but this provides us with a window of opportunity. It gives our farmers and ranchers a chance until we can do the things that are necessary to make agriculture as healthy as it could be and should be, things like using every cent in the export enhancement program fund. In the last 3 years, we have had about $1.5 billion that has not been spent. Perhaps that should have been used and should be used and could be used to defend our market share or grow our market share around the world.

I am a strong supporter of the CRP program, the conservation reserve program. We have got about 5 million authorized acres out there that are not being used, another 5 million come out in just a matter of weeks, 10 million acres that could be channeled in States like the Minnesotas and the Dakotas and the Texases and the Oklahomas where we do not need to use that soil right now, and because of mother nature, we are going to start losing it into the air and have been losing it into the air. Let us fully utilize CRP. And, yes, the ultimate thing that we have to do as a body in this Congress, and, that is, work to open those markets. We have been grain exporters in this country since the very founding of this Nation. We literally are the breadbasket for the world. But the world has to have access to our commodities and we have to make sure they have an opportunity to purchase those.

Mr. SMITH of Oregon. Mr. Speaker, I yield 3½ minutes to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. Mr. Speaker, I would like to speak to my colleagues and also to the American people today from the heart, to have an emotional concern, not a political concern.

There is an emergency on the family farm in America. Forty years ago I served as State FFA president, the Future Farmers of America, in Oklahoma. I stated at that time there are 16 percent of us in the production of agriculture. Four years later when I was selected the outstanding agriculture student at OSU, I talked about the fact that there were only 12.5 percent of us in the production of agriculture. Today as I stand on this floor of the United States Congress, I have to say there are only 1.2 percent of us in the production of agriculture. And, Mr. Speaker, I saw figures just less than two months ago where we are probably going to lose 25 percent more of our farmers and our cattle people this year if something doesn't happen to assist them through this crisis.

Why? Because we have seen markets close down. We see droughts. The gentleman from Oklahoma referred to Asia. Mr. Speaker, Asia normally buys 45 percent of our agriculture exports. But they have had a downturn in their economy and they cannot buy.

Second, the European Union is using 75 percent of their budget to subsidize the agriculture in Europe, to subsidize the internal production but also grabbing export markets around the world.

Third, because we see sanctions in countries that should be buying our agriculture products. Our country places those sanctions and we cannot sell the food and the beef and other products from the American family farms.

And, four, we have now in 1998, as my friend from Texas said, the worst drought in history, since the Dust Bowl in 1934. The land is parched. The grass is burned up. Cattle are having to go to market because we have no water and no feed and no grass.

What is the solution? This is not the total answer, but this is one step that we can move on today. That is, expediting the market transition, by budgeting $8 billion that is already in the

budget, so that they can pay bills. Many of them are going to have working capital to have to survive and pay bills.

Second, we have to utilize an emergency feed and hay program if we are going to keep many of the cattle and not just flood the markets. Let me say in the drought of 1956, which I barely survived, I sold cows for 10 cents a pound. I know the hurt and I know the pain that is out there on the farm and what the cattle people are going through. We have got to correct it. We have got to take the actions my colleague from Oklahoma said on the enhancement export funds. We have got to use those funds.

Put off the long-term solution is international exports. We must pass fast track. It should be a bipartisan solution, not one that is partisan. We also must add the IMF funding in order to help Asia to purchase American agriculture products. We have got to also look at the sanctions, if medicine is a human need, food is also. We must do allow food to be exempt from sanctions.

We can solve the problem. The question we have to ask ourselves is do we have the will to solve the problem. Let me tell my colleagues what they said to me in Europe. When I asked them about all their subsidies, they basically stated, "We'll pay whatever the price to maintain the family farm in Europe." They are using 75 percent of their budget to do it.

What will do we have? Do we have the will that we want to keep a domestic food basket available for the American people? If we are concerned about the national security of this country, we had better maintain that food supply and the family farmer.

Mr. SMITH of Oregon. Mr. Speaker, I yield 3 minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL. Mr. Speaker, I want to thank the gentleman for yielding me this time and I want to congratulate him for his efforts to bring this matter before the House and put it on the desk of the President before we begin the August work period. I am proud to have been a cosponsor of the House version of this measure.

Mr. Speaker, Montana producers will have available in October under this plan $105 million which is about twice of what they would have had available without this measure. This is going to provide important cash flow for them this fall. It will allow them to cope with what are broken down markets that have reduced prices to some of the lowest prices in modern times. It will also help Montana producers deal with adverse weather conditions which has also provided for low production.

I believe we need to do more. I am hopeful that we can work to try to increase the AMTA payments in the future. Perhaps we can make some revisions in the crop insurance program to help folks, particularly in the Northern Plains. We need to investigate the Canadian Wheat Board. We need to eliminate trade sanctions that involve food, that are eliminating markets.

Mr. Speaker, we are not just losing markets to American commodities. The important thing is that we are losing market share. The problem with losing market share is that that threatens low prices for our commodities over the long term, not just over the short term. I am hoping that Congress can work from this measure forward together so that we can secure additional markets, so we can fight and defend our market share.

Mr. SMITH of Oregon. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Speaker, I thank the gentleman for yielding me this time. This is a very important piece of legislation. I rise in strong support today.

I just returned from Texas a little over an hour ago, Mr. Speaker, where we have had in south Texas the 34th day of triple-digit temperatures which has broken another record. Farmers and ranchers all over Texas and throughout the Southwest are being hit hard by this drought which is part of a one-two punch, the other being the falling commodity prices. There is no area harder hit right now than south Texas, although they are feeling it all across the State.

This bill in the simplest of terms for those who are not in agriculture would be like when you were younger or you were struggling at some point in your life and you needed a little advance money on your paycheck and you asked the boss or the appropriate authorities, can I just have a little advance and I think it will get me through this tough time. It is not going to solve anyone's financial problems long-term nor is it going to make it rain, but it is going to provide that necessary capital to get through a very difficult time this fall.

The situation is very critical in Texas now. There are burned-up fields, no grass for livestock to graze on, aflatoxin has hit the corn crop very hard. We all understand that the only long-term solution to this is to have more rain. This is the most powerful city on earth, Mr. Speaker, but there is not a person in this city who can make it rain. We must, as we all know, appeal to a higher authority for that long term.

All of Texas has experienced less than 25 percent of normal rainfall for April through June and temperatures topped out above the century mark nearly the entire month of July across the State. Until the rain comes, these early payments are a first step in helping farmers get through this difficult time. I have committed to my colleagues on the Committee on Agriculture and the agriculture appropriations subcommittee to continue to work on this issue and develop a plan to provide assistance to our farmers and ranchers. As Americans we enjoy the world's cheapest, safest and most abundant food supply. I hope every farmer out there understands that there is not a day that goes by that Members on both sides of the aisle, both Democrats and Republicans, are thinking about our constituents out there and desperately trying to come up with more solutions to help them get through this very difficult time.

I certainly appreciate all the members of the Committee on Agriculture, the gentleman from Oregon (Mr. SMITH) our chairman and the gentleman from Texas (Mr. STENHOLM) the ranking member and all the committee members who are working side by side to help in this very, very critical situation.

Mr. SMITH of Oregon. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding me this time, and I congratulate him for the manner in which he has brought this legislation to our attention so dramatically and so quickly.

Mr. Speaker, I do rise, of course, today in support of the bill. Even amid a booming economy nationally, there is a lot of concern out there in the Northern Plains and, of course, elsewhere where grain prices have soured, ag prices are down, and cattle prices are down. Regretfully, the continued rise of the stock market, which has benefited a lot of people, does not have a direct positive effect on our Nation's agricultural producers.

This is a bad year, especially for grain prices, although it was unrealistic to assume that the high commodity prices of the 1996 and 1997 marketing years would last forever, even under the best of conditions. As has been mentioned earlier, a large part of the decline in prices is due to the financial crisis that Asia is experiencing. The recovery of those economies will have a tremendous impact, of course, on U.S. agriculture.

I think another reason for depressed prices is the Administration's lack of a focused export policy. Many national agriculture organizations have expressed concern in regard to our trade policies.

I think Congress has been doing its part to help our beleaguered producers as evidenced by this bill. We passed antisanction legislation that would allow USDA to guarantee U.S. wheat sales to Pakistan and India. This legislation that we are considering today will ensure many producers will have much needed capital to continue their farming operations for another year. The farming business is a year-to-year

enterprise and it would be unfair to deny strapped producers the capital necessary for next year's operation.

I have been a consistent supporter of the new farm bill, and I remain so today. Regretfully, I think, Mr. Speaker, there has been a lot of needless, false and harmful rhetoric from both houses of Congress about this legislation. Farm bills do not set market prices. The Administration, I think, needs to take some responsibility in this regard. We need a clear and consistent trade policy to bolster our U.S. ag exports. With one out of three acres that we plant in this year going to export, fast track negotiating authority is absolutely necessary.

I remain steadfast in my support. I strongly encourage my colleagues to support S. 2344. It will help our deserving producers.

□ 1600

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

Certainly this afternoon is an opportunity for bipartisan support of a measure that we all recognize is providing at least some relief. There certainly is room for debate about some aspects of trade policy. I am not sure that it would be productive this afternoon to try to fully ventilate that. Suffice it to say that folks in this body and on the Committee on Agriculture fully recognize the importance of immediate full funding for the International Monetary Fund that is not moving ahead. I notice it is not on the calendar for this week before we go home for recess. It is hard to understand why if that has been approved in the Senate and is being requested by the administration it cannot be completed by the House.

So I would hope that we in the Committee on Agriculture could get fully behind that and at least do some things that we see that we agree with the Senate on and do them promptly.

Mr. Speaker, for purposes of control, I yield 2 minutes to the gentleman from Oregon (Mr. SMITH).

Mr. SMITH of Oregon. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from Oregon for yielding the time and the gentleman from Minnesota for yielding to him.

Mr. Speaker, I rise in strong support of S. 2344, the Emergency Farm Financial Relief Act. This important legislation would provide farmers the option, of course, of receiving all of their Agriculture Market Transition Act contract payments for fiscal year 1999 immediately after the beginning of the fiscal year. Currently it is an option at least. Currently producers receive two separate payments, one in December or January and one in September. This change would provide farmers with much needed infusion of cash at a time when they clearly need it. Since the payment would occur in the same fiscal year, there is no additional cost to the Federal government.

Mr. Speaker, I was pleased to be a cosponsor of the original House legislation, and I commend the chairman of the Committee on Agriculture for his initiative.

Mr. Speaker, it is clear that the agricultural sector is hurting. While this legislation is certainly helpful, it is also important to continue efforts to improve agricultural trade since about 40 percent of U.S. farm production is exported. Several of my colleagues on both sides of the aisle have already mentioned that.

One of the root causes of the current low commodity price is the current drop in exports, especially to Asia, as a result of the region's economic downturn and the relative value of the U.S. dollar versus the currencies of our export competitors. My State, for example, over 85 percent of all of our exports total go to Asia. To combat the drop in exports it is crucial that efforts continue to approve fast track trade authority, increase pressure on the European Union to reduce subsidies and anti-competitive trade practices and to approve legislation designed to block unilateral sanctions which we too often impose in this body and in the other body which do harm agriculture. Such actions are clearly long-term approaches to improving the economic outlook for the Nation's producers, however S. 2344 will provide immediate help for farmers, and, Mr. Speaker, therefore I urge my colleagues to support it.

The SPEAKER pro tempore (Mr. PEASE). The Chair advises that the gentleman from Oregon (Mr. SMITH) has no time remaining, although the gentleman from Oregon has the right to close. The gentleman from Minnesota (Mr. MINGE) has 8½ minutes remaining.

Mr. MINGE. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. SMITH).

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman from Minnesota (Mr. MINGE) for the time, and, Mr. Speaker, I want to emphasize a point that the gentleman from Nebraska (Mr. BEREUTER) made, and he is well known as an international trade expert, and to reinforce the statement that the gentleman from Minnesota (Mr. MINGE) made, and that is simply that he has heard all of us emphasize the importance for this country to pay its full share of the International Monetary Fund, and I will continue to work towards that, that goal, and he knows that that will be before this Congress before we adjourn this session of the Congress.

In addition to that and equally as important, as the gentleman knows, we must pass what we call fast track legislation to give this President of the United States the opportunity to enter into agreements with other nations at a time when it is most important to us, at a time when we are going to review the whole Uruguay Round of the WTO, of the World Trading Organization, and we are going do that in 1999. Going into those negotiations without fast track would severely injure this Nation's opportunity to trade, to discuss, to enter into agreements which would open borders for us and give us the opportunity to entertain agreements with other countries.

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

Mr. SMITH of Oregon. I yield to the gentleman from Oklahoma.

Mr. WATKINS. First, Mr. Speaker, I would like to commend the gentleman from Oregon (Mr. SMITH) for his leadership and his foresight on the committee and my colleague from Oklahoma (Mr. LUCAS) in moving this a step forward. I think we all know that the drought is an additional thing that is coming in right on top of low prices and that we have got to have help for our cattlemen in getting emergency feed assistance, emergency hay assistance, especially in the Southwest, and I know my colleagues helped provide that leadership in helping us move forward in the agriculture appropriations committees, and I think the Senate under Senator CONRAD is adding $500 million, and we are probably going to need more to assist the drought stricken cattle country of the Southwest.

Will the gentleman be helping us in that area of feed and hay assistance?

Mr. SMITH of Oregon. Mr. Speaker, as the gentleman knows, we have entertained all of the issues, including the problems in Minnesota and North Dakota and South Dakota which are in crisis. Beyond that there are disasters all over the country, in Oklahoma and Texas. We are going to be looking at all those if we can identify finally with the Secretary's assistance, and we are going, within reason we are going to try to help everyone.

Mr. WATKINS. I was in Bennington, OK, my boyhood home area July 4, and they are feeding cattle cubes and hay. That is at least a month to six weeks earlier than when we ever fed before, and that is eating up the financial equity. Equity they do not have.

Mr. SMITH of Oregon. Mr. Speaker, I understand the gentleman. I have been in the cattle business for 35 years and broke twice, so I understand.

Mr. WATKINS. I thank the gentleman from Oregon for his leadership.

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

Mr. SMITH of Oregon. I yield to the gentleman from Georgia.

Mr. CHAMBLISS. Mr. Speaker, I would just like to commend the chairman of the House Committee on Agriculture for moving this program forward. As my colleagues know, it

sounds like a novel when we say times are tough in ag country, and it really is. It is certainly not fiction.

Times are particularly difficult in ag country in Georgia this year. We are coming off one of the worst disasters in 1997 we have ever seen. 1998 has not been any better. This will significantly help our farmers and ranchers, and we appreciate the House Committee on Agriculture chairman championing this proposal.

The SPEAKER pro tempore. The time of the gentleman from Oregon (Mr. SMITH) has expired.

Mr. MINGE. Mr. Speaker, I understand the gentleman from Oregon has two other speakers, and I will yield to them as well, but I have a speaker who has arrived that I would like to reserve some time for as well.

Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman from Minnesota first of all, and I rise in support of S. 2344.

I have heard a lot from home about the problems we have in farm country, the disasters we have. I just want to say that I think this will help a great deal to get us through an immediate crisis, but if we have a disaster, I want to state that the administration's policy has been, number one, to cut crop insurance when we have these disasters. Last year we had to fight to the mat to be able to save crop insurance. In the past 3 years they have had a billion and a half dollars available for market export programs. They finally used about $7 million of that. Today, as far as trade sanctions, the administration has put on 61 sanctions in the last 6 years compared in the last 80 years we had 120 sanctions. Forty percent of the world's population is under sanctions from this administration today which cuts off any possibility of selling agricultural products.

Lastly, we have got to pass this fall fast track legislation to help agriculture, and I would hope the administration would finally get on board and decide to push it. I have been reading all the articles now saying they are going to sit on the sidelines, encourage the Democrats to sit on the sidelines. We have got to have negotiation authority so that we can move our agricultural products. Long term that is the solution for agriculture, is to sell the production we can have in this miracle in the U.S. called agriculture.

Again I want to support this bill, I encourage everyone to do that, but we have got to change our policies if we are in effect going to save agriculture in the long term.

Mr. MINGE. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Minnesota has 3½ minutes remaining.

Mr. MINGE. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Speaker, I rise today to support this bill and commend the chairman and the ranking member and others for bringing this forward. But I want to bring a little bit different perspective to the situation.

I fully understand that those areas of the country where they are now experiencing a disaster, whether it be drought or other things, this will be a big help because it will move up the cash flow situation and put them in a little better shape. However, in our part of the world, in northwestern Minnesota and North Dakota, we have had a disaster for 4 or 5 or 6 years, depending on the individual farmers, where this disease problem that we had, primarily scab, has caused us to lose crops 4 or 5 or 6 years in a row, and I am not so sure for those people that are in that situation whether this is going to make a whole lot of a difference to them just because of the situation that they are in.

So I am here today supporting this. This will help people that have gotten into this situation recently. It will help farmers that are experiencing the problem with low commodity prices and the resultant cash flow problems. But we need in our part of the world, and the chairman knows this, we need in addition some help with making crop insurance, making it whole for that period of time where it was not covering people, trying to get the CRP program changed so that those people that have experienced these losses for 4 or 5 years can potentially get that land into CRP.

One of the things that people need to understand, we have got this scab disease that lives in the soil and in the residue. One of the reasons we have got this problem, in my opinion, is because we have given up mould board plowing and we have been using no-tail which allows this stuff to live even longer and better, and if we could put this land into CRP, get it out of production, get it out of wheat production for a while, we might be able to do some good in this area.

Mr. MINGE. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 1½ minutes.

Mr. MINGE. Mr. Speaker, we have had a fair amount of talk here in the last few minutes about the administration and trade, and I would just like to set the record straight.

There is no administration that I am aware of in recent history that has been as strong an advocate of trade, liberalization of trade policies, as the Clinton administration, and I think that all of us really ought to respect the record that they have established and not try to drag it down.

I have sat on the floor in this body on several occasions when my colleagues have considered trade sanctions or restrictions on trade, if this happens or that happens, and we tend to vote with almost a herd mentality. Well, the administration is asking for us to show restraint.

The administration has been a very vocal supporter of IMF, and I think all of us have acknowledged that. We all know the administration has been a very strong supporter of fast track. The administration has indicated it would like to have the fast track vote after the first of the year.

□ 1615

It feels like it is going to be a highly politicized vote, and if we are going to promote international trade, this is not the context in which to do it and this authority is not needed before the end of the year. The Secretary of Agriculture told us this at a hearing last Thursday.

So even though the majority controls the floor and we will vote on what the majority brings up, it is tragic if we turn the Fast Track debate into simply a pre-election game. I would urge that we work on a bipartisan basis on this trade issue, just like we have worked on this matter that is under consideration this afternoon.

Mr. THORNBERRY. Mr. Speaker, television can take us many places, but it can't make us experience the pain and hardship people feel when they're going through difficult times.

Night after night for the past several weeks, the network news shows have been filled with images from my home state of Texas and stories of how people are dealing with the drought. By now, the stories are familiar.

Ground too dry for seed to take root in. Farmers having to plow under their crops. The livelihood of towns and communities literally blowing away in the wind. The drought is putting a real squeeze on farmers and ranchers trying to make a living. Economically, it's figuring to be even worse than the drought Texas went through in 1996.

The bill we're voting on today will clearly not solve all of the problems people are facing because of these severe weather conditions. But it is a start, and it will put money in people's pockets quicker than any other plan being discussed in Washington. Perhaps just as important, it's a sign that we're finally getting through in convincing people that something needs to be done to help farmers in our area deal with the drought.

Over the past few weeks, some people have been trying to play politics with this crisis. That is wrong. Congress and the Administration need to work together to do what's right for farmers. The government can't make it rain. But it can help farmers cope with a major national disaster. This plan is the first step in doing that, and will likely be the first of other agriculture-related proposals coming out of Congress in the coming weeks.

Mr. LAHOOD. Mr. Speaker, I rise to join you and Chairman SMITH in support of S. 2344 and ask for its unanimous consideration by the House. As a cosponsor of its House companions S. 2344 would allow farmers the option of

receiving all the Agriculture Market Transition Act (AMTA) contract payments for fiscal year 1999 immediately after the beginning of the fiscal year. Mr. Speaker, the bill would make $5.5 billion available as much as one year early to help farmers cope with the cash shortage they are now experiencing due to low prices. For the State of Illinois, the changes will mean an extra $500 million into the hands of farmers who choose the advance payment schedule.

The bill also increases the flexibility we gave farmers with the 1996 farm bill. It will let them, not the government, decide if receiving payments early is the best thing for their farms.

Most importantly, Mr. Speaker, because the AMTA payments occur in the same fiscal year, there is no Congressional Budget Office (CBO) scored cost to this proposal. Congress has the opportunity to address the current cash shortage on the farm without incurring any budget cost and give U.S. farmers the opportunity to solve cash shortage problems immediately.

Finally, Mr. Speaker, S. 2344 does not lessen the urgency for Congress and the Administration to use important trade tools. The Administration promised farmers that it would use the Export Enhancement Program (EEP) to its maximum to secure foreign markets for U.S. Agricultural products. The 1996 Farm Bill made over $1.5 billion available for EEP in 1996–99. To date, the Administration's use of EEP has been anemic. Also, Congress needs to pass Fast Track and fully fund the International Monetary Fund (IMF). Without these tools, America, and American farmers will continue to lag behind in the international trade arena. Let's stop the erosion in farm exports. S. 2344 is a good start.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Oregon (Mr. SMITH) that the House suspend the rules and pass the Senate bill, S. 2344, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2344, the Senate bill just passed.

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

There was no objection.

HEALTH PROFESSIONAL SHORTAGE AREA NURSING RELIEF ACT OF 1998

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2759) to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas, as amended.

The Clerk read as follows:

H.R. 2759

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 "Health Professional Shortage Area Nursing Relief Act of 1998".

SEC. 2. REQUIREMENTS FOR ADMISSION OF NONIMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREAS DURING 4-YEAR PERIOD.

(a) ESTABLISHMENT OF A NEW NONIMMIGRANT CLASSIFICATION FOR NONIMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 101(a)(15)(H)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)) is amended by striking "; or" at the end and inserting the following: ", or (c) who is coming temporarily to the United States to perform services as a registered nurse, who meets the qualifications described in section 212(m)(1), and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that an unexpired attestation is on file and in effect under section 212(m)(2) for the facility (as defined in section 212(m)(6)) for which the alien will perform the services; or".

(b) REQUIREMENTS.—Section 212(m) of the Immigration and Nationality Act (8 U.S.C. 1182(m)) is amended to read as follows:

"(m)(1) The qualifications referred to in section 101(a)(15)(H)(i)(c), with respect to an alien who is coming to the United States to perform nursing services for a facility, are that the alien—

"(A) has obtained a full and unrestricted license to practice professional nursing in the country where the alien obtained nursing education or has received nursing education in the United States;

"(B) has passed an appropriate examination (recognized in regulations promulgated in consultation with the Secretary of Health and Human Services) or has a full and unrestricted license under State law to practice professional nursing in the State of intended employment; and

"(C) is fully qualified and eligible under the laws (including such temporary or interim licensing requirements which authorize the nurse to be employed) governing the place of intended employment to engage in the practice of professional nursing as a registered nurse immediately upon admission to the United States and is authorized under such laws to be employed by the facility.

"(2)(A) The attestation referred to in section 101(a)(15)(H)(i)(c), with respect to a facility for which an alien will perform services, is an attestation as to the following:

"(i) The facility meets all the requirements of paragraph (6).

"(ii) The employment of the alien will not adversely affect the wages and working conditions of registered nurses similarly employed.

"(iii) The alien employed by the facility will be paid the wage rate for registered nurses similarly employed by the facility.

"(iv) The facility has taken and is taking timely and significant steps designed to recruit and retain sufficient registered nurses who are United States citizens or immigrants who are authorized to perform nursing services, in order to remove as quickly as reasonably possible the dependence of the facility on nonimmigrant registered nurses.

"(v) There is not a strike or lockout in the course of a labor dispute, the facility has not laid off registered nurses within the previous year other than terminations for cause, and the employment of such an alien is not intended or designed to influence an election for a bargaining representative for registered nurses of the facility.

"(vi) At the time of the filing of the petition for registered nurses under section 101(a)(15)(H)(i)(c), notice of the filing has been provided by the facility to the bargaining representative of the registered nurses at the facility or, where there is no such bargaining representative, notice of the filing has been provided to registered nurses employed at the facility through posting in conspicuous locations.

"(vii) The facility will not, at any time, employ a number of aliens issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(c) that exceeds 33 percent of the total number of registered nurses employed by the facility.

"(viii) The facility will not, with respect to any alien issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(c)—

"(I) authorize the alien to perform nursing services at any worksite other than a worksite controlled by the facility; or

"(II) transfer the place of employment of the alien from one worksite to another.

Nothing in clause (iv) shall be construed as requiring a facility to have taken significant steps described in such clause before the date of the enactment of the Health Professional Shortage Area Nursing Relief Act of 1998. A copy of the attestation shall be provided, within 30 days of the date of filing, to registered nurses employed at the facility on the date of filing.

"(B) For purposes of subparagraph (A)(iv), each of the following shall be considered a significant step reasonably designed to recruit and retain registered nurses:

"(i) Operating a training program for registered nurses at the facility or financing (or providing participation in) a training program for registered nurses elsewhere.

"(ii) Providing career development programs and other methods of facilitating health care workers to become registered nurses.

"(iii) Paying registered nurses wages at a rate higher than currently being paid to registered nurses similarly employed in the geographic area.

"(iv) Providing adequate support services to free registered nurses from administrative and other non-nursing duties.

"(v) Providing reasonable opportunities for meaningful salary advancement by registered nurses.

The steps described in this subparagraph shall not be considered to be an exclusive list of the significant steps that may be taken to meet the conditions of subparagraph (A)(iv). Nothing in this subparagraph shall require a facility to take more than one step if the facility can demonstrate, and the Attorney General determines, that taking a second step is not reasonable.

"(C) Subject to subparagraph (E), an attestation under subparagraph (A)—

"(i) shall expire on the date that is the later of—

"(I) the end of the one-year period beginning on the date of its filing with the Secretary of Labor; or

"(II) the end of the period of admission under section 101(a)(15)(H)(i)(c) of the last alien with respect to whose admission it was applied (in accordance with clause (ii)); and

"(ii) shall apply to petitions filed during the one-year period beginning on the date of its filing with the Secretary of Labor if the facility states in each such petition that it continues to comply with the conditions in the attestation.

"(D) A facility may meet the requirements under this paragraph with respect to more than one registered nurse in a single petition.

"(E)(i) The Secretary of Labor shall compile and make available for public examination in a timely manner in Washington, D.C., a list identifying facilities which have filed petitions for nonimmigrants under section 101(a)(15)(H)(i)(c) and, for each such facility, a copy of the facility's attestation under subparagraph (A) (and accompanying documentation) and each such petition filed by the facility.

"(ii) The Secretary of Labor shall establish a process, including reasonable time limits, for the receipt, investigation, and disposition of complaints respecting a facility's failure to meet conditions attested to or a facility's misrepresentation of a material fact in an attestation. Complaints may be filed by any aggrieved person or organization (including bargaining representatives, associations deemed appropriate by the Secretary, and other aggrieved parties as determined under regulations of the Secretary). The Secretary shall conduct an investigation under this clause if there is reasonable cause to believe that a facility fails to meet conditions attested to. Subject to the time limits established under this clause, this subparagraph shall apply regardless of whether an attestation is expired or unexpired at the time a complaint is filed.

"(iii) Under such process, the Secretary shall provide, within 180 days after the date such a complaint is filed, for a determination as to whether or not a basis exists to make a finding described in clause (iv). If the Secretary determines that such a basis exists, the Secretary shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint within 60 days of the date of the determination.

"(iv) If the Secretary of Labor finds, after notice and opportunity for a hearing, that a facility (for which an attestation is made) has failed to meet a condition attested to or that there was a misrepresentation of material fact in the attestation, the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $1,000 per nurse per violation, with the total penalty not to exceed $10,000 per violation) as the Secretary determines to be appropriate. Upon receipt of such notice, the Attorney General shall not approve petitions filed with respect to a facility during a period of at least one year for nurses to be employed by the facility.

"(v) In addition to the sanctions provided for under clause (iv), if the Secretary of Labor finds, after notice and an opportunity for a hearing, that a facility has violated the condition attested to under subparagraph (A)(iii) (relating to payment of registered nurses at the prevailing wage rate), the Secretary shall order the facility to provide for payment of such amounts of back pay as may be required to comply with such condition.

"(F)(i) The Secretary of Labor shall impose on a facility filing an attestation under subparagraph (A) a filing fee, in an amount prescribed by the Secretary based on the costs of carrying out the Secretary's duties under this subsection, but not exceeding $250.

"(ii) Fees collected under this subparagraph shall be deposited in a fund established for this purpose in the Treasury of the United States.

"(iii) The collected fees in the fund shall be available to the Secretary of Labor, to the extent and in such amounts as may be provided in appropriations Acts, to cover the costs described in clause (i), in addition to any other funds that are available to the Secretary to cover such costs.

"(3) The period of admission of an alien under section 101(a)(15)(H)(i)(c) shall be 3 years.

"(4) The total number of nonimmigrant visas issued pursuant to petitions granted under section 101(a)(15)(H)(i)(c) in each fiscal year shall not exceed 500. The number of petitions granted under section 101(a)(15)(H)(i)(c) for each State in each fiscal year shall not exceed the following:

"(A) For States with populations of less than 10,000,000, based upon the 1990 decennial census of population, 25 petitions.

"(B) For States with populations of 10,000,000 or more, based upon the the 1990 decennial census of population, 50 petitions.

"(5) A facility that has filed a petition under section 101(a)(15)(H)(i)(c) to employ a nonimmigrant to perform nursing services for the facility—

"(A) shall provide the nonimmigrant a wage rate and working conditions commensurate with those of nurses similarly employed by the facility;

"(B) shall require the nonimmigrant to work hours commensurate with those of nurses similarly employed by the facility; and

"(C) shall not interfere with the right of the nonimmigrant to join or organize a union.

"(6) For purposes of this subsection and section 101(a)(15)(H)(i)(c), the term 'facility' means a subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B))) that meets the following requirements:

"(A) As of March 31, 1997, the hospital was located in a health professional shortage area (as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e)).

"(B) Based on its settled cost report filed under title XVIII of the Social Security Act for its cost reporting period beginning during fiscal year 1994—

"(i) the hospital has not less than 190 licensed acute care beds;

"(ii) the number of the hospital's inpatient days for such period which were made up of patients who (for such days) were entitled to benefits under part A of such title is not less than 35 percent of the total number of such hospital's acute care inpatient days for such period; and

"(iii) the number of the hospital's inpatient days for such period which were made up of patients who (for such days) were eligible for medical assistance under a State plan approved under title XIX of the Social Security Act, is not less than 28 percent of the total number of such hospital's acute care inpatient days for such period.".

(c) REPEALER.—Clause (i) of section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)) is amended by striking subclause (a).

(d) IMPLEMENTATION.—Not later than 90 days after the date of enactment of this Act, the Secretary of Labor (in consultation, to the extent required, with the Secretary of Health and Human Services) and the Attorney General shall promulgate final or interim final regulations to carry out section 212(m) of the Immigration and Nationality Act (as amended by subsection (b)).

(e) LIMITING APPLICATION OF NONIMMIGRANT CHANGES TO 4-YEAR PERIOD.—The amendments made by this section shall apply to classification petitions filed for nonimmigrant status only during the 4-year period beginning on the date that interim or final regulation are first promulgated under subsection (d).

SEC. 3. RECOMMENDATIONS FOR ALTERNATIVE REMEDY FOR NURSING SHORTAGE.

Not later than the last day of the 4-year period described in section 2(e), the Secretary of Health and Human Services and the Secretary of Labor shall jointly submit to the Congress recommendations (including legislative specifications) with respect to the following:

(1) A program to eliminate the dependence of facilities described in section 212(m)(6) of the Immigration and Nationality Act (as amended by section 2(b)) on nonimmigrant registered nurses by providing for a permanent solution to the shortage of registered nurses who are United States citizens or aliens lawfully admitted for permanent residence.

(2) A method of enforcing the requirements imposed on facilities under sections 101(a)(15)(H)(i)(c) and 212(m) of the Immigration and Nationality Act (as amended by section 2) that would be more effective than the process described in section 212(m)(2)(E) of such Act (as so amended).

SEC. 4. CERTIFICATION FOR CERTAIN ALIEN NURSES.

(a) IN GENERAL.—

(1) Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding after subsection (o) the following new subsection:

"(p) Subsection (a)(5)(C) shall not apply to an alien who seeks to enter the United States for the purpose of performing labor as a nurse who presents to the consular officer (or in the case of an adjustment of status, the Attorney General) a certified statement from the Commission on Graduates of Foreign Nursing Schools (or an equivalent independent credentialing organization approved for the certification of nurses under subsection (a)(5)(C) by the Attorney General in consultation with the Secretary of Health and Human Services) that—

"(1) the alien has a valid and unrestricted license as a nurse in a State where the alien intends to be employed and such State verifies that the foreign licenses of alien nurses are authentic and unencumbered;

"(2) the alien has passed the National Council Licensure Examination (NCLEX);

"(3) the alien is a graduate of a nursing program—

"(A) in which the language of instruction was English;

"(B) located in a country—

"(i) designated by such commission not later than 30 days after the date of the enactment of the Health Professional Shortage Area Nursing Relief Act of 1998, based on such commission's assessment that the quality of nursing education in that country, and the English language proficiency of those who complete such programs in that country, justify the country's designation; or

"(ii) designated on the basis of such an assessment by unanimous agreement of such commission and any equivalent credentialing organizations which have been approved under subsection (a)(5)(C) for the

certification of nurses under this subsection; and

"(C)(i) which was in operation on or before the date of the enactment of the Health Professional Shortage Area Nursing Relief Act of 1998; or

"(ii) has been approved by unanimous agreement of such commission and any equivalent credentialing organizations which have been approved under subsection (a)(5)(C) for the certification of nurses under this subsection.".

(2) Section 212(a)(5)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(C)) is amended by striking "Any alien who seeks" and inserting "Subject to subsection (p), any alien who seeks".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, without regard to whether or not final regulations to carry out such amendment have been promulgated by such date.

(c) ISSUANCE OF CERTIFIED STATEMENTS.—The Commission on Graduates of Foreign Nursing Schools, or any approved equivalent independent credentialing organization, shall issue certified statements pursuant to the amendment under subsection (a) not more than 35 days after the receipt of a complete application for such a statement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. HYDE. Mr. Speaker, I am very pleased to support H.R. 2759, legislation that is responsive to a crisis facing some large hospitals with high percentages of Medicare and Medicaid patients in health professional shortage areas. The viability of essential health care for large numbers of people is threatened when certain acute care facilities in medically underserved, impoverished communities cannot recruit sufficient numbers of registered nurses to meet their requirements.

H.R. 2759 provides such hospitals relief in compelling circumstances by facilitating the temporary administration of registered nurses in an H-1C nonimmigrant visa category, subject to a nationwide ceiling of 500 visas issued annually and limits of 50 or 25, depending on a State's population, on the numbers of nurses who can be approved each year for hospitals in any one State.

This narrowly focused program, which will sunset after a 4-year period, is designed to address urgent needs that cannot be met in any other way. St. Bernard's Hospital, located in the Englewood community in Chicago, brought its precarious situation to my attention. Because I knew the continued functioning of St. Bernard's Hospital would be so essential to the residents of the Englewood community, I decided to endorse an appropriately limited legislative remedy.

The bill that our colleague, the distinguished gentleman from Illinois (Mr. RUSH) introduced, clearly merited bipartisan Congressional support. It provided relief to particularly vulnerable hospitals and incorporated many safeguards designed to protect American jobs.

I commend the gentleman from Texas (Mr. SMITH), chairman of the Subcommittee on Immigration and Claims, and the gentleman from Michigan (Mr. CONYERS), ranking minority member of our full committee, for their important contributions to this carefully-crafted legislation. Of course I commend my colleague, the gentleman from Chicago, Illinois (Mr. RUSH), for his initiative. It is most helpful.

I certainly urge my colleagues to support this measure.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. RUSH).

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

Mr. Speaker, I rise today to encourage my colleagues to vote in favor of my bill, H.R. 2759, the Health Professional Shortage Area Nursing Relief Act. My reason for encouraging passage of this legislation is simple: to assist the underserved communities of this Nation by providing adequate health care for their residents.

Today there are some areas across this country which experience a scarcity of health professionals, even though numbers indicate that no nursing shortage currently exists nationally. Such an area exists in my district, the First District of Illinois.

The Englewood community, as was mentioned earlier, is a poor urban community with a high incidence of crime, and it is served primarily by St. Bernard's Hospital. This small community hospital's emergency room business averages approximately 31,000 per year. Fifty percent of their patients are Medicare recipients and 35 percent receive Medicaid. Also their charity care continues to grow and to soar.

The Immigration Nursing Act of 1989 created the H-1A visa program in order to allow foreign-educated nurses to work in the United States. The rationale for the H-1A program, as acknowledged by the AFL-CIO, the American Nurses Association and others, was to address spot shortage areas in health care.

St. Bernard's Hospital utilized the H-1A program to maintain an adequate staffing of nurses. The H-1A program was vital to St. Bernard's continued existence. Prior to this program, St. Bernard's hired temporary nurses. As a result, the hospital's nursing expenditures increased by approximately $2 million in an effort to provide health care to its patients in 1992. This additional cost brought St. Bernard's very, very close to closing its doors.

The H-1A visa program expired on September 30, 1997. Currently, Mr. Speaker, as you know, no program exists that would assist hospitals such as St. Bernard's in their effort to retain qualified nurses. My legislation merely seeks to close the gap created by the expiration of the H-1A program.

H.R. 2759 prescribes that any hospitals which seek to hire foreign nurses under these provisions must meet the following criteria: One, shall be located in a health professional shortage area; two, have at least 190 acute care beds; three, have a Medicare population of 35 percent; and, four, have a Medicaid population of at least 28 percent.

As one who has always fought for the American worker, I can assure you and all those who express concern that this proposal does not have a detrimental effect on American nurses. My legislation sets a cap on new visas that may be issued each year. The legislation also provides processing requirements that require employers to attest that the hiring of foreign nurses would not adversely affect the wages and working conditions of registered nurses. The Secretary of Labor will oversee this process and provide penalties for noncompliance.

Mr. Speaker, health care is indeed a basic human right. The hallmarks of civilized nations are health care, education and democracy. The state of health care is of grave concern in my district. Hospitals have closed, city health clinics are closing, and payments for Medicare and Medicaid have been cut back. This legislation, the legislation that we must pass today, is aimed at helping hospitals like St. Bernard's keep their doors open to the communities that they serve.

Mr. Speaker, I also want to commend the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), the ranking member, the gentleman from Michigan (Mr. CONYERS), the subcommittee chairman, the gentleman from Texas (Mr. SMITH), and the ranking member, the gentleman from North Carolina (Mr. WATT). Their patience, their indulgence, their concern, their commitment is outstanding, and I certainly appreciate it, and the residents and citizens of the First Congressional District thank you for all your consideration and all your input.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill, and I concur with the comments

made by the gentleman from Illinois (Chairman HYDE) and the gentlewoman from California (Ms. LOFGREN).

Mr. Speaker. Because of a shortage of nurses in the late 1980's, Congress passed the Immigration Nursing Relief Act of 1989. That Act created for five years the H–1A temporary visa program for registered nurses. When the program sunseted, the House of Representatives decided against extending it.

There does not appear to be a national nursing shortage today—so, there is no need to revise the H–1A program. However, a number of hospitals with unique circumstances are still experiencing great difficulty in attracting American nurses. Hospitals serving mostly poor patients in inner city neighborhoods have special difficulties. So do certain hospitals in rural areas.

H.R. 2759, the "Health Professional Shortage Area Nursing Relief Act of 1998", introduced by our colleague BOBBY RUSH, has been drafted very narrowly to help precisely these kinds of hospitals. It would create a new temporary registered nurse visa program designated "H–1C" that would provide up to 500 visas a year and that would sunset in four years.

To be able to petition for an alien, an employer would have to meet four conditions. First, the employer would have to be located in a health professional shortage area as designated by the Department of Health and Human Services. Second, the employer would have to have at least 190 acute care beds. Third, a certain percentage of the employer's patients would have to be Medicare patients. Fourth, a certain percentage of patients would have to be Medicaid patients.

The H–1C program created by this bill would adopt those protections for American nurses contained in the expired H–1A program. For instance, for a hospital to be eligible for H–1C nurses, it would have to agree to take timely and significant steps to recruit American nurses. In addition, H–1C nurses would have to be paid the prevailing wage. Additional protections have also been added. For instance, an amendment by JOHN CONYERS was adopted at the Judiciary Committee providing that H–1C nurses can not comprise more than 33% of a hospital's workforce of registered nurses and that a hospital can not contract out H–1C nurses to work at another facility.

Our goal should be that set out by the Immigration Nursing Relief Advisory Committee, created by the Immigration Nursing Relief Act of 1989. We need to "balance both the continuing need for foreign nurses in certain specialties and localities for which their are not adequate domestic registered nurses and the need to continue to lessen employers' dependence on foreign registered nurses and protect the wages and working conditions of U.S. registered nurses."

I believe this bill successfully balances both these needs. Because it is so narrowly drafted, it is not opposed by the American Nurses Association.

The bill contains one modification from the version reported by the Judiciary Committee. The bill now provides a limited exemption from section 212(a)(5)(C) of the Immigration and Nationality Act. That section provides for a certification process for aliens seeking to enter the United States to work as non-physician health care workers. The section is designed to ensure that the credentials of alien health care workers are authentic and that they have sufficient training and English language ability to adequately perform their jobs.

The bill provides that section 212(a)(5)(C) shall not apply to an alien seeking to work as a nurse where the Commission on Graduates of Foreign Nursing Schools or another credentialing organization certifies that the alien (1) has a valid and unrestricted license in the state of intended employment and such state verifies the alien's license as authentic and unencumbered, (2) the alien has passed the National Council Licensure Examination, and (3) the alien is the graduate of a nursing program in which the language of instruction was English and it is determined that the quality of nursing education in that country, and the English language proficiency of those who complete the program, is of sufficient quality.

Nurses who meet all these requirements clearly are of the standard that section 212(a)(5)(C) is trying to ensure. Therefore, it is not necessary that the section apply to such nurses.

I urge my colleagues to support this bill.

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

Mr. Speaker, when the Subcommittee on Immigration addressed this issue, reservations were expressed by some. But I think the bill that is before us today reflects hard work, certainly by the chairman of our committee, and by the author of the bill, the gentleman from Illinois (Mr. RUSH) to narrow this measure to a point where it could be here today to be considered on the Suspension Calendar.

We know that there is actually not a shortage of nurses in America today. However, there have been spot shortages in hospitals such as the gentleman from Illinois (Mr. RUSH) and the chairman described. I am mindful that these hospitals could make use of the H–1B program to fulfill this need. However, that is not available at this pressing moment. I am mindful as well that the measure has been tailored and limited in such a way that it will meet the need addressed by the gentleman from Illinois (Chairman HYDE) and the author, the gentleman from Illinois (Mr. RUSH), but will not impact the Nation to the point where the American Nurses Association has communicated to the committee that they do not oppose the bill and remain neutral on the bill, which I think speaks volumes about the great effort undertaken by the gentleman from Illinois (Chairman HYDE) and the gentleman from Illinois (Mr. RUSH), as well as the committee.

So I certainly intend to vote for the bill, with some reservations, I guess, because I would have hoped we could have already resolved the broader issue, but we have not. I do understand the pressing health care needs, and, therefore, I will support this measure and urge my colleagues to do so.

Mr. CONYERS. Mr. Speaker, the Nursing Relief Act addresses the pressing need for nurses at low-income, inner-city hospitals and moves firmly in the direction of developing a new, more permanent solution to this problem that will utilize nurses from the American workforce instead of continuing to rely on foreign labor.

The Nursing Relief Act would allow up to 500 fully qualified foreign nurses to enter the United States each fiscal year to work for three-year periods. This, however, would not be an ongoing program. The act would sunset in four years.

H.R. 2759 also provides that the Attorney General determine whether hospitals are taking reasonable steps to recruit and retain nurses from within the American worforce. In addition, the Department of Labor and the Department of Health and Human Services would be required to conduct a study to establish ways for these hospitals to fulfill their staffing needs from within the American workforce. More specific information about the bill may be found in a summary attached to this statement.

The bill also includes a provision that would create an abbreviated certification process for nurses who meet specific qualifications standards. Without certification, nurses are denied admission to the United States as uncertified foreign health-care workers under section 212(a)(5)(C) of the Immigration and Nationality Act.

I urge the Members to join me in voting for this balanced, common sense bill.

HEALTH PROFESSIONAL SHORTAGE AREA NURSING RELIEF ACT OF 1998, H.R. 2759.

BILL SUMMARY

1. Purpose. To create a new nonimmigrant visa for qualified foreign nurses who are coming to the United States to work at a hospital in a health professional shortage area.

2. Eligibility requirements.

a. Must be coming temporarily to perform services as a registered nurse.

b. Must have either a U.S. nursing education or a license to practice professional nursing in the foreign country where the nurse obtained his or her nursing education.

c. Must have passed an appropriate examination or have a license to practice in the State of intended employment.

d. Must be qualified to practice nursing in the State of intended employment immediately upon admission to the U.S..

3. Hospitals seeking to employ such nurses must file an attestation which includes the following assurances:

a. 1. As of March 31, 1997, it was located in a health professional shortage area.

2. It has at least 190 acute care beds.

3. The number of inpatient days for its Social Security Act report period beginning during fiscal year 1994 was made up of patients not less than 35% of whom were entitled to SSA benefits under part A of the Act.

4. The number of inpatient days for such period was made up of patients not less than 28% of whom were eligible for medical assistance under a State plan approved by SSA.

b. The employment of the alien will not adversely affect the wages or working conditions of registered nurses similarly employed by the hospital.

c. The alien will be paid the wage rate for registered nurses similarly employed by the hospital.

d. The hospital has taken and is taking timely and significant steps to recruit and retain sufficient nurses from the American work force.

e. There is not a strike or lockout in the course of a labor dispute, nurses have not been laid off within the previous year, and the employment of aliens is not intended or designed to influence an election for a bargaining representative for the American nurses at the hospital.

f. The hospital will not use foreign nurses for more than 33% of its nursing staff.

4. The following are considered significant steps reasonably designed to recruit and retain registered nurses:

a. Operating a training program for nurses at the hospital or financing or participating in a training program for nurses elsewhere.

b. Providing career development programs to make it easier for health care workers to become nurses.

c. Paying nurses wages at a rate higher than currently being paid for nurses similarly employed in the geographic area.

d. Providing adequate support services to free nurses from non-nursing duties.

e. Providing reasonable opportunities for salary advancement by nurses.

The hospital only has to take one of these steps if it can establish that taking a second step is not reasonable.

5. Failure to meet the conditions of an attestation or misrepresentation of a material fact in an attestation.

a. If the Secretary of Labor determines that it is warranted, a hearing will be scheduled.

b. Fines of up to $1,000 per nurse per violation may be imposed, but the total penalty cannot exceed $10,000 per violation. Also, the Attorney General will not approve nurse petitions filed by the hospital for at least one year.

c. When wage rate violations occur, a hospital may be ordered to provide back pay.

6. An attestation filing fee of up to $250 may be imposed. These fees may be made available by an appropriations bill to cover the costs of this program.

7. The admission period for these nurses shall be 3 years.

8. Limited number of visas.

a. The total number of visas issued under this Act shall not exceed 500 in any fiscal year.

b. States with populations of less than 10,000,000, are limited to 25 petitions.

c. States with populations of 10,000,000 or more, are limited to 50 petitions.

9. Additional requirements for the hospitals.

a. Must provide foreign nurses with a wage rate and working conditions commensurate with those of nurses similarly employed by the hospital.

b. Must require the foreign nurses to work hours commensurate with those of nurses similarly employed by the hospital.

c. Must not interfere with the right of the foreign nurses to join or organize a union.

10. Implementing regulations must be promulgated not later than 90 days after the date of enactment of this Act.

11. Act sunsets in 4 years.

12. Alternative remedy for nursing shortage.

Secretary of Health and Human Services and Secretary of Labor shall jointly recommend to Congress (1) a program to eliminate the dependence of hospitals on foreign nurses by providing for a permanent solution to the shortage of nurses from the American work force, and (2) a more effective method of enforcing the requirements imposed on hospitals participating in these programs.

13. Certification for certain alien nurses.

a. The existing INA exclusion ground for uncertified health care workers will not apply to foreign nurses who are certified under this new provision.

b. The Commission on Graduates of Foreign Nursing Schools ("CGFNS") has certified that a nurse admitted to the United States under this program has met the following requirements:

1. Nurse has a valid and unrestricted license in the State of intended employment and such State verified that he or she has a foreign license which is authentic and unencumbered.

2. Nurse has passed the National Council Licensure Examination (NCLEX).

3. Nurse is a graduate of a nursing program in which (i) the language of instruction was English; and (ii) the program was located in a country designated unanimously by CGFNS and any other authorized credentialing organizations based on a determination that the quality of nursing education in that country, and the English language proficiency of those who complete such programs in that country, justify the country's designation.

4. CGFNS will make the initial designations during the 30-day period following passage of the Act.

c. These provisions will take effect on the date of the enactment of the Act without regard to whether or not final regulations have been promulgated to carry them out.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to express support for H.R. 2759, the Health Professional Shortage Area Nursing Relief Act, introduced by my colleague the Honorable BOBBY RUSH. H.R. 2759 provides opportunities for institutions in medical manpower shortage areas to hire foreign trained nurses who have been granted special waivers to enter the country and work.

Initially, I had some concerns about this bill due to reservations expressed by some nursing groups, especially the Chicago Chapter of the Black Nurses Association. However, after reading the bill and having discussions with Congressman RUSH, I am convinced that there is little room for negative impact on opportunities for U.S. trained nurses who are available and ready to work in these special situations. This bill is well crafted, it has built in protections and should go a long way towards meeting concrete needs. Therefore, I commend the gentleman from Illinois, Mr. RUSH, for entertaining a specific problem and finding a solution which will benefit one of our great community hospitals, St. Bernards in Chicago and other institutions experiencing similar problems throughout the Nation. I am pleased to support this well crafted legislation and congratulate Congressman RUSH on his creativity and ingenuity.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2759, as amended.

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

A motion to reconsider was laid on the table.

CORRECTION OFFICERS HEALTH AND SAFETY ACT OF 1998

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2070) to amend title 18, United States Code, to provide for the mandatory testing for serious transmissible diseases of incarcerated persons whose bodily fluids come into contact with corrections personnel and notice to those personnel of the results of the tests, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2070

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 "Correction Officers Health and Safety Act of 1998".

SEC. 2. TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS.

(a) IN GENERAL.—Chapter 301 of title 18, United States Code, is amended by adding at the end the following:

"§4014. Testing for human immunodeficiency virus

"(a) The Attorney General shall cause each individual convicted of a Federal offense who is sentenced to incarceration for a period of 6 months or more to be tested for the presence of the human immunodeficiency virus not earlier than 3 nor later than 4 months after the commencement of that incarceration.

"(b) If the Attorney General has a well founded reason to believe that a person sentenced to a term of imprisonment for a Federal offense, or ordered detained before trial under section 3142(e), may have intentionally or unintentionally transmitted the human immunodeficiency virus to any officer or employee of the United States, or to any person lawfully present in a correctional facility who is not incarcerated there, the Attorney General shall, upon the request of the affected officer, employee, or other person, cause the person who may have transmitted the virus to be promptly tested for the presence of such virus and communicate the test results as soon as practicable to the person requesting that the test be performed and to the person tested, if person tested so requests.

"(c) If the results of the test indicate the presence of the virus, the Attorney General shall provide appropriate access for counselling, health care, and support services to the affected officer, employee, or other person, and the person tested.

"(d) The results of a test under this section are inadmissible against the person tested in any Federal or State civil or criminal case or proceeding.

"(e) Not later than one year after the date of enactment of this section, the Attorney General shall make rules to implement this section. Such rules shall require that the results of any test are communicated only to a person requesting the test, to the person tested, and, if the results of the test indicate the presence of the virus, to the chief administrative officer of the correctional facility in which the person tested is imprisoned or detained. Such rules shall also provide for procedures designed to protect the privacy of a person requesting that the test be performed and the privacy of the person tested.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 301 of title 18,

United States Code, is amended by adding at the end the following new item:

"4014. Testing for human immunodeficiency virus.".

(c) GUIDELINES FOR STATES.—Not later than one year after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services, shall provide to the several States proposed guidelines for the prevention, detection, and treatment of incarcerated persons and correctional employees who have, or may be exposed to, infectious diseases in correctional institutions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 2070, introduced by the gentleman from New York (Mr. SOLOMON), is designed to give an added measure of protection to those Federal employees who work with or near prison inmates. This bill requires the testing of all inmates in the Federal prison system for the HIV virus upon their arrival in the system. It also requires the testing of any inmate in the Federal prison system when there is reason to believe that an inmate or a person ordered detained pending trial may have intentionally or unintentionally transmitted the HIV virus to any government employee or to any person lawfully present in a Federal correctional facility.

The bill allows Federal employees, should they be involved in the type of incident with an inmate or detained person in which the HIV virus could have been transmitted, to request that the inmate or detained person be tested for the virus. The bill then requires the government to test the person and report the test results to the employee requesting the test, the person tested and the warden of the facility in which the person is incarcerated or detained.

The need for this legislation is simple: Drugs have now been developed which can prevent the transmission of the HIV virus after exposure to someone who carries the virus. The drugs are effective in preventing transmission approximately 80 percent of the time. However, the drugs must be administered within 2 to 24 hours after exposure, and have extremely unpleasant side effects.

□ 1630

If a Bureau of Prisons or Marshalls Service employee were to come in contact with the blood of an inmate, knowing the HIV status of the inmate will enable the employee and his or her doctor to make a more informed decision as to whether to undergo this course of treatment. Unfortunately, some inmates refuse to be tested when Bureau of Prison officials request. This bill will require that they be tested.

Finally, the bill requires the Attorney General to develop model guidelines for States to follow to prevent, detect, and treat all types of infectious diseases that are commonly found in prison populations.

There seems to be general agreement that the Bureau of Prisons and the Public Health Service officers who work for the Bureau do an outstanding job of controlling infectious diseases in our Federal prisons. Professional associations representing State corrections and law enforcement officers have requested the committee to encourage the Bureau of Prisons to share those practices with the States. This provision requires the Attorney General to compile those practices in the form of voluntary guidelines that States could follow in their own correctional facilities.

I am pleased to state that the bill is supported by the American Federation of State, County, and Municipal Employees, the Federal Law Enforcement Officers Association, the Corrections and Criminal Justice Coalition, and the Fraternal Order of Police.

Mr. Speaker, the job of a law enforcement officer or corrections officer is a dangerous one. We owe it to these citizens to make the government take whatever steps it can to minimize the risks they encounter on the job. This bill will help identify the risk of HIV infection to those who serve in these jobs so that appropriate precautions can be taken to prevent its transmission.

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

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

Mr. Speaker, I support this legislation, which gives the Attorney General the authority to test prison inmates for the human immunodeficiency virus in the event that there is reason to believe that an individual has come into contact with the bodily fluids of an inmate, thus preventing potential exposure to the virus.

This bill was introduced out of concern for the health and safety of Federal corrections officers who may be exposed to HIV. There is treatment available designed to prevent transmission of HIV after exposure, but as the chairman has pointed out, this treatment must be administered within 2 to 24 hours of exposure. This legislation is designed to provide for testing of inmates who may have transmitted the disease to persons working in or visiting Federal correctional facilities.

H.R. 2070 provides that if an inmate in a Federal correctional facility may have transmitted HIV to a correctional officer or visitor, the Attorney General should test that inmate for HIV on the request of the person who may have been exposed to the virus. The Attorney General is required to communicate the results of the test to the person who requested it and to the inmate, if he or she would like to know the results.

Moreover, if the person or inmate tests positive for HIV, the Attorney General must provide referrals for counseling, health care, and support services for both the inmate and the exposed person. H.R. 2070 also includes provisions for protecting the privacy of affected individuals.

This bill requires the Attorney General to make rules within 1 year of enactment of this legislation requiring that the test results are communicated only to the person requesting the test and to the inmate. The bill also prohibits the use of information obtained through these testing procedures to be used against an inmate in any civil or criminal proceeding.

Finally, the bill tells the Attorney General to notify the States of the regulations promulgated under H.R. 2070, and to make those guidelines available to the States.

Because this bill strikes a balance between the need of those potentially exposed to the HIV virus to know the extent of their exposure and then to be able to seek timely treatment and, hopefully, prevention of full-blown disease, as well as balancing the privacy needs of those to be tested, I support this legislation. It was approved by voice vote of the Committee on the Judiciary. All of the amendments suggested by the minority were incorporated and included in the draft.

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

Mr. HYDE. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New York (Mr. GERALD SOLOMON), the distinguished author of this fine legislation.

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

I certainly thank the gentleman from Illinois (Mr. HYDE) as well as the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime, and the gentlewoman from California (Ms. LOFGREN). I am not going to bother repeating the details of the bill. Both the gentleman from Illinois (Mr. HYDE) and the gentlewoman from California (Ms. LOFGREN) have done that. I just want to thank the subcommittee and committee for acting on this legislation.

It is a shame we need this kind of legislation, but in many of the State correctional facilities and the Federal correctional facilities across this Nation, it seems to be an in thing now

where some inmates are taking urine and throwing it in the faces of corrections officers.

First of all, it is not only demeaning, but in a number of cases it has turned out where many of them have been infected with the HIV virus. Of course, what this does, it means that now the correctional officers will be notified immediately after a test has been made on the inmates. It certainly is no reflection on the privacy of an inmate, because the only people that would be notified would be the correctional officer, the inmate, and of course, the warden of the affected correctional facility. I thank the gentleman very much for getting this vital piece of legislation moved.

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

Mr. Speaker, I would reiterate that all of the concerns expressed by the minority in terms of respecting privacy rights, use of information, and the like have been incorporated. I think it is because of that that the broad bipartisan support of this bill has come to fruition in this day on the Suspension Calendar.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this bill is a fair attempt to protect our correctional officers.

By requiring prisoners in Federal penitentiaries to be tested for the HIV virus three or four months after they are incarcerated, this measure strives to protect corrections officers from the risk of HIV infection.

The bill also allows any corrections officer who comes in contact with the bodily fluid of an inmate to request an additional HIV test on that inmate.

It seems that this legislation treats the inmates as fairly as the system would allow. Privacy is retained because test results are only given to the person requesting the test. If requested, the inmate can receive this results, too. Furthermore, the measure requires that guidelines must be developed to protect the privacy of the person requesting the test and the person tested.

It is important that we protect the rights and privacy of those living with HIV. In my home State of Texas, over 16,000 people are HIV positive. I have consistently fought against discriminating against people with HIV.

Prisoners with HIV deserve the right to their privacy because they could be subject to violence from other prisoners if their HIV status were exposed. Moreover, corrections officers might be hesitant to protect inmates with HIV during violent confrontations.

I also hope that we do not extend this testing too far. Some advocates of this bill contemplated broadening the bill's scope of power. For instance, some would apply this measure to pre-trial detainees or people who had merely been arrested. I believe that expanding the scope of this measure in such a manner would have far-reaching, detrimental impacts on the right to privacy, and I do not believe that a health risk, even one as great as HIV, warrants such intrusive measures.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 2070, as amended.

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

The title of the bill was amended so as to read:

A bill to amend title 18, United States Code, to provide for the testing of certain persons who are incarcerated or ordered detained before trial, for the presence of the human immunodeficiency virus, and for other purposes.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:15 p.m.

Accordingly (at 4 o'clock and 36 minutes p.m.), the House stood in recess until approximately 5:15 p.m.

□ 1720

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MORELLA) at 5 o'clock and 20 minutes p.m.

REPORT ON H.R. 4380, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1999

Mr. TAYLOR of North Carolina, from the Committee on Appropriations, submitted a privileged report (Report No. 105–670), on the bill (H.R. 4380), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XXI, all points of order are reserved.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 469.

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

There was no objection.

PROVIDING FOR ADDITIONAL DEBATE ON SHAYS AMENDMENT TO H.R. 2183, BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

Mr. THOMAS. Madam Speaker, I ask unanimous consent that during the further consideration of the bill, H.R. 2183, in the Committee of the Whole, pursuant to House Resolution 442 and the order of the House of July 17, 1998, that the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts, (Mr. MEEHAN) be debatable for not to exceed 40 minutes to be equally divided and the time controlled by the gentleman from Connecticut (Mr. SHAYS) and myself.

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

There was no objection.

REPORT ON STEPS TAKEN TO END ARAB LEAGUE BOYCOTT OF ISRAEL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–295)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, without objection, referred to the Committee on Appropriations and the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

In accordance with the request contained in section 540 of Public Law 105–118, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998, I submit to you the attached report providing information on steps taken by the United States Government to bring about an end to the Arab league boycott of Israel and to expand the process of normalizing ties between Israel and the Arab league countries.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 30, 1998.*

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 442 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. 2183.

□ 1724

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. 2183) to amend the Federal Election

Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, July 31, 1998, the amendment offered by the gentleman from Pennsylvania (Mr. ENGLISH) to amendment No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) had been disposed of.

Pursuant to the order of the House of Friday, July 17, 1998, no other amendment to amendment No. 13 is in order.

Pursuant to the order of the House of today, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from California (Mr. THOMAS) each control an additional 20 minutes of debate on the amendment of the gentleman from Connecticut.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Madam Chairman, I ask unanimous consent to yield 10 minutes to the gentleman from Massachusetts (Mr. MEEHAN) so that he would be allowed to control 10 minutes of time.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Madam Chairman, I yield myself 30 seconds to say to the Members of this Chamber and to all my colleagues that this is truly an historic opportunity to restore integrity to the political process and vote for the Meehan-Shays substitute, which will ban soft money, the unlimited sums, from individuals, corporations, labor unions, and other interest groups, recognize sham issue ads for truly what they are, campaign ads, improve FEC disclosure and enforcement and establish a commission to further study reforms to our campaign system.

Madam Chairman, I reserve the balance of my time.

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

I am pleased to say that the House, in an orderly fashion, has discussed a number of issues surrounding campaign reform and that we reach a point tonight in which a major decision will be made by the House, and we reach this point almost entirely with an open rule and mutually agreed upon unanimous consent, which indicates that even on an issue as difficult as this, if reasonable people of goodwill will sit down and resolve the issues that separate them, the House can in fact move forward.

This particular substitute, the Shays-Meehan bill, has gone through a number of permutations over the years. At one time, Political Action Committees were seen to be the primary enemy of the Republic, and the current version views the fundamental erosion of the American experiences tied to what is often called soft money.

Sometimes the terms that are used in political debate, although we have all grown accustomed to them, are sometimes confusing to people who do not make this their life's work.

The idea of hard money is simply money raised under the Federal Election Act associated directly with elections, would be hard money. Other money would be so-called soft money. What this bill attempts to do is to quote, unquote ban soft money from Federal elections.

One of the difficulties in attempting to do something like this is that we had better have a definition and a ban that works for all evenly and equally, and I think one of the fundamental flaws in the Shays-Meehan bill is that it simply does not do that. Although it purports to ban soft money, it bans soft money only in regard, for example, to political parties.

Political parties are unique institutions in the American political experience. They are the only institutions that program public policy, work for getting particular candidates elected, and what makes them unique is they nominate those individuals for political office.

There are a number of other groups who carry on similar activities but not in total. For example, labor unions are very interested in legislation and they attempt to influence the outcome of it. They program public policy in terms of what ought to be the appropriate presentations and they spend money to try to get candidates elected but they do not nominate candidates. That makes unions different than political parties.

□ 1730

But ever since the 1970s, political parties have been treated as though they are super political action committees or they are the only ones involved in the political process and that by controlling political parties, you can control the political process.

Nothing could be further from the truth. In fact, if you examine Shays-Meehan on the question of, quote-unquote, soft money and its control of soft money by political parties and how it deals with soft money vis-a-vis labor unions, you will see exactly the point that I am making. Although soft money is banned for political parties in registration and get out the vote, soft money is not banned for labor unions in voter registration and getting out the vote. It is interesting that where this legislation prohibits the party from spending money, it in fact allows labor unions to spend money, the same defined money in the same activities in which political parties are prohibited.

It just seems to me that if you are going to make an evenhanded, honest attempt to control what seems to be one of the primary evils in the system today, quote-unquote, according to this legislation, soft money, that you should create a structure which handles soft money in all its permutations, from whatever institution is utilizing it, so that you do not tilt the playing field in one direction or the other.

One of the fundamental flaws of the Shays-Meehan bill is that it in fact inhibits and prohibits political parties who want to influence candidates and legislation from using soft money but it in no way inhibits labor unions from influencing legislation and candidates with that same soft money. We will be looking at other areas, I believe, that are fundamental flaws as well as we move through this debate.

Madam Chairman, I reserve the balance of my time.

Mr. MEEHAN. Madam Chairman, I yield 1½ minutes to the distinguished gentleman from Michigan (Mr. LEVIN) who has played such a critical role particularly over the last year and a half in making sure that we got to this point in time.

Mr. LEVIN. Madam Chairman, this vote is a test of this institution, but even more it is a test of ourselves. We have heard it said the public does not care, but that misreads what the public is really saying in oft-quoted surveys, that they believe those in power do not care how the public feels or what they want done, reform of a system where money too often counts more than the public's vote or voice.

The opposition has invoked in this debate first amendment free speech protections, though on other occasions they have not hesitated to vote for proposals to amend that vital part of the Constitution. Shays-Meehan does not hinder free speech; indeed, it protects the voices of regular citizens by controlling large sums of unregulated, undisclosed money now drowning out their voices.

We in the political maelstrom know better than anyone else that the status quo in financing campaigns is not working. Money, once said the mother's milk of politics, is increasingly becoming its poison. Shays-Meehan is a serious effort to stem and to begin to reverse this flow. It requires our support.

Mr. SHAYS. Madam Chairman, I yield 2 minutes to the gentleman from California (Mr. CAMPBELL), the professor from Stanford, really one of the most important leaders in this effort for campaign finance reform.

Mr. CAMPBELL. Madam Chairman, I appreciate the gentleman's kind words. This is a constitutional and appropriate piece of legislation. Shays-Meehan bans soft money, recognizes the phony issue ads for what they are, strengthens disclosure, and then creates a commission to study all of the remaining issues, and there are many that are left in this campaign finance problem. But I have been called upon today by my good friend and colleague to speak a word or two about the Constitution.

It is important for every Member of this body to make her or his own judgment as to constitutionality. But it is also important to bear in mind that this bill enhances the first amendment freedom of speech. It does not restrict it. And here is why. What it does is to allow the disclosure, so that we know who is speaking, so that that opportunity is not the opportunity to dissemble. It does nothing to restrict the content of what one wishes to say. But if one wishes to campaign and say things about a candidate 60 days before the election using that candidate's name, Shays-Meehan says, "Own up and tell us who you are." That, I suggest, enhances first amendment freedoms.

The Supreme Court has frequently ruled on the question of what the first amendment means in this context as in others. What it has said is that speech may be regulated where the overwhelming purpose is to enhance the communicative purpose. Here that is exactly what Shays-Meehan does. Under the Federal Election Commission law, people are allowed to spend only $1,000 to a candidate, but they have no limit on how much they give to a political party, and that political party then comes around and works its way to help exactly the same as the candidate. And so it says, "Speak, enhance the freedom of speech by disclosure and honesty."

Madam Chairman, the most important point in this debate is that we honor our commitment to uphold and defend the Constitution. This bill does that. I urge my colleagues to exercise their judgment, but not to vote "no" because of the concern for the Constitution. The bill is constitutional. I urge its support.

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

Did the gentleman mean to say that under the Federal Election Act, individuals have no limit whatsoever on the amount they can give to political parties?

Mr. CAMPBELL. Madam Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from California.

Mr. CAMPBELL. No, there is still the aggregate overall limit.

Mr. THOMAS. The gentleman did say there was no limit, and I knew he did not intend to convey that there is no limit under the law.

Mr. CAMPBELL. Indeed, if the gentleman will yield further, the limit is $25,000; $1,000, however, is the limit for how much you can give to a candidate.

Mr. THOMAS. That is correct. There are clear limits in the law on what individuals can give to political parties.

Madam Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. HUTCHINSON) who has made enormous contributions to the House's ability to weigh options in the area of campaign finance reform, one of the principal authors of the underlying bill which Shays-Meehan hopes to substitute for and we hope it does not, the major sponsor of the freshman coalition bill.

Mr. HUTCHINSON. Madam Chairman, I thank the gentleman from California for yielding me this time and for his extraordinary leadership in structuring this very open debate on campaign finance reform.

The battle for reform has been a very long journey. Many people in this body have been fighting this battle certainly longer than I have. I congratulate the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) for their leadership and for the way they have fought the battle for their idea on reform and for their legislation that we will vote on today.

Now, they know that I have a different viewpoint. I have a different philosophy when it comes to campaign finance reform. We both believe that we should ban soft money to the national political parties. But we have disagreements on how far you can push the Constitution. But despite that disagreement, I have opposed out of deference to them many of the amendments that have been offered so that they can have a fair vote on their bill as it comes up on the House floor today. But today as we vote on the Shays-Meehan proposal, this is not the end of that journey that we began so long ago, but this is simply another fork in the road. Today we vote on the Shays-Meehan substitute. Tomorrow we very likely will vote on another substitute proposal. There are about eight other substitutes that remain outstanding. The base bill, the freshman bill, the Hutchinson-Allen reform bill, probably will be voted on on Thursday or Friday of this week.

Today as we vote on the Shays-Meehan proposal, if it receives more than a majority, then it will continue on that journey. But we will have an opportunity later in this week to join with other reformers and to show that the freshman bill offers the best chance for reform, offers the best ideas for reform.

The gentleman from Michigan indicated that this is a test for this body, and I agree that it is. But within that test, we can have different ideas as to what is the best proposal for reform, what can do the most for our country. I submit that the freshman bill, the Hutchinson-Allen bill, is the best proposal. Many of the things we do together, both the Shays-Meehan proposal and the Hutchinson-Allen bill ban soft money to the national political parties. Both bills increase disclosure and information to the American public. But there are still some differences. I believe the differences boil down to three points.

First of all, the bills are different as to how they treat the Constitution. I respect the gentleman from California, the professor, who talked about how this will pass constitutional muster. Well, clearly the Supreme Court case of Buckley v. Valeo indicates that it will not. But it is the hope of some reformers that, well, they will change their mind, they will go a different direction. We believe the best chance for reform is not to challenge the Supreme Court but to pass a bill that is totally constitutional, and that is different with the freshman bill as to how we treat the Constitution.

Secondly, they are different as to how they treat individuals. They both increase information for individuals and ban soft money, but what our bill does that is different is that we empower individuals by increasing their contribution limit to the rate of inflation. Since the last limitation of $1,000 was passed in the mid 1970s, there has not been any change, and therefore that contribution limit has been eroded by inflation and we empower individuals. We treat individuals differently.

The third difference is to how we treat the States. We treat the States different because we believe the States are entitled to make some decisions on their own without Federal mandates as to what their State parties can and cannot do. We ban the greatest problems to the national political parties and the problems that we experienced in the last election by banning soft money to the national parties, and prohibiting Federal officeholders from raising soft money, certainly they cannot do it for the Federal parties but in our bill they cannot do it for the States parties, either. And so there are some clear differences.

I would urge my colleagues as we take this next step on the journey to remember that there are some options out there, that it is your responsibility to pass this test of the American people by not saying we are going to pass reform, by saying we are going to pass the best reform, constitutional reform, reform that meets the obligation that we have to the States, reform that empowers the individual. I believe the best opportunity for that will come on Thursday or Friday of this week.

I urge my colleagues to take this step, but to ask the question, what is the reform that we can do the best for the American people? I believe in this body there is a majority vote for reform. And so probably today we will have a majority vote for the Shays-Meehan bill, but I believe there will be another majority vote down the road and we can distinguish these two bills and set an example for the American people that they will have more confidence in this body.

I urge my colleagues to vote for the best reform, to take the next step of the journey with the freshman bill, the Hutchinson-Allen bill.

Mr. MEEHAN. Madam Chairman, I yield 2 minutes to the gentleman from

Michigan (Mr. BONIOR), the distinguished minority whip. Let me say there are a lot of people responsible for the historic vote that we are about to have, but there is no one more responsible, who has worked harder on the Shays-Meehan bill than the gentleman from Michigan.

Mr. BONIOR. Madam Chairman, I thank my friend for his kind remarks and congratulate him on his outstanding effort in leading this effort and the gentleman from Connecticut (Mr. SHAYS) as well.

Madam Chairman, months of delay and poison pills and death by amendment. The opponents of reform have done everything they can to kill off campaign finance reform and keep the spigot of special interest money flowing. But special interest money is precisely the problem. The American people are tired of campaigns that cost millions of dollars. They are sick of seeing their TV sets turned into battle zones. And they are disgusted by outsiders with big wallets drowning out local candidates, local issues and the voices of local voters. On election day, too many Americans are tuning out instead of turning out.

Today we have a chance to vote on a bill to clean up America's elections and restore the faith of the American people. The Meehan-Shays bill takes a sensible, fair, bipartisan approach. It will outlaw the overwhelming torrent of soft money. It will help put an end to the sudden anonymous special interest attack ads in the last days of a campaign. And most important, it will give our beleaguered electoral system back to the people it really belongs to, the voters.

□ 1745

So I urge my colleagues to support real campaign reform, restore the integrity of our system, vote to restore the faith of the American people.

Vote for the Meehan-Shays bill.

Mr. SHAYS. Madam Chairman, I yield 2 minutes to the gentlewoman from Washington (Mrs. SMITH), who has been a campaign reform person going way back to her State days as well and has been really in the forefront.

Mrs. LINDA SMITH of Washington. Madam Chairman, I think first we need to go back to what the bill does. The most important thing is it stops the process of soft money.

In all of this it is hard to remember what soft money is, but it is a process of giving nearly unlimited amounts of money to the party organizations that often fund unlimited amounts of really nasty ads towards the end of the campaign. But at the bottom of them they do not say paid for by a tobacco company or whoever really paid for them, so that we really do not know who bought that ad, who is affecting the election.

I think it is important for everyone to remember that is the base of this: cleaning up the system so we can know who is paying for influencing the elections, not money washed through that we cannot track.

The other thing that this does is it deals with sham ads. It says if someone is using the face and the name of someone, it is an advertisement. It is not just informing the electorate, but it is advertising, and it does not say we cannot do it, it just says we have to come under the law and report it: who they are, what they are spending.

The other thing this bill does is something we all want. It increases the disclosure. It simply says we need to tell timely who is paying for what, and we need to inform the folks so they know again who is paying for elections and make sure that everyone knows that on a timely basis.

Then another thing it does that I think is real important is it establishes a commission to go on, to come back and tell us and give us recommendations, but it does not just fall to a commission as an excuse for doing nothing. This place is pretty great at coming up with commissions because we do not have the backbone to do what we need to do. We all know the American people are sick of the campaign system that is washing money through, and they see it nightly on their TV sets.

And finally, but not exclusively, this bill takes care of a lot of the problems that a lot of the groups had about the freedom of speech on their voter guides, and it cleans that section up and lets them have their voter guides without super management.

Madam Chairman, with that I encourage this as a positive vote.

Mr. MEEHAN. Madam Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Chairman, I rise in very strong support of the Shays-Meehan bill because it is both bipartisan and comprehensive.

Madam Chairman, I rise in strong support of the Shays-Meehan substitute.

I support the Shays-Meehan amendment because it is bipartisan, comprehensive, and it reforms the abuse of so-called "soft-money." More than any other proposal, the Shays-Meehan amendment has taken into account the concerns of both Democrats and Republicans. It has struck an important balance and will ensure that reform will not unduly burden one party or another.

I support the Shays-Meehan amendment because it is comprehensive. It reform issue-advocacy campaigns by adopting tight definitions and reporting requirements. It attacks multi-million dollar independent expenditures by ensuring that they are truly independent. And it codifies the Supreme Court's decision in Beck versus N.C.W.A. to ensure that union dues are not misspent.

Perhaps most importantly, I support the Shays-Meehan amendment because it reforms soft money. Both political parties are to blame for soliciting soft money. In 1996, Democrats and Republicans raised over $262 million in unregulated soft money—well over 200 percent more than they raised in 1992.

Our current campaign finance laws welcome unregulated corporate and union contributions. In the last election cycle, Philip Morris Companies, Seagram & Sons, RJR Nabisco, and Atlantic Richfield each gave millions of dollars in unregulated soft money. Is there any wonder why we haven't passed a tobacco bill this year?

The financing of Congressional campaigns prevents the political, but more importantly it can prevent the legislative process. And the exploitation of these loopholes will only continue unless the Shays-Meehan solution is enacted.

I strongly urge my colleagues to join me in supporting this important bill and returning the power of democracy to the average individual voters and remove that power from the wealthy "special" interests.

Mr. MEEHAN. Madam Chairman, I yield such time as she may consume to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Chairman, I rise, too, in strong support of the Shays-Meehan substitute bill.

Madam Chairman, I rise today in strong support of the Shays-Meehan substitute and I ask unanimous consent to revise and extend my remarks.

Madam Chairman, I rise today to commend my colleagues Mr. MEEHAN and Mr. SHAYS and their staffs for their tireless work and tremendous efforts to clean up our beleaguered campaign finance system.

The Shays-Meehan coalition is truly impressive. It includes Democrats and Republicans, new Members and Hill veterans, liberals and conservatives, Members from around the country.

Just last week my Republican colleague Mr. PAXON, said that "disclosure is the key to real reform." I agree, and urge anyone who feels this way to vote for the Shays-Meehan proposal. This bill will effectively end the misuse of issue advertisements by requiring ads which clearly urge the support or defeat of a candidate in a federal election to be treated like other political ads.

The Shays-Meehan proposal also deals with the gripping problem of soft money, which is now the single biggest problem with our federal elections. Banning soft money would drastically reduce the role of special-interest money in elections.

Our debates have raged late into the night. This has been a marathon endurance test. But, in what has been the greatest example of bipartisan unity I have witnessed since I came to Congress, Members have closed ranks across party lines and killed 16 poison pill amendments that would have left campaign finance reform to languish unpassed yet again. We have an opportunity to do today what no one believed was possible just a few short months ago. Together, we can enact the first sweeping overhaul of our campaign finance system since Watergate.

Today we will decide whether to restore integrity to our campaign finance system, or ignore the corrupting influence of unlimited, unregulated money in federal elections.

The time for reform is now. The American people have spoken. And it is up to us, in this body—the People's House—to pass this bill and restore the public's trust in our political system.

Mr. SHAYS. Madam Chairman, I yield 30 seconds to the gentleman from Delaware (Mr. CASTLE), the former Governor.

Mr. CASTLE. Madam Chairman, I thank the gentleman for yielding this time to me, and I, too, rise in very strong support of the Shays-Meehan bill.

This is a bill which under the scrutiny of the light of day through debate has grown in its support and has grown in its value to American citizens. It does so much to change our election laws in a positive sense. It deals with the most significant problems of the campaign system: the explosion of soft money and sham issue ads. Passage of the Shays-Meehan bill will take away the power and influence of special interests and begin the process of returning the power of electing public officials back to the American people. It will stop interest groups from blanketing districts with unfair and anonymous advertising days before elections by redefining issue advocacy laws. We need to remember that we went through something like 586 amendments in this process, and indeed we now have one of the finest pieces of legislation which we can pass this year. I encourage everyone, all Republicans and all Democrats in a bipartisan way, to support the Shays-Meehan bill.

Mr. SHAYS. Madam Chairman, I yield 30 seconds to the gentleman from Pennsylvania (Mr. GREENWOOD), who speaks a little more slowly.

Mr. GREENWOOD. Madam Chairman, I thank the gentleman from Connecticut for yielding this time to me.

Throughout this debate the opponents of Shays-Meehan have tried to argue that our limitation on soft money is breaking new ground. It is not. I believe it was in 1912 that Congress decided to eliminate corporate and labor union money from going to congressional candidates because that is not government of the people and by the people and for the people. It was government by the special interests. We close that loophole that has allowed that special interest money to go right to the parties and thereby influence congressional elections at the local level.

This is a return of the power back to the communities and away from the special interests. Vote for Shays-Meehan.

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

Madam Chairman, I find it ironic that the gentleman mentioned that it was corporations and labor unions, and Shays-Meehan does nothing about labor unions and soft money. One would think at some point he would understand what he was referring to.

Madam Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. FAWELL), a member of the Committee on Education and the Workforce.

Mr. FAWELL. Madam Chairman, I rise in some reluctant opposition here because I believe that the section 501 codification of the Beck decision in this bill is a poison pill. It simply does not do what it does state that it does. It states that it predicates a violation of the Beck decision as only involving workers who work under a union security agreement who are not members of a labor union. Thus, it basically states that the notice that has to be given to all of the workers in a union shop are only those who are not members of the union. Well, that means about 99 percent of the workers are not going to get notification of their rights under the Supreme Court decision in Beck, which basically tells workers that they need not have to pay union dues which are noncollective bargaining in nature, which can include political contributions, but which encompasses much more.

Section 501 also states that the right to object only pertains to the use of political activities unrelated to collective bargaining which is defined to be expenditures in connection with Federal, State or local elections in connection with efforts to influence legislation unrelated to collective bargaining. But Beck covered all expenditures by unions not directly related to collective bargaining, not just to political activities.

In addition, the above definition is pregnant with the implication that political activities can be related to collective bargaining, something the Beck decision never inferred.

This is not a codification, it is an evisceration, it is an obliteration of the Beck decision and makes a mockery of that U.S. Supreme Court decision. Workers, unions and non-union alike, who work under a Union Security Agreement are obligated to pay their union dues under threat of the loss of their job. For that very reason the Beck court gave these workers, union and non-union workers alike, the clear right to be apprised of the right not to pay any portion of union dues not directly required by collective bargaining. It was by no means limited to only "political contributions". The decision also implies that workers also have a reasonable means of implementing those rights, preferably before their paychecks are docked rather than after the fact. Section 501, under the banner of "codifying" Beck, alters and waters down these basic constitutional rights to next to nothing under the high sounding title of "codification". It is nothing of the sort. No serious student of the Beck decision sees it as anything more than a political price of organized labor to support the Shays-Meehan bill. I think the price is too high.

Mr. SHAYS. Madam Chairman, I yield myself 30 seconds to totally disagree with what we just heard.

The bottom line is the Beck decision was a decision by the courts that if someone paid an agency fee, were not a union member, they did not have to have any political money go to the union, that they did not have to have any of their agency fee go for political purposes.

I know this for a fact. My wife was a teacher. She quit the union. Her agency fee does not go for political purposes.

It is true there are other parts of the Beck decision that we did not codify because they did not relate to campaign finance law. We only codified what was Beck as it related to campaign finance law.

Mr. MEEHAN. Madam Chairman, I yield 1 minute to the gentlewoman from Michigan (Ms. RIVERS), who has been a leader on this floor many, many late nights.

Ms. RIVERS. Madam Chairman, in 1913 Woodrow Wilson said:

> Publicity is one of the purifying elements of politics. Nothing checks all the bad practices of politics like public exposure.
>
> . . . An Irishman seen digging around the wall of a house was asked what he was doing. He answered, "Faith, I am letting the dark out of the cellar." Now, that's exactly what we want to do.

So said Woodrow Wilson in 1913, and it is true today. Shays-Meehan is about letting the dark out of the cellar. Shays-Meehan would ban soft money, ending an avalanche of unreported and unregulated dollars into the American political system. It would close loopholes in existing laws and would require all dollars spent on influencing elections to be open to public scrutiny. It would protect voter guides, legislative alerts, legitimate issue ads and independent expenditures, and it would operate with respect and within the First Amendment of the Constitution.

Both parties have built this system we have today, and both parties must work together to change it. We must clean up the foundation of our House, the people's House, to let the dark out of the cellar.

Vote for Shays-Meehan.

Mr. MEEHAN. Madam Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Chairman, as a member of the Freshman Finance Reform Task Force, I rise in strong support of the Shays-Meehan bill.

Madam Chairman, today we are finally given an opportunity to vote on meaningful campaign finance reform legislation. This vote is long overdue. For almost two years we have heard about the abuses in the campaign finance system. We have heard from our constituents that they feel their voice has been

drowned out by the big money special interests who push their own agenda. We have heard a lot of rhetoric from leaders in Washington who say they want to clean up our elections yet have failed to allow a vote on changing the system until now, when it is too late to effect this year's elections.

There are many members of this body who are committed to reform of our broken campaign finance system. I applaud the efforts of my friends Congressman SHAYS and MEEHAN for their courageous leadership on this issue. The Shays/Meehan substitute is a good bill and I will support it's passage. The Shays/Meehan substitute will take the biggest money out of the political process and finally bring some control to the independent expenditures that have come to dominate our elections. It is a good first step to fix a problem that has no simple solution.

I have been working over the past year and a half with a bipartisan coalition of freshman members of Congress to craft our own campaign finance reform bill. That bill, H.R. 2183, is the base bill being considered today. I will support that bill when it is considered later this year. Our bill was crafted because many members remain concerned that parts of the Shays/Meehan substitute may be ruled unconstitutional. The freshman bill is more narrow in focus, but it still gets at the most common abuses in the campaign system without a constitutional threat.

Both the Shays/Meehan substitute and the freshman base bill are honest, bipartisan attempts to fix our broken election process. I believe that this House works best when we work in a bipartisan manner, and that is how both these bills were created. For that reason, both bills will offer true reform to a system badly in need of reform.

Ultimately this debate boils down to the belief that there is too much money in campaigns. If you support that idea, as I do and most constituents I talk to in western Wisconsin do, then you support campaign finance reform. If you believe that we need more money in the system than you will oppose Shays/Meehan.

The majority of the public doesn't believe that Congress has the courage to actually change a system that appears to benefit our own interests. Tonight we have the opportunity to show the public that we can take the big money out of this system and put elections back into the hands of the people we are sworn to represent. I encourage my colleagues to support Shays/Meehan and begin the process of true reform of our political process.

Mr. MEEHAN. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Missouri (Mr. GEPHARDT), our minority leader, who has been so instrumental in putting us to where we are right now for this historic vote in favor of campaign finance reform.

Mr. GEPHARDT. Madam Chairman, I rise to speak in strong support of the Shays-Meehan campaign reform bill, and I would like to begin this evening by paying tribute to the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS). Without them we would not be here tonight, and without them and their belief in this issue we would not be on the threshold of being able to take this first very, very important step of campaign reform. They have shown us that campaign reform is an issue that can be delayed, but it will never be denied.

We are not here by accident. There is a national crisis of confidence in our system of campaign financing. It is a crisis of confidence that cuts across party lines and should disturb all of us as Democrats, as Republicans, as Americans.

The Republican mayor of New York during the New Deal years, Fiorello LaGuardia, once said:

"There's no Democratic or Republican way of cleaning the streets."

There is no Democratic or Republican way of cleaning up our campaigns. We have reached the point in our Nation's history when too many Americans believe that special interests, lobbyists, wealthy interests wield too much influence in our campaigns and our democracy.

□ 1800

That belief, right or wrong, has corroded many Americans' faith in their government and in their country.

This is an issue that should have every Member of the House in search of a bipartisan solution to reverse this trend of alienation that divides Americans from their government. This is an issue that challenges us all to rise above the politics of the moment in search of a lasting solution, and I believe with all my heart that Shays-Meehan is that solution. This is the first real step. It may be modest, but it is the first real step to begin the process of reform this year.

Friends of reform, the majority of our House Members, have banded together behind the bill, and, in a remarkable show of dedication we have voted down amendment after amendment, often amendments that we ourselves have proposed, in order to pass a bill that we can all accept and that will begin to get at the root of the problem, a democracy that is drowning in campaign money.

I am sorry the leaders of this House have fought to protect and preserve the current system. They have wasted the precious time of this House by making us run through an obstacle course designed to kill Shays-Meehan. But they made their choice. They stood for the power of big money and against real bipartisan change. They were never really interested in this debate. They were interested in stopping the debate and having deadlock.

But our efforts are an example of what we can do when we really work together in a bipartisan effort, putting aside party labels and party ideology and finding a practical answer to a very real problem. We were able to overcome all the obstacles.

There is only one more obstacle, and that is getting enough votes tonight to make sure that this bill is the bill that we finally vote on at the end of the process.

It can be done; it must be done. All of us are not just representatives of the People's House, we are temporary guardians of the jewel of democracy, and our role as guardians gives us the responsibility to make sure that the jewel is protected for this and for future generations.

I congratulate these two sponsors. I congratulate the Republican and Democratic Members who have stood with them in bringing this bill to this point. One more obstacle. It must be done. Vote for Shays-Meehan.

Mr. SHAYS. Madam Chairman, I yield myself 15 seconds to thank the minority leader, the gentleman from Missouri (Mr. GEPHARDT), to thank him because time and again the Democrat Conference has been there as straight-shooters, playing no games with those of us on this side of the aisle. They have been true to their pledge for this bill and campaign finance reform.

I want to thank both the gentleman from Michigan (Mr. BONIOR) and the gentleman from Missouri (Mr. GEPHARDT) for that, because they have been straight-shooters on this issue.

Mr. THOMAS. Madam Chairman, it is my pleasure to yield one minute to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Madam Chairman, there is one real glowing error in my estimation in this legislation, and that is the codifying of the Beck decision. That is bad enough because that is a slap in every working man and woman's face. But, beyond that, they make it much worse, because then they say the notice of rights in the bill must only be given to nonmembers of the union. Then they make it worse by saying that they will limit what it is the worker can object to as far as paying is concerned. That makes the Beck decision worse.

Now, what is the Beck decision? It says that you do not have to pay any dues not used for collective bargaining in the union security agreement. A union security agreement is when you agree, employer and union, that you must join the union and you must pay dues.

Now, how do you handle this situation? The only thing you can do, according to this legislation, is to drop out of the union. If you do that, you must still pay your dues.

However, now you are going to appeal and you are trying to get part of your dues money back. Who do you think you appeal to? You appeal to the union. What chance does the poor soul

have? I mean, it is rigged, folks. It is rigged.

You could have corrected this. All you had to do is take the Worker's Paycheck Fairness Act as reported out of our committee and you would have corrected this issue once and for all.

Mr. MEEHAN. Madam Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Chairman, I rise in strong support of the Shays-Meehan amendment. I commend the gentlemen for their leadership in bringing hope to the House that we can finally drain the swamp that is the political process we are in.

Madam Chairman, when Washington first became the capital of our country, it was built on a swamp. It is still a swamp, a swamp putrid from the huge amounts of money that pours in here, special interest money stacking the deck against the average American seeking a legitimate role in the political process.

I rise in support of real campaign finance reform. The Meehan-Shays Bipartisan Campaign Reform Act is the best chance the American people have at realizing there longstanding demand that we end the corrupting influence of big money and level the playing field so that all Americans can participate and be heard.

Meehan-Shays includes a ban on soft money at the Federal and State level; a ban on foreign money entering the system; voluntary spending limits; new limits on Political Action Committees; tougher political advertising disclosure requirements; and campaign enforcement and disclosure requirements, such as mandatory electronic filing of Federal Election Commission reports.

President Bill Clinton has endorsed the Bipartisan Campaign Reform Act, and has challenged the Congress to send him campaign finance reform legislation that is meaningful, substantive and representative of real change.

I do not think there is any issue more important than this one because it is about nothing less than our oath of office. Every single person who comes to this body to serve takes an oath of office to protect and defend the Constitution against all enemies, foreign and domestic. The greatest enemy to our democracy is foreign and domestic money poisoning our system.

Vote "yes" on Meehan-Shays and give the political process back to the American people where it began and where it belongs.

Mr. THOMAS. Madam Chairman, it is my pleasure to yield 5 minutes to the gentleman from Texas (Mr. DELAY), the majority whip of the House.

Mr. DELAY. Madam Chairman, as everyone knows, I am opposed to this Shays-Meehan fiasco. It is not reform. This is just another example of big government picking winners and losers, and in my opinion the winners are the Democrats and the losers are the Republicans. It is amazing to me that Republicans would support this disarmament bill. It just violates our most precious freedom, the freedom of speech. It tilts the campaign playing field in favor of incumbents, and it creates a shield between voters and the Congress that is supposed to represent them.

Many of my colleagues have taken the House floor to denounce what they say is too much money in American political campaigns. Well, such cries are rhetorically effective but factually deficient.

Congressional candidates in 1996 spent less than $1.25 per citizen during the course of the campaign. Is that too much money to spend on democracy? Americans spend twice as much per year on yogurt than they spend on political campaigns.

But do we have the will in this Congress to actually change the Constitution and limit freedom of speech in order to reform our campaign laws? Most of the Members of this Congress said "no" in voting against a constitutional amendment that would actually limit it.

What you are talking about is limiting the speech of our constituents and hiding behind the name "reform." Any casual observer of this debate will have noticed the true reason why many Members support this bill. It is an incumbent protection bill. The bill itself bans photoguides and score cards, and it bans these so-called sham ads that Members hate to see run against them because it makes them uncomfortable when their voting report is brought before the American people. The American people have a right to know where their elected officials stand on the issues of the day, and this bill turns that principle on its head.

When we debated the right to third party groups to send out issue alerts, to rally their supporters, the supporters of Shays-Meehan called those ads a sham. One Member even said an ad that says "Congressman Smith voted against a tax cut" should be banned and that we should manage free speech.

Of course, we have the views that we just heard from the distinguished House minority leader, who happens to have over $3 million in his campaign account and wrote the laws that we are living under today. He said, "What we have here is two important values in direct conflict: freedom of speech and our desire for healthy campaigns and a healthy democracy. You can't have both."

That is the minority leader of the House saying that you cannot have freedom of speech and healthy campaigns.

Madam Chairman, we must have both. Whether they want to admit it or not, the supporters of this bill believe there is such a thing as too much information about our government and that Americans are too stupid to sort out what is true and what is false. These free speech prohibitionists want to restrict Americans' political dialogue and debate. To me, I cannot think of anything more self-righteous.

My friends, we are talking about core political speech that is protected by the First Amendment of the Constitution. The First Amendment is at the very core of what our Republic stands for. It allows any of us to criticize the politician who governs us, to voice unpopular ideas and to engage in debate.

This bill does the opposite. It shields Members of Congress from public criticism by the very people who elect us. I do not think Americans need Washington restricting and censoring the information that we have access to. Why should Washington be able to judge what speech is good and what speech is bad? But that is what this bill does. It does just that.

I have been told privately by a number of our Members that they know that the bill is unconstitutional but they want to take a free vote. They have told me they know that the bill gags citizen groups and voters. They have said they want to vote "no," but their local editorial board supports the bill, and because the Senate will never take up the bill, they can safely vote "yes".

Well, Madam Chairman, to those Members, I plead with you, do the right thing; uphold your oath of office; do not violate the First Amendment of the Constitution.

My friends, this is not a free vote. There are over 100 citizen groups that have written you to urge you to oppose this bill. Many of those groups will score your vote tonight.

To my Republican colleagues, let me just simply say that this is not reform. This is not good government. This is political disarmament. It does nothing to protect union members from forced union dues, while putting a shackle on our traditional supporters who use voter guides and score cards and independent expenditures to keep the American people informed of what goes on in this House.

You do not have a free pass to violate our Constitution. Support free speech and vote down Shays-Meehan.

Mr. SHAYS. Madam Chairman, I yield myself 45 seconds to respond to the comments just heard from the majority whip.

Madam Chairman, first off, this is not disarmament, and it would be an absurd thing to suggest unilateral disarmament. How could it be unilateral disarmament to ban soft money to both political parties? Is the inference that Republicans benefit more from soft money than Democrats?

Why would it be unilateral disarmament when we call sham issue ads what they truly are, campaign ads? It is not a freedom of speech issue. We do not say you cannot advertise. We do not say people cannot say whatever they want. They are just campaign ads, and you call them campaign ads.

When you call them campaign ads, two interesting things happen; you cannot use corporate money and you cannot use union dues. How could it be unilateral disarmament to improve the FEC disclosure and enforcement? How could it be unilateral disarmament to allow the commission to deal with other issues that we have not yet dealt with?

The bottom line to this bill, it is about restoring integrity to the political system. Both parties, individuals, corporations, labor unions, everybody has to play it by the same rules.

Mr. MEEHAN. Madam Chairman, I yield 30 seconds to the gentleman from California (Mr. FARR), who has been such a leader in campaign finance reform.

Mr. FARR of California. Madam Chairman, I thank the gentleman for yielding, and congratulations to the authors.

Shame, shame, shame on those that will try to tell you that this bill does all kinds of things that it does not do. It does four things, very simple things. It brings control back to people who run for the House of Representatives. It takes soft money out. That is outside the system. That is not candidates' money. It bans soft money.

It bans sham ads. Since when are sham ads in the interests of candidates? Those are done by third-party organizations that do not have anything to do with the campaign. You or the candidate should be able to speak your own words, not have outside interests speak for you.

It has more power for the FEC to look into disclosures and to enforce them. We certainly need that if you are going to enforce the law.

Lastly, it sets up a commission to study it. That is all it does. How can one not vote for this?

Mr. MEEHAN. Madam Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY) who was so instrumental in forging this coalition that we have, in merging this coalition that we have through merging the commission bill.

Mrs. MALONEY of New York. Madam Chairman, I rise in support of this bill. We have the power to make history tonight and to succeed where past Congresses have failed by passing true campaign finance reform, and we owe it to the American people. I rise in support of the Meehan-Shays bill.

I rise in strong support of the Shays-Meehan substitute.

Not because I think it's the "cat's meow"—it has its imperfections. But it certainly has nine lives.

It's dodged a number of death threats and I'm proud to say that reformers have done a great job of keeping it alive.

The bill before us today—is our last best hope.

It bans soft money, increases disclosure, and strengthens the means of disclosure.

It also provides an on-going process in the form of a commission to come back and do more to repair our broken down elections process.

This bill brings the American people back into the elections process.

I applaud Mr. SHAYS and Mr. MEEHAN for their dedication . . . and success so far.

And I urge my colleagues to join me in voting for the Shays-Meehan substitute.

□ 1815

Mr. SHAYS. Madam Chairman, I yield such time as she may consume to the gentlewoman from Connecticut (Mrs. ROUKEMA).

Mrs. ROUKEMA. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I say that we know what the issue is. We have seen it on all these amendment votes. We should not be trying to face our constituents in November unless we have been able to vote for this historic measure to stop the corruption and restore honor to our election system.

Madam Chairman, I rise in strong support of the Shays-Meehan substitute and urge my colleagues to pass this landmark legislation.

Madam Chairman, after years of newspaper headlines, months of testimony before this congressional committee or that congressional committee, special investigations by the Justice Department, one thing is crystal clear: Our campaign finance system is out of control. Costs are skyrocketing. Candidates of all kinds are finding themselves devoting more time and energy to fundraising—at the expense of their public service duties. Our airwaves are jammed with attack ad piled upon attack ad.

Madam Chairman, our campaign system has become twisted and abused to the point where it is the biggest threat our democracy faces today. It fuels the cynicism of an already cynical American electorate. It promotes voter apathy among an electorate that has become convinced that elections are bought and sold by the interest group with the fattest wallet.

My colleagues let's be honest if we defeat this legislation it will be on our backs to explain to the voters why we voted to protect this corruption, and against restoring power back to the ordinary citizen.

With the Shays-Meehan bill, we have a historic opportunity to correct many of the problems that beset our campaign system. And yes, this legislation is by no means perfect. But we can not let the perfect be the enemy of the good. And this bill represents the good.

Among other important reforms:

Shays-Meehan bans fundraising on Federal property (and many of the amendments we've added to this bill relating to the White House and Air Force One strengthen this substitute amendment).

Shays-Meehan expands the ban on franked mail to 6 months before any election.

Shays-Meehan contains new prohibitions and new penalties for foreign contributions.

Shays-Meehan takes aim at those sham campaign ads and protects voter guides and the ability of citizen groups to lobby their elected officials.

But most importantly, Shays-Meehan bans soft-money—perhaps the most corrosive development in campaigns today.

In the last election cycle, unions, corporations, and wealthy individuals pumped over $260 million of soft money into the political environment! That's triple the amount that was raised in the 1992 cycle.

These funds are raised and spent outside the reach of Federal election law and are directly connected to many of the scandalous practices now the focus of numerous congressional investigations: the Lincoln bedroom, mysterious foreign contributors, White House "coffees," and the like.

The Shays-Meehan bill is the only substitute amendment that contains a hard ban on soft money. It doesn't have the loopholes that some of the other reform proposals have and will not allow the parties to launder their money through the State parties.

That alone is reason enough to pass this important amendment.

Now, over the past several weeks, this House has voted on many amendments. Frankly, in a different context, I would have voted for several of them. But I recognize that the only way for us to begin the real process of real reform, is to pass Shays-Meehan and its hard ban on soft money as is.

Let's get on with. Pass Shays-Meehan today. Reject the other substitutes and move to final passage of.

Let's give the United States Senate a "going away present." After years of resistence, let's present them with the opportunity to redeem themselves by joining us as reformers.

Support Shays-Meehan.

Mr. MEEHAN. Madam Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Massachusetts (Mr. MEEHAN) is recognized for 2½ minutes.

Mr. MEEHAN. Madam Chairman, there comes a time in a legislator's life when he or she has to be held accountable for his or her vote. That day has arrived for the Members of the 105th Congress. Once in a generation Members of Congress take it upon themselves to change our campaign finance laws, once in a generation. Madam Chairman, that day has arrived for the Members of the 105th Congress.

Madam Chairman, there are Members of this House on both sides of the aisle who have worked diligently over a period of years. On the Democratic side, there is the gentleman from Michigan (Mr. SANDY LEVIN), who has been working so hard; the gentlewoman from New York (Mrs. CAROLYN MALONEY), who I mentioned earlier; the gentleman from Maine (Mr. TOM ALLEN), who came to this body as a freshman, working diligently; the minority leader, the gentleman from Missouri (Mr. GEPHARDT), and the gentleman from Michigan (Mr. BONIOR), who have played such a critical role in getting us to the point where we are now, on the verge of this historic vote.

And yes, Madam Chairman, on the other side of the aisle there is the gentleman from Tennessee (Mr. ZACH

WAMP), the gentlewoman from Washington (Mrs. LINDA SMITH), the gentleman from California (Mr. STEVE HORN), and the coauthor of this legislation, the gentleman from Connecticut (Mr. CHRIS SHAYS), who has stood up, at times in very difficult circumstances, to the leadership of his own party and taken that leadership on so we could get to where we are right now, on the eve of a very, very historic vote.

We have a piece of legislation that abolishes soft money. After all we have heard and witnessed, is it not about time that we abolish soft money? I did not hear any Members of this House, with over 60 amendments offered to try to defeat this bill, I did not hear anybody trying to defend the corrupt soft money practice that we have seen abused in the last election cycle. I did not hear anybody. I heard excuses, I saw amendments, but nobody stood up to defend the soft money corrupt system that we have spent so much money holding hearings over the period of the last year and a half.

Madam Chairman, my colleagues on both sides of the aisle, this is, indeed, an historic opportunity that only comes once in a generation, because it is not usual when Members of the House have a bill with bipartisan support, a bicameral bill, so when we send this bill to the other body, they have already spent time with the majority Members supporting.

This is an historic opportunity, because even though we end for summer recess, the other body is ready to pick up this legislation. Let us rise to the challenge tonight and meet our responsibilities, Members of this House of Representatives, and pass the Shays-Meehan legislation by a wide majority and get it over to the other body.

The CHAIRMAN. The gentleman from California (Mr. THOMAS) is recognized for 1 minute.

Mr. THOMAS. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, I am tempted to rise for a unanimous consent request, speak for 2 minutes, and then yield myself the 1 minute, but I will accept the 1 minute the Chair gives me.

Madam Chairman, no amount of volume, no amount of vehemence, covers up the fundamental flaws in this bill. It took my breath away when the gentleman from California said that he could tell us exactly what the Supreme Court would do on the express advocacy section. The fact of the matter is in all probability the court will hold it unconstitutional.

Therein lies the rub, because there is a severability clause in Shays-Meehan. It means the courts will continue to write what the law actually is. The only bill left that has merit is the Hutchison-Allen freshman bill, because it does not have a severability clause. If in fact a section is declared unconstitutional, it will come back here. We will write the law.

The fundamental flaw in Shays-Meehan is its severability. It has unconstitutional provisions. The court will continue to write the law. Vote no on Shays-Meehan if Members want to continue to write the law and not let the Supreme Court do it.

Mr. SHAYS. Madam Chairman, to close debate, I yield 2½ minutes to the gentleman from Tennessee (Mr. ZACH WAMP), really a hero on campaign finance reform.

Mr. WAMP. Madam Chairman, what an honor to close the debate on this most important issue that affects every single Member of this House and the political parties, and most importantly, the American people.

I say to my colleagues that tonight really is the moment of truth. The truth is that for a generation, the majority in the Congress opposes reforming the current system and the minority supports reform. Before we took a majority 4 years ago, the very same people who opposed reform tonight supported the same kind of reforms, because they were in the minority. That is the truth. It is inherent, supposedly, upon the majority to support the current system.

However, I come from the majority. I come from the freshman class of the 104th Congress. We have reformed a lot of things. We have changed this place in many respects, but we are pulling up short if we do not reform our own campaign system.

It is important that we face the truth. The truth is that banning soft money cuts across the spectrum. Everybody gets treated the same. If we find it offensive that tobacco can give a half a million dollars on a single night at a fund-raiser when tobacco legislation is pending before the Congress, vote for this bill. It does away with that.

If Members find these ads run by these outside groups offensive in the final 60 days of a campaign, where they do not have to tell the truth and they come in unlimited and unregulated, all we are saying is they have to abide by the same rules that I do as a candidate or a political action committee does. We are not restricting their right to speak; we are saying, you have to play by the same rules as everybody else from now on.

If Members want candidates to have better reporting, better disclosure, more accountability, vote yes on this bill. It is the moment of truth. If Members think that a commission can report back recommendations for the rest of the details of campaign finance reform, vote yes on this bill. All four of these things are a step in the right direction.

The truth is, this bill is as fair to Republicans as it is to Democrats. The truth is that it affects any outside groups. It is the same for Wall Street or the labor unions, the same for the Christian Coalition or the ACLU. Everybody gets treated the same. Is that not fair? Is that not reasonable?

I say to my colleagues in the majority, this is the moment of truth. I ask Members, will they please put the public interest above their personal interest? Will they please put good government above their political party? Will Members please do the right thing for the American people, and send the signal that we have gone the distance on reform? Vote yes on Shays-Meehan.

Mr. EVANS. Madam Chairman, we are about to take a significant step forward in our efforts to restore public confidence in the American political system by passing the much needed reforms contained in the Shays-Meehan substitute.

Under the current system, many average, hard-working Americans feel their voices can't be heard above the call of special interests.

And who can blame them?

The roar of unaccountable advertising campaigns financed by unlimited soft money donations dominates our elections. Where the voters seek an informed discussion of the issues, they find only slogans and rhetoric.

Long after the need for reform became clear to the voters, its opponents resisted. Opponents of reform would have the American people believe that the only change necessary is increased disclosure, that unlimited sums of soft money pose no threat to the foundation of our democracy, the principle of one person, one vote.

Against the will of the voters, opponents of reform sought to deny consideration of Shays-Meehan. Having failed in their delaying action, opponents of reform then waged a war of attrition, attempting to amend Shays-Meehan to death. Once again, supporters of reform stood tall and these efforts were defeated.

Today, I am proud to join my colleagues, Democrat and Republican, to vote for the Shays-Meehan substitute, to pass meaningful campaign finance reform legislation, and to fulfill the commitment we have to the American people to ensure that their voices will be heard.

Mr. BAESLER. Madam Chairman, this has been a great debate over Shays-Meehan, and I am proud to have played a role in advancing the issue to this critical point. I only wish I weren't the only Kentucky Member who fought for this bill.

As we prepare to vote on Shays-Meehan/McCain-Feingold, it's important to remember Senator THOMPSON's investigation and report. The Thompson report identified the exact problems we're trying to reform here and the Shays-Meehan bill was offered up to solve these problems:

Shays-Meehan outlaws foreign money once and for all!

It outlaws Soft money—a loophole exploited by BOTH parties!

It outlaws fundraising on government property!

It reforms our campaign issue ad laws by reigning in sham issue ads!

In fact, it is the only bill that addresses all these problems which were documented after the 1996 election.

Now, although I'm the only Kentucky reformer in the House, maybe there have been some converts. The people of Kentucky care about this issue. I spoke at a campaign finance reform town meeting in Louisville about a month ago. Over 150 people packed a church on a Monday night, and stayed way beyond the scheduled time to express how badly they wanted to reform our out-of-control campaign finance system.

It would be an outrage to have spent $8 million of Kentuckians and other Americans' tax money on these investigations and then not do anything to solve the problem. The problems of too much money in the political system are documented. We know what we need to do. The question now is whether we have the WILL to do it.

So I urge my Kentucky colleagues, I urge all my colleagues, to vote for Shays-Meehan.

Mrs. KENNELLY of Connecticut. Madam Chairman, I rise in enthusiastic support of campaign finance reform legislation offered by my colleagues CHRIS SHAYS from my home state of Connecticut and MARTY MEEHAN from our neighboring state of Massachusetts. Further, I strongly commend Mr. SHAYS and Mr. MEEHAN for their bi-partisan effort to bring before the House the most sweeping changes to the way we finance political campaigns in over two decades.

For the past month, amendments have been offered to weaken the reform provisions in the Shays-Meehan legislation. Conscientious members from both sides of the aisle have joined repeatedly to vote down these destructive amendments.

This is a critical vote for the 105th Congress. Passage today of the Shays-Meehan campaign finance reform bill will begin to correct the abuses of our current system of financing political campaigns. But even more important, it will begin to restore the integrity of our election system and the confidence of the American people in their elected officials.

Four comprehensive campaign finance reform bills were passed by this House when the Democrats were in the majority, but never were enacted into law.

Let's finish the job that began a decade ago and vote for historic campaign finance reform. Vote yes on the Shays-Meehan bill.

Mr. FAZIO of California. Madam Chairman, I rise today in support of Shays-Meehan.

The bipartisan bill will:

Eliminate soft money contributions to political parties from individuals and organizations:

Require disclosure of contributions for issue ads that target specific candidates within 60 days of an election; and

Prohibit state parties from spending any soft money on activities that affect a federal race.

Most importantly, it would return the electoral system to the American people by limiting the amount of unregulated, unreported money in local politics.

Madam Chairman, every Member of this body has heard from constituents who have lost their faith in the system.

The American people no longer see an opportunity to participate in the system.

Each campaign cycle, we see an increase in the amount of money funneled into local races by outside special interest groups that have no ties to the community.

In 1996, the top two dozen outside groups spent $150 million dollars on independent negative ads.

Such free, uncontrolled spending has perverted a fair, democratic system into a bidding war by unknown entities.

The American people are tired of unregulated negative attack ads and the Shays-Meehan substitute takes a major step forward in regulating undisclosed funds to launch negative attack ads.

The time has come to pass meaningful campaign finance reform.

The American people want it, editorial boards across the country have endorsed it; and in vote after vote last week it became clear that the majority of this House supports a clean, bipartisan bill that achieves real reform.

The CHAIRMAN. All time has expired.

Mr. THOMAS. Madam 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, Mrs. EMERSON, 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. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 3743, by the yeas and nays; and Senate Joint Resolution 54, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

IRAN NUCLEAR PROLIFERATION PREVENTION ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3743, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 3743, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 13, not voting 16, as follows:

[Roll No. 377]

YEAS—405

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
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
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
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
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
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
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Owens
Oxley
Packard
Pallone
Pappas

Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
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
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Velazquez
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
Yates
Young (AK)
Young (FL)

NAYS—13

Dooley
Furse
Gejdenson
Hamilton
Klink
LaFalce
McDermott
Moran (VA)
Obey
Rahall
Sawyer
Skaggs
Torres

NOT VOTING—16

Christensen
Clayton
Conyers
Gonzalez
Hilliard
Istook
Kilpatrick
Martinez
McDade
Oberstar
Olver
Ortiz
Pomeroy
Poshard
Stokes
Towns

□ 1845

Mr. LEWIS of California, Ms. LOFGREN, Mr. DELAHUNT and Mr. MINGE changed their vote from "nay" to "yea."

Ms. FURSE changed her 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

FINDING GOVERNMENT OF IRAQ IN BREACH OF INTERNATIONAL OBLIGATIONS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate joint resolution, Senate Joint Resolution 54.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 54, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 6, not voting 21, as follows:

[Roll No. 378]

YEAS—407

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
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
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
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
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inglis
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
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—6

Bonior
Jackson (IL)
Lee
McKinney
Paul
Waters

NOT VOTING—21

Christensen
Conyers
Gonzalez
Gutierrez
Hilliard
Hutchinson
Istook
Kilpatrick
Martinez
McCarthy (NY)
McDade
Moran (VA)
Northup
Oberstar
Olver
Ortiz
Pomeroy
Poshard
Rogers
Towns
Wamp

□ 1853

So (two-thirds of those having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 442 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. 2183.

□ 1854

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. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaign for elections for Federal office, and for other purposes, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, all time for debate on amendment No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) had expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS), as amended.

The question was taken.

RECORDED VOTE

Mr. SHAYS. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 237, noes 186, not voting 12, as follows:

[Roll No. 379]

AYES—237

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Cook
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gordon
Graham
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Parker
Pascrell
Pastor
Payne
Pelosi
Pickett
Porter
Price (NC)
Quinn
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schumer
Serrano
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—186

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Bartlett
Barton
Bateman
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fossella
Fowler
Gekas
Gibbons
Gingrich
Goode
Goodlatte
Goodling
Goss
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
John
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Rahall
Redmond
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Christensen
Conyers
Gonzalez
Hilliard
Istook
Kilpatrick
Martinez
Oberstar
Ortiz
Pomeroy
Poshard
Towns

□ 1916

So the amendment in the nature of a substitute, as amended, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CHRISTENSEN. Madam Chairman, on August 3, 1998, I was unavoidably detained and missed roll call vote 379. If present I would have voted 'no' on the Shays-Meehan substitute. When it comes to restricting political participation, the courts have consistently ruled on the side of free speech. So-called good government proposals banning certain contributions, clamping down on issue advocacy, or otherwise restricting participation in the political process are unconstitutional in my opinion and infringe on free speech. It is important for voters to be accurately informed of a candidate's position, but in no way do I want to limit voter knowledge. Shays-Meehan would limit voter knowledge about issues and candidates and keep voters from being accurately informed of candidates' positions. I am absolutely opposed to any unconstitutional infringement of free speech, and would have voted 'no' on the Shays-Meehan substitute if present.

PERSONAL EXPLANATION

Ms. KILPATRICK. Madam Chairman, due to official business in the 15th Congressional District of Michigan, I was unable to record my vote on several measures. Had I been present, I would have voted "aye" on H.R. 3743, the Iran Nuclear Proliferation Prevention Act of 1998; "aye" on S.J. Res. 54, a Joint Resolution Condemning Iraq; and "aye" on passage of the Shays-Meehan amendment to H.R. 2183, the Campaign Finance Reform Bill.

Mr. BOEHNER. Madam 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, Mrs. Emerson, 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. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, had come to no resolution thereon.

RESIGNATION AS MEMBER OF COMMITTEE ON COMMERCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Commerce:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 30, 1998.

Hon. NEWT GINGRICH,
The Speaker's Rooms, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I want to thank you for your kind letter this week celebrating our successes on privatization, and also to respond to your suggestions that we map out a blueprint for further achievements in the next session of Congress.

In fact, my staff and I discussed the same idea some weeks back, and we're excited about your request. As you and I discussed, we will focus on options for privatizing Amtrak, Social Security, the power marketing resources including TVA, and the United States Post Office. You can expect the report shortly after Thanksgiving.

We will lay out for you legislative options and document how other countries built political consensus to make tough decisions. I am convinced we can net the Treasury hundreds of billions of dollars, and at the same time provide better services to U.S. taxpayers.

Unfortunately, because of the time commitment to this project and future business plans in Wisconsin, I will have to make a difficult choice.

Today I am tendering my resignation from the Commerce Committee.

I'm proud of what the Committee accomplished during my tenure. With Chairman Tom Bliley's leadership, we speeded up the FDA's approval of new drugs saving thousands of lives. We deregulated the exploding telecommunications industry. Perhaps most important of all, our bold plan saved Medicare for our children.

I deeply appreciate your leadership and friendship. I look forward to finishing one last assignment for you.

Sincerely yours,

SCOTT KLUG.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON COMMERCE

Mr. BOEHNER. Mr. Speaker, I offer a resolution (H.Res. 515) and I ask unanimous consent for its immediate consideration and adoption.

The Clerk read the resolution, as follows:

H. RES. 515

Resolved, That the following named Member be, and she is hereby, elected to the following standing committee of the House of Representatives:

Committee on Commerce: Mrs. Wilson.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 4276 and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 508 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4276.

□ 1920

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 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, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Kentucky (Mr. ROGERS) and the gentleman from West Virginia (Mr. MOLLOHAN) will each control 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. ROGERS).

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

Mr. Chairman, this will be of interest to the Members on the schedule for the rest of the evening so that Members may be guided about the rest of the evening's activities.

It is the intent of the majority to proceed to the consideration of the Commerce, Justice, State appropriations bill and to do general debate and to take up the Legal Services Corporation amendment but to roll any votes that might be ordered until tomorrow, so that there would be no further votes this evening, in which case, then, the Committee would rise after the consideration of that amendment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

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

Mr. OBEY. Mr. Chairman, it was my understanding, also, that we would not proceed in title I beyond Legal Services; is that correct?

Mr. ROGERS. As I said, we would take up general debate and the Legal Services amendment only. I would have hoped that the gentleman would have agreed that we could do all of title I, and I would be happy to proceed with that if the other side would so agree.

Mr. OBEY. But the gentleman understands that the agreement that was just reached at this desk with his leadership was that we would go only as far as the amendment on Legal Services and no further tonight in title I.

Mr. ROGERS. I understand that is what the gentleman wants and I will abide by that. I would hope, would like, to proceed through title I and roll all the votes until tomorrow. And I see no reason why we should not do that, but I will abide by the agreement that the gentleman mentioned.

Mr. OBEY. I just think it is important for Members to understand that there will be no votes tonight because of the understanding that we will not proceed beyond the Legal Services amendment.

Mr. ROGERS. I would hope that the gentleman would agree to proceed with title I.

Mr. OBEY. Well, then there is no agreement. We might as well have motions to adjourn all evening. If the agreements are not going to be stuck to for more than 5 minutes, then there is no reason to agree.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) will suspend. The gentleman from Kentucky (Mr. ROGERS) controls the time.

The Chair recognizes the gentleman from Kentucky (Mr. ROGERS).

Mr. OBEY. Mr. Chairman, I move that the House do now adjourn.

The CHAIRMAN. The motion is not in order.

The Chair recognizes the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, H.R. 4276, the Commerce, Justice, State and Related Agencies appropriations bill for fiscal year 1999 provides the funding for a multitude of programs that directly benefit the people that all of us represent and that we are sworn to uphold, programs that fight crime and drugs, secure our borders, protect against terrorism, and administer justice; programs that affect our daily lives and livelihood, like the National Weather Service; programs that support our Nation's diplomacy throughout the world; and programs that put people back on their feet after a natural disaster strikes and that aid our Nation's small businesses.

But if this bill sets one priority, it is to provide increased funding to fight crime and empower Federal, State and local law enforcement with the resources they need to enforce our laws and prevent crime.

Mr. Chairman, the determination of this Nation and this Congress to reduce crime is showing results. In 1997, serious crime fell in the United States for the sixth year in a row by 5 percent. Due to the decisions of this Congress which over the last 3 years has increased funding for justice programs by

$5.5 billion, a 45 percent increase, our citizens are a little less at peril than they were before. But as the shooting of our two brave and heroic Capitol Police officers a week ago Friday demonstrates so devastatingly, we do have yet a long, long way to go.

With no warning, crime can occur anywhere, any day, any minute, and our law enforcement officers and our citizens are at risk. We cannot let down our guard. This bill puts the lion's share of the resources available to us into law enforcement and crime prevention, and that is a priority that I believe every member of this House shares.

Overall, this bill provides $33.5 billion, $1.4 billion over the current year, and $1 billion less than the request. Of the total, $18.3 billion is for the Department of Justice, an increase of $524 million over current spending, to fight crime and drugs, strengthen our borders and protect against terrorism.

We provide $4.9 billion for State and local law enforcement. These are your policemen, the sheriffs and State police and local law enforcement agencies through your cities, $400 million more than we were requested and $47 million more than current year spending.

We restore the local law enforcement block grant which the President tried to eliminate. We put that back in at $523 million. And, Mr. Chairman, we included a quarter of a billion dollars for the juvenile crime block grant program for your localities.

We provide $283 million for juvenile crime prevention, a $44 million increase. We provide $1.4 billion for the COPS program. We direct $170 million of unobligated balances to be used for initiatives that include a new $25 million program for bulletproof vests for police officers all across the country. For the first time we are providing for this new program. And $20 million to help communities stop violence in our schools.

We also provide $279 million for the Violence Against Women Act, an increase of $9 million over current spending and over the Administration's request. We provide $104 million in new funding to help States and localities be prepared against chemical and biological terrorism, which is new money, for a new program.

We provide more than $8.4 billion for the War on Drugs, including a $95 million increase for the Drug Enforcement Administration, $31 million more than was asked of us. We increase the Drug Courts funding by $10 million. And we give $10 million for a new program to help small businesses create drug-free workplaces.

We provide a $216 million increase for controlling illegal immigration, including 1,000 new Border Patrol agents. We include a $47 million interior enforcement initiative to fund 50 quick response teams, one in each State, to force the INS to respond to your State and local police in every State when they find suspected illegal aliens. As it is right now, your State police, your local police, arrest a vanload of illegal aliens, they call the INS for help in removing them to the Federal jurisdiction, there is not even an answer on the telephone. INS does not even answer the phone.

□ 1930

We in this bill create 50 new quick response teams to respond to our local officials and take the illegals off our hands and deal with them on the Federal level, as we are supposed to do. We also include $62 million in offsetting collections from fees to fund backlog reduction action teams to mobilize in those districts with the longest naturalization backlogs, since the INS cannot seem to manage this on their own.

For the Department of Commerce, Mr. Chairman, we provide $4.8 billion which, setting aside the increases for the Census, is at the 1998 level.

For the 2000 decennial census we provide $956 million. That is an increase of $566 million as part of the ramp-up for the preparation for the Census in 2000. That is $107 million more than the administration asked us to appropriate, but we do that so that the Census can be conducted as the courts may or may not declare later on under any scenario, hopefully including an actual enumeration.

The Congress and the administration must come to an agreement on how the 2000 Census will be conducted. Based on high-level discussions last fall, higher than any of us in this room, the agreement was reached to make the decision next spring. Consequently this bill includes language to ensure that the decision is made at that time by reserving the last 6 months of funding until the President submits to the Congress a request by March 31 to provide the funding and we agree to vote by that time.

For the State Department and international organizations, United Nations arrearages aside, we provide $5 billion, $84 million below the current year, in part due to savings from the new overseas support system the Congress enacted last year called ICASS. For U.N. arrearages we provide $475 million, the amount included in the State Department's authorization conference report but subject to authorization. This ensures that U.N. reforms will have to be agreed to before this money can be released.

For the Legal Services Corporation we provide $141 million. We continue the restrictions that have been enacted previously by the Congress.

For the Small Business Administration the bill rejects the administration proposal to fund disaster loans out of the hides of disaster victims. The administration proposed zero funding for disaster loans. They propose zero funding for disaster loans and instead propose to raise by 50 percent the interest rates on loans to the very people who have been devastated by a hurricane or by flooding or by other disaster, people who by definition cannot borrow money on a commercial basis. We disallow that. Instead we provide $100 million to help those that are in need, and we are directing the administration to proceed accordingly.

Mr. Chairman, before I close I want to thank the gentleman from West Virginia (Mr. MOLLOHAN), my very able ranking member, for his help and support in drafting this bill and bringing it to this point. I also want to thank all the members of the subcommittee: The gentleman from Arizona (Mr. KOLBE) the gentleman from North Carolina (Mr. TAYLOR), the gentleman from Ohio (Mr. REGULA), the gentleman from New York (Mr. FORBES), the gentleman from Iowa (Mr. LATHAM), the gentleman from Colorado (Mr. SKAGGS), the gentleman from California (Mr. DIXON), and to pay tribute to the gentleman from Colorado (Mr. SKAGGS), who is making his last go-round on this bill. He has been a valued member of this subcommittee. He has chosen to leave this body after this term; he will be missed on this subcommittee especially.

Finally, I would just like to say that as we wind our way through the issues on this bill, and there are many, when it is all said and done, the funding in this bill, particularly the funding for law enforcement and prevention programs, are targeted to make the neighborhoods and cities and towns across the country safer, more secure places for the people we are elected to represent. It is a life and death issue, Mr. Chairman, and that is something everyone of us are now so painfully aware of.

I urge the Members of this body to support this bill.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4276)

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses	76,199,000	89,488,000	79,488,000	+3,289,000	-10,000,000
Narrowband communications (crime trust fund)	.....	85,894,000	.....	.....	-85,894,000
Counterterrorism fund	52,700,000	61,703,000	129,200,000	+76,500,000	+67,497,000
Telecommunications carrier compliance fund	.....	50,000,000	.....	.....	-50,000,000
Defense function	.....	50,000,000	.....	.....	-50,000,000
Administrative review and appeals:					
Direct appropriation	70,007,000	79,685,000	75,312,000	+5,305,000	-4,373,000
Crime trust fund	59,251,000	65,178,000	59,251,000	.....	-5,927,000
Total, Administrative review and appeals	129,258,000	144,863,000	134,563,000	+5,305,000	-10,300,000
Office of Inspector General	33,211,000	34,610,000	36,610,000	+3,399,000	+2,000,000
Total, General administration	291,368,000	516,558,000	379,861,000	+88,493,000	-136,697,000
Appropriations	(232,117,000)	(365,486,000)	(320,610,000)	(+88,493,000)	(-44,876,000)
Crime trust fund	(59,251,000)	(151,072,000)	(59,251,000)	.....	(-91,821,000)
United States Parole Commission					
Salaries and expenses	5,009,000	7,621,000	7,400,000	+2,391,000	-221,000
Legal Activities					
General legal activities:					
Direct appropriation	444,200,000	477,328,000	462,265,000	+18,065,000	-15,063,000
Crime trust fund	7,969,000	8,183,000	8,160,000	+191,000	-23,000
Total, General legal activities	452,169,000	485,511,000	470,425,000	+18,256,000	-15,086,000
Vaccine injury compensation trust fund (permanent)	4,028,000	4,028,000	4,028,000	.....	.....
Independent counsel (permanent, indefinite)	9,500,000	9,500,000	9,500,000	.....	.....
Antitrust Division	93,495,000	97,588,000	98,275,000	+4,780,000	+687,000
Offsetting fee collections - carryover	-18,000,000	-11,000,000	-30,000,000	-12,000,000	-19,000,000
Offsetting fee collections - current year	-70,000,000	.....	-68,275,000	+1,725,000	-68,275,000
Direct appropriation	5,495,000	86,588,000	.....	-5,495,000	-86,588,000
United States Attorneys:					
Direct appropriation	972,460,000	1,052,993,000	1,037,471,000	+65,011,000	-15,522,000
Crime trust fund	62,828,000	54,000,000	54,231,000	-8,597,000	+231,000
Total, United States Attorneys	1,035,288,000	1,106,993,000	1,091,702,000	+56,414,000	-15,291,000
United States trustee system fund	114,248,000	130,437,000	114,248,000	.....	-16,189,000
Offsetting fee collections	-114,248,000	.....	-114,248,000	.....	-114,248,000
Direct appropriation	.....	130,437,000	.....	.....	-130,437,000
Foreign Claims Settlement Commission	1,226,000	1,335,000	1,335,000	+109,000	.....
United States Marshals Service:					
Direct appropriation	467,833,000	486,436,000	477,611,000	+9,778,000	-8,825,000
Crime trust fund	25,553,000	26,407,000	25,553,000	.....	-854,000
Construction 1/	.....	6,300,000	.....	.....	-6,300,000
Justice prisoner and alien transportation system fund	.....	10,000,000	.....	.....	-10,000,000
Total, United States Marshals Service	493,386,000	529,143,000	503,164,000	+9,778,000	-25,979,000
Federal Prisoner Detention	405,262,000	450,848,000	425,000,000	+19,738,000	-25,848,000
Fees and expenses of witnesses	75,000,000	95,000,000	95,000,000	+20,000,000	.....
Community Relations Service	5,319,000	8,899,000	6,699,000	+1,380,000	-2,200,000
Assets forfeiture fund	23,000,000	23,000,000	23,000,000	.....	.....
Total, Legal activities	2,509,673,000	2,931,282,000	2,629,853,000	+120,180,000	-301,429,000
Appropriations	(2,413,323,000)	(2,842,692,000)	(2,541,909,000)	(+128,586,000)	(-300,783,000)
Crime trust fund	(96,350,000)	(88,590,000)	(87,944,000)	(-8,406,000)	(-646,000)
Radiation Exposure Compensation					
Administrative expenses	2,000,000	2,000,000	2,000,000	.....	.....
Payment to radiation exposure compensation trust fund	4,381,000	11,717,000	.....	-4,381,000	-11,717,000
Total, Radiation Exposure Compensation	6,381,000	13,717,000	2,000,000	-4,381,000	-11,717,000
Interagency Law Enforcement					
Interagency crime and drug enforcement	294,967,000	304,014,000	304,014,000	+9,047,000	.....
Federal Bureau of Investigation					
Salaries and expenses	2,445,471,000	2,584,885,000	2,420,342,000	-25,129,000	-164,543,000
Counterintelligence and national security	221,050,000	170,283,000	282,473,000	+61,423,000	+112,190,000
FBI Fingerprint identification	84,400,000	47,800,000	47,800,000	-36,600,000	.....
Subtotal	2,750,921,000	2,802,968,000	2,750,615,000	-306,000	-52,353,000
Crime trust fund	179,121,000	215,356,000	215,356,000	+36,235,000	.....
Construction	44,506,000	14,146,000	11,287,000	-33,219,000	-2,859,000
Total, Federal Bureau of Investigation	2,974,548,000	3,032,470,000	2,977,258,000	+2,710,000	-55,212,000
Appropriations	(2,795,427,000)	(2,817,114,000)	(2,761,902,000)	(-33,525,000)	(-55,212,000)
Crime trust fund	(179,121,000)	(215,356,000)	(215,356,000)	(+36,235,000)	.....

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4276)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Drug Enforcement Administration					
Salaries and expenses	782,109,000	841,970,000	873,000,000	+90,891,000	+31,030,000
Diversion control fund	-58,268,000	-76,710,000	-76,710,000	-18,442,000	
Direct appropriation	723,841,000	765,260,000	796,290,000	+72,449,000	+31,030,000
Crime trust fund	403,537,000	405,000,000	405,000,000	+1,463,000	
Construction	8,000,000	8,000,000	8,000,000		
Total, Drug Enforcement Administration	1,135,378,000	1,178,260,000	1,209,290,000	+73,912,000	+31,030,000
Appropriations	(731,841,000)	(773,260,000)	(804,290,000)	(+72,449,000)	(+31,030,000)
Crime trust fund	(403,537,000)	(405,000,000)	(405,000,000)	(+1,463,000)	
Immigration and Naturalization Service					
Salaries and expenses	1,657,886,000	1,887,353,000	1,619,514,000	-38,372,000	-247,839,000
Enforcement and border affairs			(1,096,431,000)	(+1,096,431,000)	(+1,096,431,000)
Citizenship and benefits, immigration support and program direction			(523,083,000)	(+523,083,000)	(+523,083,000)
Crime trust fund	608,206,000	738,000,000	866,490,000	+258,284,000	+128,490,000
Subtotal, Direct and crime trust fund	2,266,092,000	2,605,353,000	2,486,004,000	+219,912,000	-119,349,000
Fee accounts:					
Immigration legalization fund	(1,259,000)	(998,000)	(998,000)	(-261,000)	
Immigration user fee	(426,622,000)	(486,071,000)	(486,071,000)	(+59,449,000)	
Land border inspection fund	(3,043,000)	(3,275,000)	(3,275,000)	(+232,000)	
Immigration examinations fund	(785,342,000)	(826,402,000)	(906,000,000)	(+120,658,000)	(+79,598,000)
Breached bond fund	(235,272,000)	(144,870,000)	(169,870,000)	(-65,402,000)	(+25,000,000)
Immigration enforcement fines	(3,800,000)	(3,800,000)	(3,800,000)		
Subtotal, Fee accounts	(1,455,338,000)	(1,465,416,000)	(1,570,014,000)	(+114,676,000)	(+104,598,000)
Construction	75,959,000	118,170,000	81,570,000	+5,611,000	-36,600,000
Total, Immigration and Naturalization Service	(3,797,389,000)	(4,188,939,000)	(4,137,588,000)	(+340,199,000)	(-51,351,000)
Appropriations	(1,733,845,000)	(1,985,523,000)	(1,701,084,000)	(-32,761,000)	(-284,439,000)
Crime trust fund	(608,206,000)	(738,000,000)	(866,490,000)	(+258,284,000)	(+128,490,000)
(Fee accounts)	(1,455,338,000)	(1,465,416,000)	(1,570,014,000)	(+114,676,000)	(+104,598,000)
Federal Prison System					
Salaries and expenses	2,911,642,000	3,006,494,000	3,012,354,000	+100,712,000	+5,860,000
Prior year carryover	-90,000,000	-90,000,000	-90,000,000		
Direct appropriation	2,821,642,000	2,916,494,000	2,922,354,000	+100,712,000	+5,860,000
Crime trust fund	26,135,000	26,559,000	26,499,000	+364,000	-60,000
Subtotal, Salaries and expenses	2,847,777,000	2,943,053,000	2,948,853,000	+101,076,000	+5,800,000
Buildings and facilities	255,133,000	413,997,000	413,997,000	+158,864,000	
Transfer from D.C. bill (P.L. 105-100)	302,000,000			-302,000,000	
Subtotal, Buildings and facilities	557,133,000	413,997,000	413,997,000	-143,136,000	
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(3,266,000)	(3,266,000)	(3,266,000)		
Total, Federal Prison System	3,404,910,000	3,357,050,000	3,362,850,000	-42,060,000	+5,800,000
Office of Justice Programs					
Justice assistance	173,600,000	307,711,000	155,000,000	-18,600,000	-152,711,000
State and local law enforcement assistance:					
Direct appropriations:					
Byrne grants (discretionary)	46,500,000		47,750,000	+1,250,000	+47,750,000
Byrne grants (formula)	462,500,000		505,000,000	+42,500,000	+505,000,000
Subtotal, Direct appropriations	509,000,000		552,750,000	+43,750,000	+552,750,000
Crime trust fund:					
Byrne grants (discretionary)		47,750,000			-47,750,000
Byrne grants (formula)	42,500,000	505,000,000		-42,500,000	-505,000,000
Local law enforcement block grant	523,000,000		523,000,000		+523,000,000
Boys and Girls clubs (earmark)	(20,000,000)		(20,000,000)		(+20,000,000)
Juvenile crime block grant	250,000,000		250,000,000		+250,000,000
Youth violence courts		50,000,000			-50,000,000
Juvenile prosecutor program		100,000,000			-100,000,000
Community prosecutors program		50,000,000			-50,000,000
Drug intervention treatment program		85,000,000			-85,000,000
Indian tribal courts program		10,000,000			-10,000,000
Juvenile drug prevention program 2/		5,000,000			-5,000,000
Drug courts	30,000,000	30,000,000	40,000,000	+10,000,000	+10,000,000
Upgrade criminal history records	45,000,000	45,000,000	45,000,000		
State prison grants	720,500,000	711,000,000	730,500,000	+10,000,000	+19,500,000
State criminal alien assistance program	420,000,000	350,000,000	420,000,000		+70,000,000
Violence Against Women grants	270,750,000	270,750,000	279,750,000	+9,000,000	+9,000,000
State prison drug treatment	63,000,000	72,000,000	63,000,000		-9,000,000
DNA identification grants	12,500,000	15,000,000	15,000,000	+2,500,000	
Counterterrorism technologies 3/		10,000,000			-10,000,000
Grants to firefighters 3/		5,000,000			-5,000,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4276)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Other crime control programs	5,150,000	7,900,000	5,150,000		-2,750,000
Subtotal, Crime trust fund	2,382,400,000	2,369,400,000	2,371,400,000	-11,000,000	+2,000,000
Total, State and local law enforcement	2,891,400,000	2,369,400,000	2,924,150,000	+32,750,000	+554,750,000
Weed and seed program fund	33,500,000		33,500,000		+33,500,000
Crime trust fund		40,000,000			-40,000,000
Community oriented policing services (crime trust fund)	1,400,000,000	1,400,000,000	1,400,000,000		
Police corps (crime trust fund)	30,000,000	20,000,000	20,000,000	-10,000,000	
Total, Community oriented policing services	1,430,000,000	1,420,000,000	1,420,000,000	-10,000,000	
Juvenile justice programs	238,672,000	277,950,000	282,950,000	+44,278,000	+5,000,000
Public safety officers benefits program:					
Death benefits	31,003,000	32,059,000	32,059,000	+1,056,000	
Federal law enforcement dependents assistance	2,000,000	250,000	250,000	-1,750,000	
Total, Public safety officers benefits program	33,003,000	32,309,000	32,309,000	-694,000	
Total, Office of Justice Programs	4,800,175,000	4,447,370,000	4,847,909,000	+47,734,000	+400,539,000
Appropriations	(987,775,000)	(617,970,000)	(1,056,509,000)	(+68,734,000)	(+438,539,000)
Crime trust fund	(3,812,400,000)	(3,829,400,000)	(3,791,400,000)	(-21,000,000)	(-38,000,000)
Total, title I, Department of Justice	17,764,460,000	18,511,865,000	18,288,009,000	+523,549,000	-223,856,000
Appropriations	(12,579,460,000)	(13,057,888,000)	(12,836,069,000)	(+256,609,000)	(-221,819,000)
Crime trust fund	(5,185,000,000)	(5,453,977,000)	(5,451,940,000)	(+266,940,000)	(-2,037,000)
(Limitation on administrative expenses)	(3,266,000)	(3,266,000)	(3,266,000)		
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES					
TRADE AND INFRASTRUCTURE DEVELOPMENT					
Office of the United States Trade Representative					
Salaries and expenses	23,450,000	24,836,000	24,000,000	+550,000	-836,000
International Trade Commission					
Salaries and expenses	41,200,000	45,500,000	44,200,000	+3,000,000	-1,300,000
Total, Related agencies	64,650,000	70,336,000	68,200,000	+3,550,000	-2,136,000
DEPARTMENT OF COMMERCE					
International Trade Administration					
Operations and administration	283,066,000	292,452,000	284,123,000	+1,057,000	-8,329,000
Offsetting fee collections		-6,000,000	-1,600,000	-1,600,000	+4,400,000
Direct appropriation	283,066,000	286,452,000	282,523,000	-543,000	-3,929,000
Export Administration					
Operations and administration	42,000,000	48,356,000	43,900,000	+1,900,000	-4,456,000
CWC enforcement	1,900,000	3,877,000	3,877,000	+1,977,000	
Total, Export Administration	43,900,000	52,233,000	47,777,000	+3,877,000	-4,456,000
Economic Development Administration					
Economic development assistance programs	340,000,000	368,379,000	368,379,000	+28,379,000	
Salaries and expenses	21,028,000	29,590,000	25,000,000	+3,972,000	-4,590,000
Total, Economic Development Administration	361,028,000	397,969,000	393,379,000	+32,351,000	-4,590,000
Minority Business Development Agency					
Minority business development	25,000,000	28,087,000	25,276,000	+276,000	-2,811,000
Total, Trade and Infrastructure Development	777,644,000	835,077,000	817,155,000	+39,511,000	-17,922,000
ECONOMIC AND INFORMATION INFRASTRUCTURE					
Economic and Statistical Analysis					
Salaries and expenses	47,499,000	53,701,000	48,000,000	+501,000	-5,701,000
Bureau of the Census					
Salaries and expenses	137,278,000	160,102,000	140,147,000	+2,869,000	-19,955,000
Periodic censuses and programs	555,813,000	1,027,784,000	1,111,887,000	+556,074,000	+84,103,000
Total, Bureau of the Census	693,091,000	1,187,886,000	1,252,034,000	+558,943,000	+64,148,000
National Telecommunications and Information Administration					
Salaries and expenses	16,550,000	10,940,000	10,940,000	-5,610,000	
Public telecommunications facilities, planning and construction	21,000,000	15,000,000	21,000,000		+6,000,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4276)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Information infrastructure grants	20,000,000	22,000,000	16,000,000	-4,000,000	-6,000,000
Total, National Telecommunications and Information Administration	57,550,000	47,940,000	47,940,000	-9,610,000	
Patent and Trademark Office					
Salaries and expenses	27,000,000			-27,000,000	
(Fees collected - current year)	(664,000,000)			(-664,000,000)	
Current year fee funding		653,526,000	653,526,000	+653,526,000	
Prior year fee funding		65,868,000	71,000,000	+71,000,000	+5,132,000
(Prior year carryover)	(25,000,000)			(-25,000,000)	
Rescission		-116,342,000	-41,000,000	-41,000,000	+75,342,000
Subtotal	(716,000,000)	(603,052,000)	(683,526,000)	(-32,474,000)	(+80,474,000)
Legislative proposal fees		182,000,000	102,000,000	+102,000,000	-80,000,000
Total, Patent and Trademark Office	(716,000,000)	(785,052,000)	(785,526,000)	(+69,526,000)	(+474,000)
Offsetting fee collections		-653,526,000	-653,526,000	-653,526,000	
Offsetting fee collections - legis. proposal		-182,000,000	-102,000,000	-102,000,000	+80,000,000
Total, PTO offsetting fee collections		-835,526,000	-755,526,000	-755,526,000	+80,000,000
Total, Economic and Information Infrastructure	825,140,000	1,239,053,000	1,377,974,000	+552,834,000	+138,921,000
SCIENCE AND TECHNOLOGY					
Technology Administration					
Under Secretary for Technology/ Office of Technology Policy					
Salaries and expenses	8,500,000	9,993,000	9,000,000	+500,000	-993,000
National Institute of Standards and Technology					
Scientific and technical research and services	276,852,000	291,636,000	280,470,000	+3,618,000	-11,166,000
Industrial technology services	306,000,000	366,691,000	287,000,000	-19,000,000	-79,691,000
Construction of research facilities	95,000,000	56,714,000	56,714,000	-38,286,000	
Advance appropriations, FY 2000 - 2002		115,000,000			-115,000,000
Total, National Institute of Standards and Technology	677,852,000	830,041,000	624,184,000	-53,668,000	-205,857,000
Appropriations	(677,852,000)	(715,041,000)	(624,184,000)	(-53,668,000)	(-90,857,000)
Advance appropriations		(115,000,000)			(-115,000,000)
National Oceanic and Atmospheric Administration					
Operations, research, and facilities	1,512,050,000	1,508,762,000	1,470,042,000	-42,008,000	-38,720,000
New offsetting collections - fisheries fees		-19,781,000			+19,781,000
New offsetting collections - navigation fees		-2,500,000			+2,500,000
Offsetting collections - fees	-3,000,000			+3,000,000	
Limited access system administrative fund		-3,000,000			+3,000,000
IFQ/CDQ offsetting receipts		4,000,000			-4,000,000
Direct appropriation	1,509,050,000	1,487,481,000	1,470,042,000	-39,008,000	-17,439,000
(By transfer from Promote and Develop Fund)	(62,381,000)	(62,381,000)	(62,381,000)		
(By transfer from Damage assessment and restoration revolving fund, permanent)	5,000,000	5,000,000	5,000,000		
(Damage assessment and restoration revolving fund)	-5,000,000	-5,000,000	-5,000,000		
Total, Operations, research and facilities	1,509,050,000	1,487,481,000	1,470,042,000	-39,008,000	-17,439,000
Procurement, acquisition and construction	491,609,000	621,595,000	538,439,000	+46,830,000	-83,156,000
Advance appropriations, FY 2000 - 2011		2,797,815,000			-2,797,815,000
Coastal zone management fund	7,800,000	4,000,000	7,800,000		+3,800,000
Mandatory offset	-7,800,000	-4,000,000	-7,800,000		-3,800,000
Fishermen's contingency fund	953,000	953,000	953,000		
Foreign fishing observer fund	189,000	189,000	189,000		
Fisheries finance program account	338,000	238,000	238,000	-100,000	
Total, National Oceanic and Atmospheric Administration	2,002,139,000	4,908,271,000	2,009,861,000	+7,722,000	-2,898,410,000
Appropriations	(2,002,139,000)	(2,110,456,000)	(2,009,861,000)	(+7,722,000)	(-100,595,000)
Advance appropriations		(2,797,815,000)			(-2,797,815,000)
Total, Science and Technology	2,688,491,000	5,748,305,000	2,643,045,000	-45,446,000	-3,105,260,000
General Administration					
Salaries and expenses	27,490,000	32,187,000	28,900,000	+1,410,000	-3,287,000
Office of Inspector General	20,140,000	21,662,000	21,400,000	+1,260,000	-262,000
Total, General administration	47,630,000	53,849,000	50,300,000	+2,670,000	-3,549,000
National Oceanic and Atmospheric Administration					
Operations, research and facilities (rescission)	-20,500,000			+20,500,000	
Procurement, acquisition and construction (rescission)			-5,000,000	-5,000,000	-5,000,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4276)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
United States Travel and Tourism Administration					
Salaries and expenses (rescission)	-3,000,000			+3,000,000	
Total, Department of Commerce	4,250,755,000	7,805,948,000	4,815,274,000	+564,519,000	-2,990,674,000
Total, title II, Department of Commerce and related agencies	4,315,405,000	7,876,284,000	4,883,474,000	+568,069,000	-2,992,810,000
Appropriations	(4,338,905,000)	(5,079,811,000)	(4,929,474,000)	(+590,569,000)	(-150,337,000)
Rescissions	(-23,500,000)	(-116,342,000)	(-46,000,000)	(-22,500,000)	(+70,342,000)
Advance appropriations		(2,912,815,000)			(-2,912,815,000)
(By transfer)	(62,361,000)	(62,361,000)	(62,361,000)		
TITLE III - THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses:					
Salaries of justices	1,654,000	1,690,000	1,690,000	+36,000	
Other salaries and expenses	27,591,000	29,405,000	29,405,000	+1,814,000	
Total, Salaries and expenses	29,245,000	31,095,000	31,095,000	+1,850,000	
Care of the building and grounds	3,400,000	5,871,000	5,400,000	+2,000,000	-471,000
Total, Supreme Court of the United States	32,645,000	36,966,000	36,495,000	+3,850,000	-471,000
United States Court of Appeals for the Federal Circuit					
Salaries and expenses:					
Salaries of judges	1,887,000	1,943,000	1,943,000	+56,000	
Other salaries and expenses	13,688,000	14,885,000	14,200,000	+512,000	-685,000
Total, Salaries and expenses	15,575,000	16,828,000	16,143,000	+568,000	-685,000
United States Court of International Trade					
Salaries and expenses:					
Salaries of judges	1,483,000	1,506,000	1,506,000	+23,000	
Other salaries and expenses	9,966,000	10,316,000	10,316,000	+350,000	
Total, Salaries and expenses	11,449,000	11,822,000	11,822,000	+373,000	
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses:					
Salaries of judges and bankruptcy judges	227,674,000	238,329,000	238,329,000	+10,655,000	
Other salaries and expenses	2,454,726,000	2,710,394,000	2,610,000,000	+155,274,000	-100,394,000
Direct appropriation	2,682,400,000	2,948,723,000	2,848,329,000	+165,929,000	-100,394,000
Crime trust fund	40,000,000	60,000,000	60,000,000	+20,000,000	
Total, Salaries and expenses	2,722,400,000	3,008,723,000	2,908,329,000	+185,929,000	-100,394,000
Vaccine Injury Compensation Trust Fund	2,450,000	2,515,000	2,515,000	+65,000	
Defender services	329,529,000	360,952,000	360,952,000	+31,423,000	
Fees of jurors and commissioners	64,438,000	68,173,000	67,000,000	+2,562,000	-1,173,000
Court security	167,214,000	179,055,000	174,100,000	+6,886,000	-4,955,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	3,286,031,000	3,619,418,000	3,512,896,000	+226,865,000	-106,522,000
Administrative Office of the United States Courts					
Salaries and expenses	52,000,000	56,156,000	54,500,000	+2,500,000	-1,656,000
Federal Judicial Center					
Salaries and expenses	17,495,000	18,470,000	18,000,000	+505,000	-470,000
Judicial Retirement Funds					
Payment to Judiciary Trust Funds	34,200,000	37,300,000	37,300,000	+3,100,000	
United States Sentencing Commission					
Salaries and expenses	9,240,000	9,900,000	9,600,000	+360,000	-300,000
General Provisions					
Judges' pay raise	5,000,000			-5,000,000	
Total, title III, the Judiciary	3,463,635,000	3,806,860,000	3,696,756,000	+233,121,000	-110,104,000
Appropriations	(3,423,635,000)	(3,746,860,000)	(3,636,756,000)	(+213,121,000)	(-110,104,000)
Crime trust fund	(40,000,000)	(60,000,000)	(60,000,000)	(+20,000,000)	
TITLE IV - DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and consular programs	1,705,600,000	1,664,882,000	1,641,490,000	-64,110,000	-23,392,000
Registration fees	700,000	700,000	700,000		
Security	23,700,000	25,700,000	25,700,000	+2,000,000	
Total, Diplomatic and consular programs	1,730,000,000	1,691,282,000	1,667,890,000	-62,110,000	-23,392,000
Salaries and expenses	363,513,000	367,778,000	365,235,000	+1,722,000	-2,543,000
Capital investment fund	86,000,000	118,340,000	80,000,000	-6,000,000	-38,340,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4276)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Office of Inspector General	27,495,000	28,717,000	28,000,000	+505,000	-717,000
Representation allowances	4,200,000	4,300,000	4,200,000		-100,000
Protection of foreign missions and officials	7,900,000	8,100,000	8,100,000	+200,000	
Security and maintenance of United States missions	404,000,000	640,800,000	396,000,000	-8,000,000	-244,800,000
Emergencies in the diplomatic and consular service	5,500,000	5,500,000	5,500,000		
(By transfer)			(4,000,000)	(+4,000,000)	(+4,000,000)
Commission on Holocaust Assets in U.S. (by transfer)			(2,000,000)	(+2,000,000)	(+2,000,000)
Repatriation Loans Program Account:					
Direct loans subsidy	593,000	593,000	593,000		
Administrative expenses	607,000	607,000	607,000		
(By transfer)			(1,000,000)	(+1,000,000)	(+1,000,000)
Total, Repatriation loans program account	1,200,000	1,200,000	1,200,000		
Payment to the American Institute in Taiwan	14,000,000	16,426,000	15,000,000	+1,000,000	-1,426,000
Payment to the Foreign Service Retirement and Disability Fund	129,935,000	132,500,000	132,500,000	+2,565,000	
Total, Administration of Foreign Affairs	2,773,743,000	3,014,943,000	2,703,625,000	-70,118,000	-311,318,000
International Organizations and Conferences					
Contributions to international organizations, current year assessment	901,515,000	930,773,000	915,000,000	+13,485,000	-15,773,000
Prior year assessment	54,000,000			-54,000,000	
Subtotal	955,515,000	930,773,000	915,000,000	-40,515,000	-15,773,000
Contributions for international peacekeeping activities, current year	210,000,000	231,000,000	220,000,000	+10,000,000	-11,000,000
Prior year assessment	46,000,000			-46,000,000	
Subtotal	256,000,000	231,000,000	220,000,000	-36,000,000	-11,000,000
Arrearage payments		475,000,000	475,000,000	+475,000,000	
International conferences and contingencies		1,223,000			-1,223,000
(By transfer)			(15,000,000)	(+15,000,000)	(+15,000,000)
Total, International Organizations and Conferences	1,211,515,000	1,637,996,000	1,610,000,000	+398,485,000	-27,996,000
International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	17,490,000	19,179,000	18,490,000	+1,000,000	-689,000
Construction	6,463,000	7,125,000	7,000,000	+537,000	-125,000
American sections, international commissions	5,490,000	5,867,000	5,490,000		-377,000
International fisheries commissions	14,549,000	14,549,000	14,490,000	-59,000	-59,000
Total, international commissions	43,992,000	46,720,000	45,470,000	+1,478,000	-1,250,000
Other					
Payment to the Asia Foundation	8,000,000	15,000,000	8,250,000	+250,000	-6,750,000
Total, Department of State	4,037,250,000	4,714,659,000	4,367,345,000	+330,095,000	-347,314,000
RELATED AGENCIES					
Arms Control and Disarmament Agency					
Arms control and disarmament activities	41,500,000	43,400,000	41,500,000		-1,900,000
United States Information Agency					
International information programs	427,097,000	461,728,000	457,146,000	+30,049,000	-4,582,000
Technology fund	5,050,000	5,050,000		-5,050,000	-5,050,000
Educational and cultural exchange programs	197,731,000	199,024,000	200,000,000	+2,269,000	+976,000
Eisenhower Exchange Fellowship Program, trust fund	570,000	600,000	600,000	+30,000	
Israeli Arab scholarship program	400,000	400,000	400,000		
International Broadcasting Operations	364,415,000	388,690,000	383,957,000	+19,542,000	-4,733,000
Emergency appropriations (P.L. 105-174)	5,000,000			-5,000,000	
Broadcasting to Cuba (direct)	22,095,000			-22,095,000	
Radio construction	40,000,000	25,308,000	25,308,000	-14,692,000	
East-West Center	12,000,000	5,000,000		-12,000,000	-5,000,000
North/South Center	1,500,000	2,500,000		-1,500,000	-2,500,000
National Endowment for Democracy	30,000,000	31,000,000	31,000,000	+1,000,000	
Total, United States Information Agency	1,105,858,000	1,119,300,000	1,098,411,000	-7,447,000	-20,889,000
Arms Control and Disarmament Agency					
Arms control and disarmament activities (rescission)	-700,000			+700,000	
Total, related agencies	1,146,658,000	1,162,700,000	1,139,911,000	-6,747,000	-22,789,000
Total, title IV, Department of State	5,183,908,000	5,877,359,000	5,507,256,000	+323,348,000	-370,103,000
Appropriations	(5,179,808,000)	(5,877,359,000)	(5,507,256,000)	(+327,648,000)	(-370,103,000)
Emergency appropriations	(5,000,000)			(-5,000,000)	
Rescissions	(-700,000)			(+700,000)	
(By transfer)			(22,000,000)	(+22,000,000)	(+22,000,000)

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4276)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE V - RELATED AGENCIES					
DEPARTMENT OF TRANSPORTATION					
Maritime Administration					
Operating-differential subsidies (liquidation of contract authority)	(51,030,000)			(-51,030,000)	
Maritime Security Program	35,500,000	97,650,000	97,650,000	+62,150,000	
Operations and training	67,600,000	70,553,000	67,600,000		-2,953,000
Maritime Guaranteed Loan (Title XI) Program Account:					
Guaranteed loans subsidy	32,000,000	6,000,000	16,000,000	-16,000,000	+10,000,000
Administrative expenses	3,725,000	4,000,000	3,725,000		-275,000
Total, Maritime guaranteed loan program account	35,725,000	10,000,000	19,725,000	-16,000,000	+9,725,000
Total, Maritime Administration	138,825,000	178,203,000	184,975,000	+46,150,000	+6,772,000
Commission for the Preservation of America's Heritage Abroad					
Salaries and expenses	250,000	250,000	280,000	+30,000	+30,000
Commission on Civil Rights					
Salaries and expenses	8,740,000	11,000,000	8,740,000		-2,260,000
Commission on Immigration Reform					
Salaries and expenses	459,000			-459,000	
Commission on Security and Cooperation in Europe					
Salaries and expenses	1,090,000	1,090,000	1,170,000	+80,000	+80,000
Equal Employment Opportunity Commission					
Salaries and expenses	242,000,000	279,000,000	260,500,000	+18,500,000	-18,500,000
Federal Communications Commission					
Salaries and expenses	186,514,000	212,977,000	181,514,000	-5,000,000	-31,463,000
Offsetting fee collections - current year	-162,523,000		-172,523,000	-10,000,000	-172,523,000
Direct appropriation	23,991,000	212,977,000	8,991,000	-15,000,000	-203,986,000
Offsetting fee collections		-172,523,000			+172,523,000
Federal Maritime Commission					
Salaries and expenses	14,000,000	14,500,000	14,000,000		-500,000
Federal Trade Commission					
Salaries and expenses	106,500,000	112,867,000	110,490,000	+3,990,000	-2,377,000
Offsetting fee collections - carryover	-18,000,000	-11,700,000	-30,000,000	-12,000,000	-18,300,000
Offsetting fee collections - current year	-70,000,000		-76,500,000	-6,500,000	-76,500,000
Direct appropriation	18,500,000	101,167,000	3,990,000	-14,510,000	-97,177,000
Gambling Impact Study Commission					
Salaries and expenses	1,000,000			-1,000,000	
Legal Services Corporation					
Payment to the Legal Services Corporation	283,000,000	340,000,000	141,000,000	-142,000,000	-199,000,000
Marine Mammal Commission					
Salaries and expenses	1,185,000	1,240,000	1,240,000	+55,000	
Securities and Exchange Commission					
Salaries and expenses	315,000,000	118,098,000	23,000,000	-292,000,000	-95,098,000
Current year fees		205,000,000	214,000,000	+214,000,000	+9,000,000
1998 fees		18,000,000	87,000,000	+87,000,000	+69,000,000
Subtotal	315,000,000	341,098,000	324,000,000	+9,000,000	-17,098,000
Offsetting fee collections	-249,523,000			+249,523,000	
Offsetting fee collections - carryover	-32,000,000			+32,000,000	
Direct appropriation	33,477,000	341,098,000	324,000,000	+290,523,000	-17,098,000
Small Business Administration					
Salaries and expenses	254,200,000	281,100,000	246,750,000	-7,450,000	-34,350,000
Office of Inspector General	10,000,000	11,300,000	11,300,000	+1,300,000	
Business Loans Program Account:					
Direct loans subsidy		5,724,000	2,000,000	+2,000,000	-3,724,000
Guaranteed loans subsidy	181,232,000	163,000,000	132,540,000	-48,692,000	-30,460,000
Administrative expenses	94,000,000	94,000,000	94,000,000		
Total, Business loans program account	275,232,000	262,724,000	228,540,000	-46,692,000	-34,184,000
Disaster Loans Program Account:					
Direct loans subsidy	23,200,000		100,000,000	+76,800,000	+100,000,000
Administrative expenses	150,000,000	166,000,000	116,000,000	-34,000,000	-50,000,000
Total, Disaster loans program account	173,200,000	166,000,000	216,000,000	+42,800,000	+50,000,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1999 (H.R. 4276)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Surety bond guarantees revolving fund	3,500,000	3,300,000	3,300,000	-200,000	
Total, Small Business Administration	716,132,000	724,424,000	705,890,000	-10,242,000	-18,534,000
State Justice Institute					
Salaries and expenses 4/	6,850,000	12,000,000	6,850,000		-5,150,000
Total, title V, Related agencies	1,489,499,000	2,044,426,000	1,661,626,000	+172,127,000	-382,800,000
Appropriations	(1,489,499,000)	(2,044,426,000)	(1,661,626,000)	(+172,127,000)	(-382,800,000)
(Liquidation of contract authority)	(51,030,000)			(-51,030,000)	
TITLE VI - GENERAL PROVISIONS					
GOVERNMENT-WIDE					
Defense function (by transfer)	(33,169,000)			(-33,169,000)	
International function (by transfer)	(45,432,000)			(-45,432,000)	
Domestic function (by transfer)	(31,061,000)			(-31,061,000)	
Total, title VI, general provisions					
(By transfer)	(109,662,000)			(-109,662,000)	
TITLE VII - RESCISSIONS					
DEPARTMENT OF JUSTICE					
General Administration					
Working capital fund (rescission)	-100,000,000	-45,326,000	-45,326,000	+54,674,000	
Legal Activities					
United States trustee system fund (rescission)			-17,000,000	-17,000,000	-17,000,000
TITLE VIII - EMERGENCY SUPPLEMENTAL APPROPRIATIONS					
National Oceanic and Atmospheric Administration					
Operations, research and facilities	7,000,000			-7,000,000	
Grand total:					
New budget (obligational) authority	32,123,907,000	38,071,468,000	33,974,795,000	+1,850,888,000	-4,096,673,000
Appropriations	(27,018,107,000)	(29,806,344,000)	(28,571,181,000)	(+1,553,074,000)	(-1,235,163,000)
Emergency appropriations	(5,000,000)			(-5,000,000)	
Advance appropriations		(2,912,815,000)			(-2,912,815,000)
Rescissions	(-124,200,000)	(-161,668,000)	(-108,326,000)	(+15,874,000)	(+53,342,000)
Crime trust fund	(5,225,000,000)	(5,513,977,000)	(5,511,940,000)	(+286,940,000)	(-2,037,000)
(By transfer)	(172,043,000)	(62,381,000)	(84,381,000)	(-87,662,000)	(+22,000,000)
(Limitation on administrative expenses)	(3,266,000)	(3,266,000)	(3,266,000)		
(Liquidation of contract authority)	(51,030,000)			(-51,030,000)	

1/ Funded under Federal Prison System.
2/ Funded under Juvenile Justice.
3/ Funded under Counterterrorism Fund.
4/ President's budget proposed $6,000,000 for State Justice Institute.

Mr. ROGERS. Mr. Chairman, I reserve the balance of my time.

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

Mr. Chairman, I want to take this opportunity first at the beginning of this general debate to compliment the gentleman from Kentucky (Mr. ROGERS), our chairman, on the fine job he has done in putting together this bill. How I appreciate his willingness to consider my views and minority views on the issues as we have processed this legislation, and I want to take also an opportunity to commend our staff: Jim Kulikowski, Jennifer Miller, Mike Ringler, Cordia Strom and Janet Stormes with the Committee on Appropriations' majority, and Mark Murray, David Reich and Pat Schlueter with the minority, and Sally Gaines and Elizabeth Hall with my personal staff. They all have done an excellent job, worked tremendously hard on this bill and are indispensable to its success.

Before discussing the bill I would like to take a moment to recognize the fine contributions of a very distinguished member of our subcommittee, the gentleman from Colorado (Mr. SKAGGS), Mr. Chairman. The gentleman from Colorado (Mr. SKAGGS) is one of our subcommittee's most active, involved members, focusing in particular on NOAA and on the international accounts, and in our subcommittee, as the entire Congress, he works in a true bipartisan fashion. He always strives to elevate the debate. The gentleman from Colorado (Mr. SKAGGS) also acts very much according to his conscience, at times even pursuing issues beyond this body and into the courts. I have a great deal of respect for him, a sentiment that I know is shared by colleagues on both sides of the aisle, and just as the people of Colorado appreciate his hard work in regard to education, to the environment, to parks and to wilderness protection, we appreciate his service to this institution and his contributions to policy debate.

So, Mr. Chairman, it is with real regret and fondest best wishes as we look to his retirement, we wish him and his family all the best in the years ahead and again appreciate his fine service and friendship to this institution.

Mr. Chairman, there are a lot of things to like about this bill in addition to the contributions of the gentleman from Colorado (Mr. SKAGGS) to it. Few will find fault with the robust sums provided for the Department of Justice and law enforcement. I am particularly pleased with the funding level provided for community policing.

The COPS program has been extraordinarily successful. It has thus far put 76,771 policemen on the beat. The President is to be applauded for his leadership in proposing the COPS program. His vision has paid dividends. Proof positive of this program's success lies in the fact that violent crime across this country is down.

Some were initially skeptical of the ability of a program run from Washington to significantly impact local crime in a positive way. Some thought a better way was to send the money back to the States to let them decide how it would be best spent. Our subcommittee took these views into consideration and responded by providing, in addition to the COPS program, a block grant to the States to permit local planning and local decision-making. The local law enforcement block grant program is again funded in this bill, and I believe that the combination of these two programs coming from both sides of the aisle is an approach the Federal Government can be proud of in terms of helping States and localities fight crime.

A number of Members have expressed interest in assuring that adequate funds are provided for juvenile delinquency and other prevention programs. As my colleagues are all well aware, last year we followed the course outlined in the bipartisan House-passed H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act of 1997. We have once again tried to follow this path by providing 125 million for the juvenile delinquency prevention block grant.

Moving on to the Commerce Department, Mr. Chairman, I feel this bill in most instances deals fairly with commerce. The gentleman from Kentucky (Mr. ROGERS) has continued his support for such important initiatives as the Public Works Grant Program, the Manufacturing Extension Partnership and the scientific research conducted by the National Institutes of Standards and Technology. Additionally, this bill provides needed funding increases for the critical activities of the National Weather Service. Also in NOAA this bill provides an increase for coastal zone management grants and robust funding for such popular initiatives as navigation safety programs, marine sanctuaries and Sea Grant.

However, there are several areas in the Commerce title of the bill that need to be improved. For example, this bill provides only 180 million for the ATP program, significantly less than the amount requested by the administration. Additionally, I regret that the mark of the gentleman from Kentucky (Mr. ROGERS) only provides 43 million for new awards. I am hopeful that we can improve these numbers as this bill continues through the process. Additionally, only 21 million is provided for the public telecommunications facilities program, much less than is needed to help public radio and television stations convert to digital systems.

And finally with respect to Commerce I would like to express my opposition to the language included in this bill with regard to the decennial census. I intend to offer an amendment later during consideration of this bill to address this issue, however I think it is important to note at this time that the President has indicated he would veto this bill over the census language. As well he should, Mr. Chairman. This language is dangerously flawed and runs the risk of sabotaging the decennial census. As we move forward, I sincerely hope we can avoid this issue being a major stumbling block to getting this bill signed. I believe the amendment I will offer represents a compromise that should be agreeable to all parties.

With respect to United Nations, funds are provided for payment of arrearages to the United Nations subject to authorization. The subcommittee, under the leadership of the gentleman from Kentucky (Mr. ROGERS), has been on the forefront of demanding reform at the United Nations. We have made some progress in that regard.

With regard to funding for regulated agencies under our jurisdiction, I just want to mention two where I have strong views. First, I am very concerned with the large cuts the gentleman from Kentucky (Mr. ROGERS) has proposed for the salaries and expenses accounts of the Small Business Administration. I should say at the same time, however, that I understand his frustration over the gimmicks employed by OMB and budget crafting process, and I hope that this message does not fall on deaf ears.

Second, I must express sincere reservations in the strongest terms about the woefully inadequate funding provided for the Legal Services Corporation in this bill. One hundred forty-one million is not even close to what is needed to provide legal, civil-legal assistance for our most vulnerable citizens. I intend to offer an amendment later in the debate to address this deficiency in our bill, and as mentioned earlier during debate on the rule, my amendment will increase funding for Legal Services from 141 million to 250 million.

Mr. Chairman, I want to take this occasion to further inform my colleagues that even my amendment will not provide sufficient funding for this vital program, and I intend to work with other Members hard in conference to improve this funding level even further, perhaps approaching the $300 million mark that is in the Senate bill, and that is closer to the mark that we ought to have.

This list is not exhaustive, Mr. Chairman, but merely serves to highlight a few key areas of the bill, some areas of the bill where the bill is strong and some where we have a lot of work to do.

Again I want to thank the gentleman from Kentucky (Mr. ROGERS) for his cooperation and his consideration of minority views throughout the process.

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

Mr. ROGERS. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. REGULA), one of the very able members of our subcommittee who also serves as chairman of Subcommittee on Interior of the Committee on Appropriations.

Mr. REGULA. Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS) for yielding this time to me, and I want to say he did a great job of balancing the many very difficult issues in the subcommittee. It was tough to balance out the multitude of requests.

One of the highlights of this bill is the initiative to combat juvenile delinquency. It is disturbing to note that since 1989 arrests of juveniles in Ohio for violent crimes have risen 44 percent and 20 percent of all violent crimes nationally are committed by youths under the age of 18.

□ 1945

There are many solutions being sought, and this bill contains a $42.2 million increase for funding for juvenile justice programs, to fund the same. The increased funding is directed not only toward law enforcement initiatives to punish violent juvenile offenders, but, perhaps more importantly, it is also directed to quality intervention and prevention programs to help our youth from falling into the delinquency trap.

There is a lot of truth that an ounce of prevention is worth a pound of cure. The juvenile justice programs provide funding for the Ohio Attorney General's juvenile crime initiative called OASIS, Ohio's Accelerated School-Based Intervention Solution. This program is aimed at providing teens with in-depth support during the middle school years so they can avoid moving into a life of delinquency and incarceration.

Project OASIS represents an effective solution crafted by a Federal, State and local partnership. I strongly support this, because it really is a partnership among all levels of government.

I would also like to thank the chairman for once again recognizing the importance of engaging students in continued research and outreach on coastal and ocean environments under the JASON project. The bill includes $2 million for the second year funding for the JASON project to build on the successful partnership that it has developed with the Department of Commerce.

The JASON project serves over 2.5 million students across the United States, including students in Wooster, Ohio, by providing an exciting interactive program of education that makes science more accessible and real to students. It is real time. Students can interact.

I know in one instance in the JASON project they were on the bottom of the Monterey Bay, interacting with students in schools in Ohio that were equipped, as well as across the Nation. This additional funding will allow the JASON project to develop further curricula and to expand the number of students participating.

Another important aspect funded in this bill is the $4.1 million increase above the amount requested for the Commerce Department's International Trade Administration. I support this increase because expanding exports as well as protecting domestic companies against unfair foreign trade practices are both crucial to the creating and maintaining of high wage jobs in the United States.

The Commerce Department is performing important work by promoting U.S. exports abroad and enforcing U.S. trade laws at home to ensure that the United States companies have a level playing field in the global marketplace.

I strongly urge my colleagues to support this bill, and I look forward to working with the chairman when the bill reaches conference.

Mr. MOLLOHAN. Mr. Chairman, I am delighted to yield 4 minutes to the distinguished gentleman from Colorado (Mr. SKAGGS).

Mr. SKAGGS. Mr. Chairman, I thank my friend for yielding me time.

I want to first express my thanks to the chairman, the gentleman from Kentucky (Mr. ROGERS), and the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, and especially the fine staffs for the typically excellent work they have done in putting this bill together.

The Commerce-Justice-State appropriations bill funds an extraordinarily wide array of programs that this government undertakes on behalf of its people. To name just a few, our country's entire law enforcement corps, the criminal and civil justice systems, regulation of commerce, ensuring that securities and communications laws are enforced, research in the planet's atmosphere and oceans, our diplomatic corps, and on and on and on. I am glad to have worked with the gentleman from Kentucky (Mr. ROGERS) and the gentleman from West Virginia (Mr. MOLLOHAN) on this bill, and especially appreciate the help they have given me personally on it.

Among the many areas where I believe we have produced positive results are in the funding of the National Oceanic and Atmospheric Administration effort to maintain a much more comprehensive weather database, information crucial to predicting long and short term weather disasters; funding for NIST and the NOAA Space Environment Center; improvement in our trade statistics, which will enable future debates about trade policy to be held on a much more informed basis; and many other requests which I am grateful to the chairman and ranking member for assistance.

As both gentlemen know, I have some problems with some areas of the bill, particularly Legal Services, the census, and an amendment I will be offering on TV Marti, but I did want to engage the distinguished chairman briefly on one point having to do with funding for NOAA. I appreciate all the work that he has done to accommodate my requests in this area.

One pending item in the bill that is important to U.S. weather forecasting and supercomputing capabilities is the High Performance Computing and Communication program. This offers several benefits to the country, including the acceleration of very site-specific weather forecasting warnings by 6 to 12 hours. In addition, this program has the potential to provide a real shot in the arm for the U.S. supercomputer industry. Finally, its parallel computing system can save us a lot of money by automatically converting millions of lines of computer code that will otherwise have to be done at much greater expense.

I know the chairman is aware of these benefits, and I appreciate his inclusion of the funding and report language on the HPPC in this bill. So I hope the chairman will make every effort to provide full funding for the HPPC as we move to conference with the Senate.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding. Let me just say that I appreciate the gentleman's concerns. The gentleman is a very valued member of this subcommittee, as we have mentioned, but one of the most valuable contributions that the gentleman makes and has made has been the intellectual firepower that he brings to very technical subjects like this, which this subcommittee desperately needs.

But the gentleman has been a very tireless and effective advocate for these types of programs over the years, and we are going to miss his counsel on this and many other subjects on the subcommittee, not to mention his friendship. Of course, we could go on and on about the gentleman, because after all, his ancestry is from that great Commonwealth of Kentucky, if I am not mistaken.

Mr. SKAGGS. Grayson County, in particular.

Mr. ROGERS. We will do what we can to accommodate the gentleman's concerns as we work in conference with the Senate.

Mr. SKAGGS. I thank the gentleman very much.

Mr. ROGERS. Mr. Chairman, I yield 4 minutes to the gentleman from Iowa

(Mr. LATHAM), one of the very able members of our subcommittee.

Mr. LATHAM. Mr. Chairman, I rise today in strong support of the bill. As a member of the subcommittee, I know this is a difficult bill to work on as it funds some of the most important and diverse functions of the Federal Government. The gentleman from Kentucky (Mr. ROGERS), who chairs this subcommittee, has worked with both sides of the aisle to craft a bill that properly reflects Congress' priorities, particularly in the area of law enforcement.

Each year there are new and greater challenges confronting law enforcement officials throughout the Nation. In order to be successful, Federal, State and local officials need to work together in a coordinated effort to combat criminals that are increasingly better organized, more lethal, and more technologically advanced.

My home State of Iowa, like many States throughout the Midwest and the West, has become inundated with methamphetamine production and trafficking. In fact, the tri-State Siouxland region of Iowa, Nebraska and South Dakota has become the meth distribution capital of the country, where the drug costs up to $30,000 a kilo.

According to DEA officials, more than 20 Mexican organizations run operations in this region and supply 90 percent of Iowa's meth. However, domestic producers are also a significant problem. In 1994 Iowa law enforcement officials seized only one clandestine meth lab, and 10 in 1996. Despite increased law enforcement efforts, that number has jumped to 111 through only half of this year.

Our bill provides greater resources for the DEA to focus on the methamphetamine epidemic in America's heartland. DEA is funded at more than $1.2 billion, which includes a $24.5 million increase targeted at meth production and trafficking, and more than $4 million in increased funding provided to assist small communities in my district and throughout rural America with the expensive and technically challenging removal of hazardous wastes generated at clandestine meth lab sites.

The bill directs an additional $50 million in resources to local law enforcement in the war on meth through the COPS Methamphetamine Drug Hot Spots Program. Included in this is funding to continue the innovative Tri-State Methamphetamine Training Center in Sioux City, Iowa, which provides police officers in rural areas with training in comprehensive counter-drug operations that their communities would normally not be able to afford or have access to.

Continuing our efforts to stem the flow of illegal aliens, this year's bill again provides funding for 1,000 new Border Patrol agents. However, there are also a number of important INS-related provisions in our bill.

The INS has been slow to implement a provision I included in the immigration reform legislation enacted in 1996 that charged INS to establish a program to deputize State and local law enforcement agents, thus enabling them to assist with identifying criminal aliens.

However, our bill provides $21.8 million to set up 50 innovative INS Quick Response Teams to aid local law enforcement with identifying and removing illegal aliens. This is critical to areas throughout rural America where the INS has simply failed to respond to calls from local authorities to identify criminal aliens and take them into custody.

Also included in the bill is language under the COPS Technology Program permitting technology such as video teleconferencing equipment to be purchased under this grant program. This equipment will enable local police to identify criminal aliens by conferencing directly with INS officials at regional offices. The INS is currently testing this innovative pilot program in San Diego County, which, again, is a result of my provision in the 1996 reform act.

I would like to take the remainder of my time to thank the chairman for responding to the needs of Iowa. The chairman recognizes the unique needs of rural America and has provided law enforcement officials at all levels with the resources necessary to meet head-on the challenges they face and they will face in the coming years.

Again, I urge my colleagues to support this great bill.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from California (Mr. DIXON), a very able member of our subcommittee.

Mr. DIXON. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I reluctantly rise to support this bill, for in my opinion it is defective in basically three areas. One deals with the census. We have provided full funding for the census but basically say that they can only spend half of that money until March 31, 1999, when supposedly we will be able to reconcile our differences.

The problem with that is that, unfortunately, the Census Bureau testimony is that they do not spend money in half year increments. So to fully fund but only allow them to spend half the money is to impact their ability to use either system to count the census in the year 2000.

The second is the Legal Services Corporation. If we really believe that people of short means, of small means, are to be represented in the civil courts of our country, we recognize that $141 million is not enough money.

So in these two issues I think the bill is totally deficient, and I urge Members to support the ranking member's amendments at the appropriate time.

The third issue is EEOC. There was a request, based on the backlog of those people who have complaints and that they should be adjudicated, to increase it by $37 million. We have only increased it by half that amount, and I hope that as we move this bill along, that we will increase it further.

There are many good things. As the chairman and the ranking member have pointed out, the Juvenile Crime Prevention Program is funded at $295 million and the community COPS Program is fully funded. As several Members have pointed out, the methamphetamine problem in our country is growing, and we have dedicated $30 million to fight that battle. We have also provided a new program and incentive to decrease the backlog in the naturalization process in our country.

□ 2000

Most important for California, we have provided $585 million in funding for the State Criminal Alien Assistance Program, the same level as last year, but $85 million above the budget request.

These are good programs, but when we look at the bill and we see that we are going to continue to have a deficit in the way we fund the Census Bureau, when we look at Legal Services and EEOC, as we move along, I hope that we will much improve those areas. I encourage all Members to support the amendments of the ranking member in those two areas.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SMITH), the able chairman of the Subcommittee on Immigration and Claims.

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Kentucky for yielding time to me.

I rise in support of H.R. 4276. This bill, Mr. Chairman, takes important steps to deal with illegal immigration and related crimes, such as alien smuggling and drug smuggling. As in previous years, the bill provides for 1,000 new border patrol agents and 140 support personnel for those agents. These new agents can help the United States regain control of its borders.

H.R. 4276 also addresses the INS's longstanding unresponsiveness to the problems imposed on communities by criminal illegal aliens. Too often the INS has failed to deport criminal aliens arrested by State and local police officers. The bill directs the INS to set up an around-the-clock 800 number that State and local officers can call to arrange for apprehension and removal of criminal aliens.

The bill also directs the INS to deputize State law enforcement officials when requested, as authorized by the

1996 immigration reform law, so they can assist the INS in removing criminal aliens from the United States. Too often the INS has released criminal aliens into American communities because of inefficient use of limited detention space. H.R. 4276 provides substantial resources for a major increase in detention spaces available to the INS.

Finally, Mr. Chairman, the bill directs the INS to maintain the integrity of immigration benefits by investigating and rejecting fraudulent applications. Equally as important, it also mandates improved speed and efficiency for serving immigration applicants, and provides important funding for that purpose, funding which was not requested by the administration.

I urge my colleagues to support and vote for H.R. 4276, the Commerce, Justice, State, and the Judiciary appropriations bill.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentlewoman from California (Ms. PELOSI), who is an outstanding Member of our full committee.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, as a former member of this subcommittee, I have an appreciation for the breadth of jurisdiction that the distinguished chairman and ranking member have to deal with, and I commend them for their great leadership in bringing this legislation to the floor. I do hope, as the process moves on, that I will be able to support the bill, because dealing with all of the issues that we have to deal with, as has been mentioned, there are some controversial ones.

One of them deals with the children of America. I do not know if Members have seen, but a couple of weeks ago Columbia University released a study that said that one in four children under the age of six in America lives in poverty.

How could this be, in a country this great? Maybe one of the reasons is that we do not have an accurate count of our children. Fifty-two percent of the undercount in the 1990 Census were children. They represent 25 percent of those counted but 52 percent were part of the undercount, a gross undercounting of the children.

That is why I support the Mollohan amendment, because I think it addresses the controversy of the Census in a very, very smart way. It accomplishes three important goals: It prevents any interruption in the funding of the 2000 Census; it takes into account possible action by the Supreme Court to review the sampling question; and it provides for third-party review of the Census Bureau's plan for counting the 2000 Census.

The 1990 Census was seriously deficient, particularly as it failed our minority communities, and as I have said, the children of America. We cannot meet the needs, minister to the needs of America's children, if we do not have an accurate count of those children. In the minority community, almost 9 million people were not counted in the process, including one in 10 African American males, one in 20 Hispanics, and one in 10 young Asian males.

On top of this, there were 26 million errors in the last Census, 1.6 percent of the population was undercounted, 4.5 million people were counted twice, and the concerns go on, which I will submit for the RECORD.

Mr. Chairman, in conclusion, I say that the Constitution requires that we have a Census. Every American counts. I urge my colleagues to vote for the Mollohan amendment when it comes up, to bring about a fair and accurate Census for America's children.

Mr. Chairman, I rise in strong support of the Mollohan amendment. The Mollohan amendment accomplishes three important goals—it prevents any interruption in funding of the 2000 census; it takes into account possible action by the Supreme Court to review the sampling question; and it provides for third party review of the Census Bureau's plans for counting the 2000 census.

The 1990 census count was seriously deficient, particularly as it failed our minority communities. Almost 9 million people were not counted in the process, including one in ten African-American males, one in twenty Hispanics and one in ten young Asian males. On top of this, there were 26 million errors in the last census, 1.6% of the population was undercounted, 4.5 million people were counted twice and another 13 million people were counted in the wrong place. In fact, the 1990 census was the first census since 1790 to be less accurate than the census preceding it.

We can do better than this and we owe it to all segments of our communities to make the strong effort to approve the Mollohan amendment to keep the census fair, accurate and representative of our diverse population.

Full funding is necessary. Full funding of the census is necessary to prevent any delays in the preparation by the Census Bureau to proceed with its improved plans for 2000. The Mollohan amendment still leaves room for the Supreme Court to act on the census question without any interruption of plans by the Bureau to modernize, organize personnel and facilities and engage in contracting now. The Bureau has a plan; give them the money they need to implement the plan so that a severely deficient process can be improved.

Secretary Daley has stated: "This kind of living with a sword over the Census Bureau's head does not lend well to long-term planning. . . If Congress is going to have a fight and vote over what method ought to be used. . . . they should not hold hostage the census."

The Bureau plan uses good science. The Census Bureau plan includes augmenting the traditional count with statistical sampling. Traditional methods by direct enumeration would be used to count most Americans through the use of mail surveys and interviews, with the remaining 10 percent hard-to-reach households estimated based on the characteristics of the 90% reporting from within the census tract.

This plan is supported by the National Academy of Sciences, the General Accounting Office and the Commerce Department's Inspector General. The General Accounting Office reports: "Sampling households that fail to respond to questionnaires produces substantial cost savings and should improve final data quality."

A report of the blue Ribbon Panel on the Census of the American Statistical Association states: "Because sampling potentially can increase the accuracy of the count while reducing costs, the Census Bureau has responded to the Congressional mandate by investigating the increased use of sampling. . .We endorse the use of sampling for these purposes; it is consistent with the best statistical practice."

On the Constitutional Question about "actual enumeration," Stuart M. Gerson, Assistant Attorney General during the Bush Administration, stated in a 1991 memo to the Commerce Department's General Counsel that the origin of the term 'enumeration' in the Constitution "is more likely found in the accuracy of census taking rather than in the selection of any particular method. . .Nothing. . .indicates any additional intent on the part of the Framers to restrict for all time. . .the manner in which the census is conducted." Gerson went further to state that a headcount "might be subject to political manipulation in the form of a congressional refusal to appropriate sufficient funds. . .or by overly restrictive local review procedure. On the other hand, Census Bureau statisticians might perform a statistical adjustment in a manner yielding highly accurate results."

"Actual enumeration" under the Constitution, translated into an actual headcount, makes no more sense today than the notion of the constitutional framers to count only 3/5 of all Black male slaves in the census. Actually, times have not changed in that respect if you look at the 1990 census which was effective in counting only 9/10 of our nation's Black males. We can do better than this and we have an obligation to utilize the best possible methods available to us.

According to many analyses of Constitutional interpretation, the founding fathers were more concerned about accuracy of the census rather than the specific methods employed to obtain the count. The Carter Bush and Clinton Administrations all concluded that the Constitution permits the use of sampling and other modern statistical methods as part of the census. All of the courts which have considered the question have concluded that the Census Bureau may use sampling and other statistical methods to improve the accuracy of a good-faith direct counting effort. The Census Bureau should have the discretion to determine the best possible science and modern technology for conducting a fair and accurate census count.

The Census Bureau has a plan—recommended by the National Academy of Sciences—for improving the 1990 census and we should put it to work. Accuracy is important to all communities in America—for their representation in Congress and for the return investment by the federal government. They depend on the federal dollars for roads, schools,

senior centers, Medicaid and other vital support systems that are determined by the count and that improve the quality of life in their communities.

Make the census accurate and let the Bureau do its work NOW. We cannot be happy with the fact that millions of people, and particularly minorities, are left out of the count. Every American counts. Vote YES on the Mollohan amendment to bring about a fair and accurate census for the year 2000.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. HYDE), the very able chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, I rise today to urge my colleagues to support H.R. 4276, the Commerce, Justice, State appropriations bill for the fiscal year 1999. I want to thank my colleagues at the committee for working closely with the Committee on the Judiciary in deciding what amendments to the substantive law should be included in this spending bill, and I deeply appreciate the cooperative spirit.

The CJS bill comes to the floor on the heels of H.R. 3303, the Department of Justice appropriation authorization act for fiscal years 1999 through 2000, the first reauthorization of the Department passed by the House in years.

With respect to the Justice Department, I want to commend the Committee on Appropriations for producing a strong, balanced spending bill. Working within tight budget controls, Commerce, Justice, State reflects the Congress' continuing commitment to provide resources for America's top domestic priority, fighting crime.

Over the past 3 years we witnessed a dramatic drop in most categories of crime across America. This decline has been breathtaking. Many factors have converged to bring it up. Some, like demographic changes, were purely fortuitous, but we do know that specific crime-fighting measures have made a difference, and Congress has played an important role in funding some of these measures.

For example, tens of thousands of police officers and crime-fighting equipment have been put on the streets through local law enforcement block grants and the COPS grant program. While I believe that Congress should not necessarily fund these programs in perpetuity, now is not the time to let up on the criminals. We must continue to fight to make our communities safe again. This bill will provide $4.9 billion for State and local law enforcement, $400 million more than the President's budget request.

Mr. Chairman, the bill will also provide substantial funding for counterterrorism, protection against biological and chemical weapons, and the continuing fight against drugs.

Mr. Chairman, H.R. 4276 is a strong, balanced bill that will, with respect to the Justice Department, give it the resources it needs to carry out its many diverse missions. I again congratulate the gentleman from Kentucky (Mr. ROGERS) and his committee for their intelligent cooperation with the Committee on the Judiciary, and I urge my colleagues to support passage of this important legislation.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 1¾ minutes to the distinguished gentleman from Indiana (Mr. VISCLOSKY), a member of our full committee.

Mr. VISCLOSKY. Mr. Chairman, I thank the gentleman for yielding me the time. I want to take my time to profoundly thank the gentleman from Kentucky (Mr. ROGERS), the chairman, and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), as well as the staffs on both the majority and minority side, for their courtesy and consideration in ensuring that the COPS bulletproof Vest initiative was fully funded at the figure of $25 million.

This initiative, which was enacted into law in June of this year, was originally sponsored by the gentleman from New Jersey (Mr. LOBIONDO) and myself. It received the bipartisan cosponsorship of 306 individuals in this body, and was passed overwhelmingly by both Houses of Congress.

Essentially, it provides grants for police departments throughout this country to buy bulletproof vests to protect their officers. Prior to the tragedy of 10 days ago in the Capitol, the gentleman from Kentucky (Mr. ROGERS), as chairman, and the gentleman from West Virginia (Mr. MOLLOHAN), as ranking member, saw the dire need for this legislation, given the fact that before the end of today in America two police officers will be shot, and one out of every four police officers in America today does not have a bulletproof vest.

So I do want to thank both gentlemen, the members of the committee and their staffs, for doing the right thing and for saving innumerable lives of police officers throughout the United States of America.

Mr. Chairman, I rise to express my sincere appreciation to Chairman ROGERS and Ranking Member MOLLOHAN for including funding for a new program, the COPS Bulletproof Vests Initiative. The bill before us directs $25 million for the creation of a new grant program to help provide state and local law enforcement officers throughout the country with bulletproof vests.

Funding for this program was authorized in Public Law 105–181, which is based on legislation that I, together with our colleague from New Jersey, Mr. LOBIONDO, first introduced in the House last November. The measure received strong bipartisan support in the House, attracting 306 co-sponsors before it was voted on and signed into law.

Bulletproof vests and body armor have saved the lives of more than 2,000 police officers. Unfortunately, figures indicate that approximately 25 percent of the nation's 600,000 law enforcement officers don't currently have access to a vest. The Fraternal Order of Police, the National Sheriff's Association, the International Union of Police Associations, and the Police Executive Research Forum have all endorsed the bulletproof vest program that is funded by this bill.

Once again, I wish to thank Chairman ROGERS and Ranking Member MOLLOHAN, as well as all of my other colleagues who helped bring this important program to fruition.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I just wanted to compliment the distinguished gentleman from Indiana for his work on this issue, which is poignantly important, as we saw so tragically here right close to home in the Capitol last week. Police officers are at risk, and his work is certainly appreciated by all of them across the country and all of us. I want to compliment him.

Mr. ROGERS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, there have been a number of calls into the cloakrooms from Members inquiring about whether or not there will be further votes this evening.

For the convenience of the Members, especially, I would like to state that there will be no further votes tonight. We will conclude general debate on the bill, and consider the legal services amendment, debate only. The vote will be postponed until tomorrow, and after that debate, the committee would then rise, so Members can know there will be no further votes this evening.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2½ minutes to the distinguished gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to thank the gentleman from Kentucky (Chairman ROGERS) for the assistance that he has given me, but right now I rise against Republican Census politics. It does not make much sense, by the way, either. If Republicans have their way, it will return us to the days where poor people and people of color either do not count, or, at best, count as three-fifths of a person.

During the last Census in Georgia, counters came from rural Alabama to count people in Atlanta public housing. This was not just a funny story about the country mouse visiting his city slicker cousin, it was Dixie politics. Do Members think it was an accident that the residents in Atlanta public housing did not get counted? Let me assure every Member in this House that that was no mistake.

Nationally, this same Census missed one in ten African American males, one in 20 Hispanics, and one in 10 young

Asian males. That is why every major civil rights group has endorsed the plan created by the nonpartisan National Academy of Sciences to correct the undercount, using the most modern statistical methods available.

But the Republicans, for purely partisan political reasons, would like to hold the funding for the Census Bureau hostage so they can force the Bureau to use outdated techniques that are guaranteed to lead to an inaccurate count.

Mr. Chairman, the Census is America's family portrait. I recently took a portrait of my Washington, D.C. staff, which looks very much like America. If the Republicans have their way some of my staff will disappear, because the Republicans do not want a fair and accurate Census.

This is my staff, which looks very much like America. I call it my rainbow staff, and some of them are in the gallery now. Unfortunately, Mr. Chairman, this is my staff after a Republican Census. If I am not careful, I would not even be counted in the Republican Census.

It appears that Republicans are absolutely satisfied with certain people not being counted because it preserves their political power. The only way we are going to make sure that every man, woman, and child is included in America's family portrait is by putting Republican racial fear-mongering aside and let the Census Bureau do its job. America needs a fair and accurate Census.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MCCOLLUM), the very able chairman of the Subcommittee on Crime.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding me the time. I rise tonight to strongly support H.R. 4276, the Commerce, Justice, State appropriations bill. It contains numerous provisions that I think very much adequately fund key crime-fighting provisions that the Justice Department and the Committee on the Judiciary want in all respects.

First of all, there is a tremendous increase in funding in here for the Drug Enforcement Administration. Part of what we need to take cognizance of is the fact that we have now seen more drugs, particularly cocaine and heroin, fill our streets than at any time in history, at lower prices. We see double the teenage use in the United States since 1993, and this increase is one small but significant step in the right direction to turn that around.

□ 2015

Secondly, we have $250 million in juvenile accountability block grants in this bill to support what this House passed. The Senate has yet to pass an authorization; we passed it last year in H.R. 3. It will go to those States that will assure the Attorney General that young people will be held accountable for the very first misdemeanor crime, because experts tell us that if that does not happen, they are going on to much more likely difficult times of greater violence later on. There are many other features of that bill that this provision supports.

Third, there is $525.5 million for truth in sentencing prison construction grants going to those States that adopt truth in sentencing provisions; that is, that require those who commit violent crimes to serve at least 85 percent of their sentences. About half of the States have already made that commitment; we need to get the other half of the States to do the same.

Last but not least, there is $523 million to continue the local government law enforcement block grants that allow every city and county in this country to fight crime as they see fit with these grants, based upon their population and their crime statistics.

These are enormously important funding provisions in order for us to reduce the amount of violent crime in this country. We still have far too much. The amount of crime at the violent level is still four times greater in this country per capita than it was in 1960, but the funding in this bill will go a long way in these particular provisions to help reduce that and to fight it. I urge a "yes" vote on this bill.

Mr. MOLLOHAN. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank my friend for yielding the time to me.

Let me just say that I think all Americans want the most accurate census possible. I do not think Americans want politics to be played. I do not think Americans like this kind of thing. The whole purpose of the census every 10 years is to get an accurate description of what America is all about, an accurate count.

If we look at the chart over here, it shows the estimated number of people who will be missed using the 2000 census plan as proposed by using statistical sampling. And how many people will be missed if we use the old 1990 method? Five million people missed, 5 million Americans not counted in the census if we use the 1990 method. And if we use the 2000 method that we are proposing, statistical sampling, very few people will be missed.

That should be the bottom line for anybody. Politics should not be played. We should not have to do this time and time again. Everybody knows that the only way to get an accurate sampling, accurate statistics, is by using statistical sampling. The 1990 census was a disaster. Everybody knows that at least 4 million people were not counted.

The Bush Administration census director at the time said enumeration cannot count everybody. So unless the census is allowed the option of employing statistical sampling to improve its accuracy of the count, the next census will miss even more people.

So the bottom line, again, for us and for the American people should be, which will give us more accurately what the American population is? It certainly is using statistical sampling.

Mr. MOLLOHAN. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his kindness, and I thank the chairman of the committee for working collaboratively on some of the very important issues that we have surrounding Commerce, Justice.

Let me acknowledge the importance of the Police on the Beat program that has been so effectively utilized in my community in Houston. I also want to comment on the need for juvenile justice prevention programs and would like to thank the committee for its prevention dollars, but also would like to say we need more of those, because I believe the prevention angle for juveniles is much more effective than incarceration.

I am disappointed in the funding of Legal Services Corporation; $141 million does not equate to justice for our poor and underserved.

But I would like to speak most extensively on the need for an accurate and forthright count of those of us who live in this great Nation. To point to this particular board that shows who the victims of this undercount will be, I use the term "undercount" because no one likes that term. One feels badly that they are left out. Only 26 percent of our population are children. Yet if we do not have sampling, 52 percent of them will be undercounted. What does that mean? No education, no housing, and no health care.

The 1990 census was the first in history to be less accurate than its predecessor. The Census Bureau has a plan that will count everyone, and that is sampling. It is not polling, it is statistical sampling, approved by the National Academy of Sciences, the American Statistical Association and the Population Association of America. This is not voodoo tricks. This happens to be real science.

This is real science, Mr. Chairman. For all of those who have debated on the floor of the House to say we are simply doing polling, no, we are not. Sampling follows the constitutional analysis of enumerating and counting everyone, because how would we like to see a circumstance where someone attempts to count everyone on a block, they go at 4:00 in the afternoon and 50 percent of those who live on that block are not there. Their numbers will say there are only half of who actually lives on the block. Statistical sampling

will say on this block there are this many numbers of people by our statistical analysis, and we will get the correct number of people who live on that block and not have to miss them because we came at 4:00 in the afternoon.

I support the Mollohan amendment that is a fair response to this controversy. It says, let us get ready to take the census in the year 2000. Let us not wait because we are in debate about whether sampling is constitutional. It provides for an opportunity to do both. I do not want 52 percent of our children to be undercounted. I want education, housing and health care to be fair for all Americans.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA), chairman of the Subcommittee on Technology of the House Committee on Science.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding the time to me. I would like to engage the gentleman in a colloquy on an issue of critical importance to our U.S. competitiveness.

On June 4 of this year the Subcommittee on Technology, which I chair, held a hearing addressing the upcoming U.S. submission to the International Telecommunications Union of proposed standards for the third generation wireless telecommunications standard, commonly known as 3G. One issue which seemed to generate a significant degree of consensus was the need to ensure that any future global standard not strand technologies which are currently in use. One method to ensure U.S. technologies are not stranded is to require backwards compatibility.

The Federal Communications Commission, the National Telecommunications and Information Administration and the Department of State all share responsibility for protecting U.S. interests during the ITU standard-setting process. With the significant investment made by U.S. developers, manufacturers and service providers of wireless telecommunication technologies, I believe the FCC, NTIA and the Department of State should work diligently to ensure that these investments are not rendered worthless through the international standard-setting process.

Since the FCC, NTIA and the Department of State all fall within Commerce, Justice, State appropriations, I would ask the chairman to work with these agencies to ensure that no U.S. technologies are stranded as a result of the ITU standard-setting process.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentlewoman for bringing this issue to our attention. I look forward to working with her and all of the involved Federal agencies on the issue.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman. I know it sounds complicated. It is so important. I thank the gentleman very much.

Mr. MOLLOHAN. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from New York (Mrs. Maloney).

Mrs. MALONEY of New York. I thank the gentleman for yielding me the time.

Mr. Chairman, every American deserves to be counted in the census, and we must have the most accurate census possible.

The 1990 census was the first in history to be less accurate than its predecessor. It missed millions of Americans, predominantly children and minorities. The Census Bureau has a plan that will count everyone. For political reasons, our opponents' plan will not do that, and we must not let that happen. They will not fund the plan that is needed for the entire year.

Virtually every expert agrees that the way to get the most accurate count possible is by using modern scientific methods to supplement the traditional head count. Here we have a list of many of the people who already support the plan that the Census Bureau has put forward, that the Mollohan amendment supports.

Funding the Census Bureau for only six months, as the opposition suggests, will cripple its ability to adequately plan and prepare for the largest peacetime mobilization undertaken by the United States Government, that of counting all of our people.

I stand in support of the Census Bureau's plan and the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I just noticed from the chart that the gentlewoman is emphasizing the National Academy of Sciences in her presentation, which makes the point that after the failed 1990 census, this Congress asked the National Academy of Sciences, the most respected body that we call on time and time again to give us nonpartisan advice, we called upon them and asked them, how do we do the 2000 decennial census in a way that takes care of the problems that resulted in the 1990 census being a failure?

The National Academy of Sciences came up with scientific sampling as the way to make sure that we counted everybody in this country. I just want to compliment the gentlewoman for her excellent work on this issue and think that this is the right starting point to emphasize that organization, which has such credibility in this country.

Mrs. MALONEY of New York. Mr. Chairman, it is not only the National Academy of Sciences, it is every statistical association. We have many editorials that I would like to put in the RECORD from clear across the country supporting modern scientific methods. Also it was approved by the Bush Administration, and Dr. Barbara Bryant put the plan in place under the Bush Administration. We were moving forward with a plan to count everyone.

The only person that I know who objects to it is the Republican National Committee that has raised many objections to getting an accurate count of all Americans.

Mr. Chairman, I include for the RECORD the following editorials:

EDITORIALS Y2K II

There'll certainly be hell to pay if the nation's banking, power and communication systems shut down because computers confuse the year 2000 with the year 1900. Government will get blamed for not doing enough in advance to handle the problem. But at least public officials will be able to say that the disaster was not originally of their making. That's not the case with the second Y2K meltdown that's impending: a failed 2000 Census, which took another step toward reality yesterday in the House Appropriations Committee.

On a party-line vote the committee's Republicans moved to give the Census Bureau only half of its funding for next year and to release the rest next March—if and when Congress has voted on how the census should be conducted. This was a blatant and dangerous move to keep the bureau from even planning to implement statistical sampling as a counting method.

It's important that the Census Bureau be fully funded from the get-go in fiscal 1999 because much of the agency's vital preparatory work for 2000 needs to be done early in the year—regardless of how the sampling issue finally gets decided. Offices must be leased, employees hired, questionnaires printed and computers bought—which can't happen efficiently without full funding. Moreover, if there are delays approving a second trance of funding in March, offices will have to be closed and employees let go, making a botched census even more likely—again, regardless of how the sampling issue is resolved.

The responsible way to handle the sampling issue is to let the Supreme Court decide whether or not use of modern statistical methods violates the constitutional mandate of an "actual enumeration" of the population each decade. We do not see how the Court can possibly decide that it does in view of the changes that have previously been made in the census. Until 1970, census-takers actually went around counting the number of persons in households. Since the, written questionnaires have been the main counting method, supplemented by personal visits. It's been conclusively determined that both methods systematically undercount the population, especially in minority and poor communities. So the Census Bureau wants to supplement visits and mailers with sampling to achieve a more accurate count.

We'd bet that the Court will find that what the Framers meant by "actual enumeration" was "a realcount" of the population—as opposed to guesswork or political logrolling—to determine distribution of Congressional seats and government benefits. But we could be wrong. If so, there won't be sampling in 2000. If the court decides that sampling is

OK, though. Republicans will have no legitimate reason to oppose the practice. To block it, they'd have to say they want minorities to be undercounted—a disgraceful proposition that's unsustainable politically or morally. The GOP has every right to want sampling to be conducted in an honest, professional manner. But it's covered this problem by creating a bipartisan census oversight board.

So, we urge the full House—or the Senate—to assure full funding for census preparations. One Y2K problem is plenty.

[From the Washington Post, July 15, 1998]

GAMES WITH THE CENSUS

The House Appropriations Committee is scheduled today to take up the bill that contains funds for the year 2000 census. It ought to provide full funding for the kind of census the administration has proposed—first a normal count, then the use of sampling and other statistical techniques to determine how many people were missed and adjust the final figures accordingly. That's the only way to combat the increasing undercount of lower-income people and minority groups especially that has skewed the census in recent years.

But the Republican leadership doesn't want to do it. They argue that sampling is illegal, in that the Constitution requires an "actual enumeration," and that even if not illegal it is suspect and susceptible to manipulation. They also worry that a census adjusted to eliminate the undercount could cost them seats and, conceivably, even control of the House in the next redistricting. On the other hand, they don't want to be put in the position of seeming in an election year to advocate less than full rights for minority groups and the poor.

To avoid that, they worked out a deal last year with the administration. This year's appropriations bill would be for six months only. They would thus be ensured of another chance to vote on the issue after the election; meanwhile they would have more time to seek a ruling from the courts. At the same time, preparations for a census including sampling could go forward, and when the big vote finally came, the administration would have a hostage—both sides would, in a sense—in that the census issue, because of the appropriations' placement in a bill funding three departments, would be intertwined with those three departments (State, Justice, Commerce), and thus the conduct of foreign affairs and most federal law enforcement. A veto over the census issue would involve a broader government shutdown for which neither party would want to be responsible.

That was the deal. The Republicans now propose to get out from under it by putting just the funding for the decennial census on a six-month basis. Nor would they provide even all the funding needed for the six months. Next spring they'd be able to hand the president a take-it-or-leave-it proposition—fund the census on their terms or not at all—with no cost to themselves in terms of shutting down other functions of government. In the meantime, they would foul up, for lack of sufficient funding, the normal preparations for the census. This would be to avoid the awful prospect of an accurate count two years from now. Administration officials say the president will veto the current bill if it deviates from last year's understanding. So he should.

[From the Scranton Times, June 27]

KEEP OF POLITICS OUT OF CENSUS

Samuel J. Tilden surely wished there had been an accurate census way back in 1870. If there had, you see, he would have been elected president of the United States in 1876.

Mr. Tilden, who had broken up the Tweed Ring in New York City, went on to become governor of New York (and later, the chief benefactor of the New York Public Library). And, in the presidential election of 1876, he actually received more popular votes than his Republican opponent, Rutherford B. Hayes.

In the Electoral College, however, Mr. Hayes received one more vote than Mr. Tilden, and became president. Only later did scholars discover that, because of an error in the 1870 census, the Electoral College votes had not been properly distributed, and that Mr. Tilden should have been elected.

That is a dramatic example of the impact of the census, even 122 years ago. Today, the census retains the potential for those kinds of problems but it is even more important, affecting the life of virtually every American. Census data are used for everything from establishing congressional districts, to distributing federal funds, to controlling the test-marketing of new products.

GOP WORRIED ABOUT CONGRESSIONAL SEATS

Unfortunately, as the 2000 Census draws near, the only issue that matters in Congress is the determination of congressional districts. Republicans who now control Congress actually are arguing against accuracy in the 2000 count, with largely spurious claims.

It is now known that the 1990 Census was the first one since 1940 to be less accurate than the one before it. In 1980, the census missed about 1.2 percent of the population. In 1990, it missed 1.8 percent. That would not be particularly alarming but for the fact that the count consistently missed certain groups more than others. It under counted blacks by a whopping 4.4 percent, for example. Republicans in Congress worry that actually counting those folks next time would result in some congressional districts more likely to vote Democratic.

CONSTITUTION PROVIDES FOR INNOVATION

The National Science Foundation and a host of experts on the census have recommended the use of sophisticated statistical sampling methods to complement actual enumeration in order to achieve a more accurate count, and the administration plans to do that.

Republicans have raised the spurious claim that the Constitution requires actual enumeration. The Constitution mandated actual enumeration only in the first census, however. It states: "The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct." The manner that Congress by law should direct should be enumeration plus statistical sampling, using every proven statistical technique at the government's disposal.

[From the Buffalo News, Mon, June 15, 1998]

MAKE THE CENSUS AN ACCURATE COUNT

Why are Republicans afraid of a more accurate census?

It's the question that remains after the courtroom wrangling the other day between lawyers for House Speaker Newt Gingrich and those representing cities like Buffalo that have significant numbers of minorities and poor people.

Gingrich was in federal court trying to block the Census Bureau's plans to use statistical sampling methods that almost all experts agree would make the 2000 headcount far more accurate than the 1990 attempt.

For reasons having to do with everything from distrust of government to the transiency rates of the poor, the traditional door-to-door effort to count people every 10 year misses lot of minority and poor Americans. Most of them live in urban cities like Buffalo and New York. With a variety of federal and state aid programs pegged to population figures, cities and states that are the victims of census undercounts miss out on money they need and deserve.

Equally important, the census counts also affect the drawing of congressional districts. That, in turn, impacts on elections and helps determine, which party controls the House and state legislatures.

The technical dispute is over the "enumeration" called for in the U.S. Constitution. Republicans insist that the term means there must be an actual head count and no sampling.

The Census Bureau, cities and minority groups, arguing the other side point to accompanying language saying the census shall be conducted "in such manner" as Congress directs. Logic dictates that the framers would never have included that language if they were mandating only one way to conduct the census and meant to leave no room for improvements, such as through sampling.

But the argument really is more about political power than logic. Republicans privately fear that a census that reveals more minorities and poor people could lead to a redrawing of legislative districts in ways that threaten GOP office holders. That could shift the balance of power in the House or in some state legislatures.

Of course, such a fear seems to assume that Republicans feel they have nothing to say to minorities or poor people. Is that what GOP leaders mean to concede? Any party that feels it has ideas that can compete for the minds of voters shouldn't worry about the prospect of having more Americans counted, no matter where they live.

The bottom line is that the census should be as accurate as possible. Instead of fighting to cheat cities like Buffalo by perpetuating undercounts of certain populations, the GOP should be fighting with ideas that can attract those newly-counted Americans.

[From the Pittsburgh Post-Gazette, Sun. June 14, 1998]

CENSUS SENSE—THE USE OF "SAMPLING" IS SCIENTIFIC AND CONSTITUTIONAL

Since 1790, the United States has conducted a census every 10 years as required by the Constitution. As difficult and error-prone as this process always has been—George Washington and Thomas Jefferson thought the first count was too low—the task has become more difficult as the nation has become bigger and more mobile. Unless an adjustment is made, the 2000 census threatens to be the most inaccurate yet.

The record for error was set in 1990—the first census in recent history to be less accurate than the one before. The Census Bureau estimates that 10 million people were missed in the 1990 census and 6 million were double counted. Thus the census undercounted approximately 4 million people. The Bush administration rejected requests to adjust the figures.

Republicans are again resisting adjustments, this time in the method to be used for

the 2000 census. They oppose using sampling, which the Census Bureau, the National Academy of Sciences and the Clinton administration say will make the count more accurate—and cheaper.

The issue may seem arcane but the stakes are high. Of the $125 billion that went to state and local governments in 1990, about half involved calculations based on census data. And, or course, the census is used to determine the apportionment of U.S. House seats, a fact that worries the GOP because the census disproportionately undercounts pro-Democratic minorities.

Naked self-interest, however, is dressed up in respectable arguments. Two lawsuits have been filed to prevent census sampling, one of them brought by House Speaker Newt Gingrich. The main contention is that sampling is unconstitutional, because Article 1, Section 2, of the Constitution requires that an "actual enumeration" be made.

To read this section as saying that sampling is banned as a supplement to actual counting is absurd. As the Census Bureau itself notes, the Justice Department has given an opinion on sampling on three occasions—during the Carter, Bush and Clinton administrations—each time concluding that sampling is constitutional.

Because the opposition has been so overstated, the average American could be forgiven for assuming that the Census Bureau intends to go out and use a few strategic samples in lieu of a count, much like public opinion or TV rating pollsters. That is far from truth.

Census forms will still be mailed out—short forms to five out of six households and a long form for the sixth. Just as in 1990, when only 65 percent of the forms were returned, census workers will go out and try and reach those who did not respond.

But because experience shows that it is impossible to contact everyone (and expensive to try), the census workers will aim to reach a minimum of 90 percent of the households in each census tract. The difference will be imputed on the basis of the data of those who were reached in follow-up visits. In addition, a sample of 750,000 households nationwide will be made as a safety check on the calculations.

Sampling is not weird science; many experts in the field favor the method. It also has ample precedent. As it is, the Census Bureau takes 200 sample surveys each year. Some sampling in a major census was done as long ago as 1940.

As a panel from the National Research Council observed, "It is fruitless to continue trying to count every last person with traditional census methods of physical enumeration." Census day 2000 is April 1. The nation will be ill-served if partisan politics obstructs the use of the best way to get the most accurate count.

[From the Chicago Tribune, June 6, 1998]

THE WISDOM OF CENSUS SAMPLING

Trying to count every one of the 260 million-plus people who reside in the United States is a literally impossible task. No matter how much time, money and effort the Census Bureau expends, it can never hope to get a perfectly accurate count. In the 1990 effort, the bureau concluded, it missed some 8.4 million people and counted 4.4 million people not once but twice. And relying on old techniques, the count is getting steadily less accurate.

That's of some importance, since congressional seats and federal money are divided up by population. but it is a deeply divisive issue in Washington.

The Clinton administration and its allies in Congress, along with the National Academy of Sciences and the great majority of experts in the field, favor a census Bureau plan to use a statistical method known as "sampling" to estimate the millions of people who escape the old-fashioned head count. Republicans, fearful that most of these people are the sort who tend to vote Democratic, are resisting that suggestion. They have filed a lawsuit challenging the method on constitutional grounds and, if they lost in court, they hope to block it with legislation.

The president raised the volume on the issue last week with a speech in Houston—where, he said, the last census missed some 67,000 people. By this estimate, sampling would cut the number of people which are missed by the census to just 300,000. It would also save money.

Republicans claim the use of this method would violate the Constitution, which calls for "actual enumeration" of the population. But the full provision says, "The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct"—which suggests that legislators have considerable latitude.

Nor is it obvious that "actual enumeration" means individually counting every person, particularly when that is known to be a seriously inadequate measure. George Bush's Justice Department issued an opinion that sampling is constitutional. A federal court is expected to issue a decision on these questions next month.

But Republicans have not made the case that a ban on sampling would make for the most accurate count possible. However inconvenient its political consequences for some, that goal has to take priority over everything else.

[From the Christian Science Monitor, Apr. 28, 1998]

DOWN FOR THE COUNT?

Every census of a vast country like the United States is an estimate. Millions don't respond to the mailed census forms, and every front door can't be visited by follow-up head counters, particularly in tightly packed urban areas.

The count came up so short in 1990 (at least 10 million) that the Census Bureau devised a plan for using sampling methods to arrive at a more accurate estimate next time around, in 2000. Sampling is an almost universally accepted statistical tool. But Republicans in Congress have dug their heels in—no sampling!

Why? Sampling's critics may say it's because the Constitution specifies an "actual enumeration." But the Constitution also says that the counting shall be done "in such manner" as Congress directs. There's nothing barring techniques like sampling. The real issue here is political, not constitutional. Some in the GOP don't really want a more accurate count of the hardest-to-find Americans, the poor and new immigrants who typically vote Democratic. Larger numbers in those categories could affect the political character of congressional districts allotted to states after 2000, when the new census becomes the basis for reapportionment. Specifically, it might become harder to create "safe" Republican House seats.

But the effects of an undercount go beyond representation. They can slow the distribution of a range of federal assistance programs, since localities partake according to their populations. Beyond governmental concerns, businesses assessing markets and researchers analyzing society rely on census numbers.

After 1990, the calls for improvement were loud. The sampling procedures drawn up by the Census Bureau are a far cry from "guessing," as some charge. The counting process would begin with the traditional mailed census questionnaire, sent to every dwelling on a master address list for the country. In 1990, about 65 percent of households responded. Follow-up interviewers will contact a large number of those who don't respond, with an emphasis on areas with high rates of non-response. The bureau hopes this will boost the total contacted to 90 percent.

But that leaves 10 percent uncounted, and now the going gets tougher. This is where sampling would have its biggest impact. A sampling of 25,000 census "blocks" would be chosen for a second close, physical canvassing of every residence—a step that wouldn't be practical for the whole country. The results of this canvass would be compared to the earlier head count. "Estimation factors" would emerge that could be used to correct counts in all blocks, with a close eye to corresponding demographic features like homeownership, race, and age of residents.

This spring, the bureau will conduct some dress rehearsals of this system in geographically varied parts of the country. Congress allowed for that much. But a full-scale gearing up for 2000 remains problematic.

Preparations for the dress rehearsals have underscored another problem facing the census: It's difficult to find workers to conduct the count. With today's very low unemployment, few jump at the short-term, no-benefits census jobs. This problem will be exacerbated if Congress orders a labor-intensive, no-sampling national head count.

Meanwhile, the Census Bureau is having to split its management—one part moving ahead with the sampling plan, another working on contingency plans in case Congress flatly rules out sampling. Congress's own General Accounting Office just issued a report warning that continuing indecision over census methods could imperil the 2000 count.

One other note: If the GOP leadership in Congress has it way and demands an "actual" count, the price could be at least $1 billion higher than the sampling approach.

For a more sensible, and accurate census, Washington's politicians should back off and let the experts in the Census Bureau apply their apolitical expertise.

[From the New York Times, Jan. 17, 1998]

TAKING LEAVE OF THE CENSUS

The resignation of the Census Bureau's Director, Martha Farnsworth Riche, does not bode well for hopes that the 2000 Census will be more accurate than the flawed effort in 1990. Ms. Riche, a respected professional demographer, says she has accomplished her goal of redesigning the census process, but regrettably she will not see the difficult task to completion. Her departure robs the agency of the leadership needed to resist political efforts to hijack the census.

Ms. Riche has had to battle fierce political opposition from Republicans on the use of statistical sampling to supplement the traditional head count in the upcoming census. The 1990 Census, which did not use sampling, was the most costly in history and yet missed 10 million Americans and counted 6 million twice or in the wrong place, according to analyses by the National Academy of Sciences. That is because census counts depend entirely on locating people at specific addresses. New immigrants, those in shared

housing, migrant workers, the homeless, the poor and young people tend to be undercounted. As these populations grow, particularly in larger cities, the traditional counting approach has become less and less accurate.

Professional statisticians and economists, including experts convened by the National Academy, have said that taking a sampling of those who do not return their census forms by mail and using that sample to estimate the uncounted population would be far more accurate than sending field workers out to make fruitless door-to-door counts. Ms. Riche has been a sensible proponent of this plan.

But Republicans have fought sampling because they believe that the missing millions could turn out to be minorities living in areas that vote Democratic, possibly giving Democrats an advantage since census figures are used to draw state and Federal legislative districts. In a compromise deal hammered out between the White House and Republican leaders last November, the Census Bureau was allowed to go forward with a small dress rehearsal using both sampling and traditional counting techniques this year. In exchange, House Speaker Newt Gingrich will be allowed to use government money to bring a lawsuit to stop the use of sampling in the actual census in 2000.

Ms. Riche's departure could leave the Census Bureau without a guiding force when the sampling battle resumes in Congress after this testing period. It appears unlikely that the Republicans will approve a nominee to the post who supports sampling. Yet Ms. Riche bluntly says there is probably no one in the professional community who thinks an accurate census can be taken without sampling. The Administration may decide to shy away from a confirmation battle by naming an acting director to the agency instead. The politics that drives this debate now threatens to undermine what should be a politically neutral government task.

[From the Los Angeles Times, Oct. 2, 1997]

IF THE CENSUS IS FAULTY, THE CITIES WILL PAY DEARLY—GOP OPPOSITION TO SAMPLING COULD HIT CALIFORNIA HARD

When a congressional conference committee takes up the debate in coming days over how to conduct the 2000 census, the Senate version of the bill should prevail. That version would sensibly permit the Census Bureau to use scientifically sound sampling methods to augment the direct count, thus avoiding an undercount like the 1990 fiasco that probably cost California a couple of seats in the House of Representatives and up to $1 billion in federal population-based funding.

If conference action fails to eliminate the House ban on funding for statistical sampling, President Clinton needs to make good on his threat to veto the appropriations bill that funds the Commerce, State and Justice departments, a measure to which the House attached its sampling ban. House Republicans let the government shut down in a similar standoff last year. Are they prepared to do that again?

The Constitution requires a decennial census. This head count, which is nearly as old as this nation, is becoming increasingly inaccurate because of the changing face of America. The growth of hard-to-count populations such as immigrants, the urban poor and, in some areas, the rural poor frustrates an accurate tally where individuals are physically counted. The 1990 census missed 834,000 residents of California, according to a census study completed after the official count. That costly failure also denied many Californians the fundamental right to equal representation in Congress. That's unjust.

The House GOP leadership opposes sampling, which is commonly used in public opinion polling, on the grounds that it falls short in terms of accuracy, constitutionality and safeguarding against political manipulation. In taking that position, the GOP disregards the scholarly assessment of the National Academy of Sciences.

Republicans call for a physical head count, which tends to favor affluent, married suburbanites—the traditional Republican voter base—over the poor, minorities, single people and transients who dominate many cities. Although the Justice Department in the last three administrations has interpreted the Constitution as allowing sampling, GOP leaders insist that the document specifies an actual enumeration and they refuse to proceed without a constitutional test in the Supreme Court.

On this issue, the Republicans aren't constitutional purists, they're partisans. The only heads they are counting are those in the GOP column. Ultimately this debate is not about population figures, it's about politics. If all Americans are counted, according to some projections, additional congressional districts will be required in areas dominated by minorities and the poor, who traditionally vote Democratic. Changes in political boundaries could cost the GOP up to a dozen seats—and perhaps its majority in the House—some analysts say. Those are the numbers that fuel this partisan controversy.

If the Republican majority succeeds in forcing the Census Bureau to rely on outdated methods, the GOP will probably save several seats. But that victory would be achieved at the expense of a level playing field, especially in California. The California congressional delegation, Democrats and Republicans alike, should support the census takers in the effort to gain a complete count. Democracy is not served if the numbers don't add up.

[From the Los Angeles Times Editorials, Sept. 4, 1997]

THE NEXT CENSUS HAS TO SEEK ACCURACY, NOT POLITICAL GAIN—MODERN TECHNIQUES CAN ENSURE FAIRNESS FOR CALIFORNIA

California lost, big time, in the 1990 census. The Census Bureau believes that a severe undercount missed 834,000 resident, costing the state a House seat and billions of federal dollars.

To prevent another huge undercount in 2000 and to take a more accurate measurement, the Census Bureau wants to use scientific, statistical, computer sampling techniques to augment the traditional head count. The National Academy of Sciences supports this approach. So does the Clinton administration. But House Republicans plan to block the reform when the census spending bill comes up for a vote later this month. At stake is the potential loss of up to 24 Republican seats in the House, some political analysts say. But the fundamental right to equal representation should not rise or fall on such political stakes.

If all California residents are counted in the next census, the state could gain one or two congressional seats and a larger, fairer share of the billions in federal funds that are parceled out on the basis of population.

Undercounts tend to miss immigrants and ethnic and racial minorities, poor people and children. Transiency is a problem. To count more of the hard-to-reach population, the Census Bureau plans to send out thousands of human counters and four mailings, including forms and reminders. Forms will also be available at post offices, churches, conveniences stores, homeless shelters and other public places and through community groups. A toll-free telephone line will serve people who prefer to call in. Census officials claim sophisticated computer software should eliminate double counting caused by duplicate forms. This new community-oriented approach would work even better in tandem with computer sampling.

The House Republican leadership opposes the proposed methodology, which is commonly used in public opinion polling, on the grounds of accuracy, constitutionality and potential for political manipulation. They prefer a physical head count only, which tends to favor married homeowners who live in suburbs—the traditional Republican voter vase—over single, transient, minority renters who live in cities. The critics insist that the Constitution specifies an actual enumeration, although the Justice Department in the three past administrations has interpreted that language to allow sampling and the National Academy of Sciences offers scholarly approval.

The purely political stakes are high for both critics and supporters of sampling. The heads the Democrats and Republicans want counted are those represented on their side of the aisle. Still, accuracy, not politics, should be the key test for the 2000 census. Sampling is part of a sound strategy for gaining an accurate count.

[From The Atlanta Constitution, Aug. 1997]

POWER STRUGGLE BEHIND CENSUS DEBATE

A long-simmering fight on Capitol Hill over how the United States counts its citizens in 2000 may strike many Americans as arcane. What difference does it make, they may wonder, whether the Census Bureau tries to count every nose or instead uses statistical sampling techniques to fill in the gaps in its tallies?

It could make a big difference. The census of 1990 undercounted U.S. population by an estimated 4.7 million people, the majority of whom are poor people in urban or rural areas and often are hard to detect through traditional means of census-taking. A more accurate census would have required federal programs to redistribute funds in proportion to the population findings.

More to the point, an exact count would have meant changing the political map of U.S. House districts—probably to the advantage of Democratic candidates because the undercounted Americans—the poor and minorities—are typically Democratic constituencies.

And that is the crux of the dispute over the methods of the next census. Some Republicans on Capitol Hill are dead-set against procedural changes they think could cost them control of the U.S. House.

The arguments against changing the current system are flimsy. They contend the U.S. Constitution's mandate of an "enumeration" of Americans every 10 years implies "counting one by one." U.S. courts have ruled otherwise, maintaining that enumeration means making the most accurate count possible, period.

Some Republicans also suggest that statistical sampling could be subject to manipulation by the Clinton administration in 2000. That is irresponsible fearmongering. The Census Bureau has a proud history of statistical professionalism and independence from politics, and should be relied on to resist any attempt to undermine its accuracy.

The limited use of statistical sampling planned by the Census Bureau has the enthusiastic backing of the National Academy of Sciences, the community of statistics and demographers and even President George Bush's director of the census in 1990, Barbara Bryant, a respected Republican pollster. Undoubtedly, Republicans who oppose the technique for the 2000 census use it themselves to get the most precise political data they can lay their hands on.

When Congress reconvenes next month, these naysayers will do their darnedest to deny this tool to the Census Bureau. Fair-minded Republican and Democrats must resist them. Statistical sampling is a proven and efficient way to assure the most accurate and honest count of Americans humanly possible.

[From Newsday, June 16, 1997]

THE NEXT CENSUS OUGHT TO COUNT ALL AMERICANS

The political truce that has finally allowed the flood-relief measure to move through Congress despite Republican objections over statistical methods to be used in the 2000 Census was only temporary. The census fight won't go away because it isn't really about statistics. It's about politics, of the worst kind.

For years, census officials and other statistical experts have agreed the census has undercounted minorities, immigrants and poor people in the nation's inner cities and rural areas. But Republicans have long opposed techniques to get a more accurate measure: They believe the people who would be counted would likely be Democrats, or at the least would enhance cities' political strength relative to more Republican-oriented suburbs.

That's why, before the 1990 Census, then-Commerce Secretary Robert Mosbacher overruled the census director and ordered that there be no adjustment for the undercount. The result: The 1990 Census was the least accurate ever, with upwards of 200,000 uncounted in New York City alone and the loss of billions of dollars in federal aid to some states, localities and school districts.

Now the bureau is preparing for the next census, and intends to use some statistical sampling techniques to take a better measure. The approach has been endorsed by three separate panels of the National Academy of Sciences and several groups of professional statisticians.

The Clinton administration is backing the numbers crunchers, and it is right. Republicans, panicked they might lose congressional seats with a more accurate inner-city count, intend to fight again. They are acting out of self-interest, not the national interest.

[From the Bangor Daily News, July 27, 1997]

2000 AND COUNTING

To many Americans, one of the most puzzling things about the Beltway brawl last month over disaster relief was the insistence by Republican leadership that help for flooded North Dakotans be tied to Census 2000.

The census? That boring decennial national head count? That mundane, constitutionally mandated enumeration of every man, woman and child? What's the big deal and what's the problem?

Well, the big deal is the census is a very big deal, if for no other reason than that it determines how many members of Congress, and thus how much clout, each state gets. The problem is that the 1990 census, while respectably accurate overall, revealed a continuing and unacceptable trend: certain groups, rural Americans and blacks especially, are habitually undercounted and the gap is growing.

And, the census is getting extraordinary expensive. The last one cost $2.6 billion, with much of that going to conduct house-to-house follow-ups on the 35 percent of Americans who did not mail back their initial forms. The Census Bureau estimates Census 2000, if done with 1990 techniques and if it attempts to correct the chronic undercount, could run as high as $4.8 billion.

Congressional leadership has made it clear there is no way they'll spend that much, yet, paradoxically, leadership also is staunchly opposed to a proposal the Census Bureau has to save as much as $1 billion by augmenting the follow-up with sampling and statistical analysis.

With overblown rhetoric that would cause most folks to blush, opponents call the plan, which has the endorsement of the esteemed National Academy of Sciences, a "risky scheme of statistical guessing." This from the same politicians who use sampling and statistical analysis to gauge the public's mood before every election, who use these proven and finely boned techniques to declare victory five minutes after the polls close.

Unconstitutional, they say. That sacred document requires an actual enumeration. Yes, it does, but if the Constitution were followed to the letter, felons could buy machine guns off the shelf and any Mormon male with enough hair on his chest could have 16 wives. Were they to speak today, the Founders might say "Golly, we had no idea the country would get so big, the population so mobile and so suspicious of government. Just get most accurate tally possible."

The most undercounted segment of the population is black America and, as the recent revisitation of the abominable Tuskegee Syphilis Study reminded us, blacks have just cause to be wary when someone from the government comes knocking on the door to ask a lot of personal questions. Reluctance to count them better raises a spectre of racism the GOP doesn't need and the nation can't abide.

GOP leadership says the main reasons they're against sampling is that the census is used to determine everything from congressional districts and the distribution of federal money to the makeup of state legislatures and local school boards, so the Clinton administration will find a way to manipulate the numbers to its advantage.

Certainly, this administration is no stranger to the concept of manipulation, but the charge is a little hard to take from the Party of Watergate, the mother of all manipulations. A bipartisan approach to funding the census and a nonpartisan approach to overseeing it is the logical solution.

But logic is exactly what's missing here. Rep. Christopher Shays of Connecticut is one Republican who's appalled at his leadership's stubbornness and shortsightedness.

"It's embarrassing to have my party opposed, supposedly on scientific grounds, to something scientists support," Shays said the other day. "Politically, it's a mistake. The big gainers from a better 1990 census would have been the West and the South—defintely not Democratic strongholds. Leadership is dead wrong on this."

Dead wrong, but there's time to get right. The Census Bureau will stage a dress rehearsal of the new techniques in a few selected regions next year. Congress should give the trial run a fair hearing and then decide either to go with a head count that is accurate and affordable or to stick with the exorbitant and flawed. As it stands, Census 2000 is a disaster waiting to happen.

[From the St. Louis Post-Dispatch, July 19, 1997]

GOP PLAYS GAMES WITH THE CENSUS

The battle over the 2000 census is heating up again in Congress. Republicans insist on an actual count of each and every American—something that has long proved to be impossible. The Census Bureau wants to use statistical sampling to account for the last 10 percent of the population that's hard to find and routinely missed. The bureau is right.

But this week, the House Government Reform and Oversight Committee issued a statement attacking statistical sampling, while a House Appropriations subcommittee in funding the bureau's normal operations for next year prohibited any of the money being used for statistical sampling.

This is just plain bad faith. Earlier this year, Republicans tried to force President Bill Clinton to accept a ban on statistical sampling by including it in a disaster relief bill. Mr. Clinton parried and forced them to drop it. In return, the Census Bureau promised to report in 30 days the details of just how statistical sampling would work. That deadline hasn't yet arrived, but Republicans are going ahead with their prohibition anyway, making the matter a clearly partisan issue, which it is, of course, since Democrats might benefit by statistical sampling while Republicans won't.

So Republicans don't care about the facts. But they do care about losing congressional seats if those people who are routinely missed—mainly minorities and children—are fully counted. There's no question that an actual body count will miss some of them, as it did in 1990, when 4.7 million people or 1.8 percent of the population wasn't counted, including 67,000 Missourians and 162,000 Illinoisans. Some 5 percent each were Hispanics, African-Americans and Indians.

Statistical sampling, widely used by pollsters, marketers and sociologists, can overcome this problem. Several committees of the National Academy of Science have endorsed it, and the bureau is eager to use it. It may be reasonable for Congress to wait for a detailed explanation of how statistical sampling will be applied. It is unreasonable to rush to judgment now. An accurate count is too important to be jeopardized by partisan politics.

[From The Commercial Appeal, July 19, 1997]

NATIONAL HEAD COUNT

To insist that the nation's census in 2000 be done by tapping every American on the head, so to speak, is to ensure a deliberate undercount.

Yet that's the position of some conservative Republicans—for a not very honorable reason. They fear a more accurate count would favor the Democrats.

Counting every American is physically and financially impossible. The census is conducted largely by mail backed by enumerators pounding the streets. Even so, many are still missed, largely among city dwellers, the poor and minorities, who are presumed to be Democrats.

No one really knows. Some Republicans believe a more accurate count would actually favor the GOP by catching up with the explosive growth of the Sun Belt.

The count is critical because the decennial census determines who gets how many House seats and who gets what percentage of federal aid.

To ensure a more accurate count, the Census Bureau plans to use statistical samples, revisiting some of the households that fail to answer mail questionnaires and revisiting certain neighborhoods. The bureau says the extrapolations will produce a count that misses only 0.1 percent of the population.

Statistical sampling is a tested technique, refined to a level of great accuracy, and its use in other surveys, both private and government, goes unremarked.

However, a group of congressional Republicans is determined to block any use of statistical sampling. In this, they are wrong—"dead wrong," says Rep. Christopher Shays (R–Conn.), co-chairman of the census caucus.

In one other respect, they are right: Statistical sampling can be prone to political manipulation, and certainly the stakes are high enough to make it worthwhile for someone to try.

Better their efforts be directed to ensure that the statistical sampling is subject to stern, independent, outside scientific scrutiny and audit. The census must not only be accurate but must be seen to be fair and accurate.

[From the Houston Chronicle, June 23, 1997]

ACCURACY A MUST—MUCH RIDING ON CORRECT CENSUS COUNT FOR HOUSTON

In Congress, even the method for counting the American people is regrettably politicized. With the 2000 Census approaching, Republicans and Democrats are at odds, imagine that, over what method the Census Bureau should use to count the nation's population.

Republicans want to physically count each and every one, while the Democrats favor using statistical sampling, a method never before used but one Census officials believe will yield a more accurate count.

For years, the Census Bureau has infamously undercounted the population, particularly in Texas. In the 1990 count, more than 4 million people in the country—an estimated 500,000 in Texas—were missed.

Undercounting the population is not inconsequential. Texas and other states where undercounts were greatest lost out on additional House seats and, more important, billions of federal dollars ranging from Medicaid to highway construction funds. State officials believe missed heads in the 1980 Census cost Texas roughly $600 million in federal money. That is funding that, in fairness, the state of Texas cannot afford to concede again.

The Census has been particularly inept at counting inner-city minorities and the poor. An estimated 5 percent of all Hispanics and blacks were not counted in 1990. In Houston, where Hispanics and blacks account for more than half of the population, that's a major problem.

Republicans argue that the Constitution mandates that every American be physically counted. However, doing so is a practical impossibility. As well, maintaining the status quo with the traditional count contradicts the GOP's movement to make government more accountable.

Understandably, House Republicans are being dutifully protectionist about their slight seat margin, one that they feel will be threatened by more minorities being counted.

But Texas Republicans should know better than most the stakes riding on an accurate count. Houston has a great deal at stake with the accuracy of the next Census, and political party interests shouldn't take a front seat over the greater interests of the community as a whole.

[From the Houston Chronicle]

COUNTING HEADS—NO REASON TO KEEP U.S. CENSUS INACCURATE

The purpose of the U.S. census is to get the most accurate count possible. If using modern statistical sampling to augment the actual head count makes the census more accurate, who could reasonably object?

No one, but then politicians afraid of losing power do not always act reasonably.

Since Thomas Jefferson conducted the first U.S. census in 1790, census takers have known that there are discrepancies between the actual number of residents and the number counted in the census. Some people are not counted; some are counted twice.

Statistical sampling is nothing more than counting some neighborhoods twice to measure accuracy. It's not a guesstimate that can be manipulated for partisan advantage. It serves the same useful purpose as an audit of financial records to make sure the numbers are correct.

In his visit to Houston Tuesday, President Clinton was right to say that the issue transcends partisan politics: "We should all want the most accurate method."

However, some Republicans believe, without much evidence or logic, that a more accurate count would significantly favor Democrats by counting urban residents that have been missed in the past. Congressional Republicans therefore oppose using statistical sampling to make the count more accurate.

They have little to fear from census accuracy. Only a couple of states might lose one congressional seat each, and the number of residents who show up at the polls and vote Democratic will not increase no matter how many residents are counted.

An accurate census serves all Americans and harms no political party. True, state and federal funding formulas would be significantly affected, but wouldn't the nation be better off if government spending were based upon accurate rather than grossly inaccurate population numbers?

Politicians who argue for keeping the census inaccurate place themselves in an untenable position. In another context they would insist the sailors compute their approximate position with a sextant and reject satellite technology accurate to a few yards.

[From the Dallas Morning News, May 29, 1997]

CENSUS—CONGRESS NEEDS TO FUND NEW APPROACHES

Ah, spring, and a census taker's fancy turns to . . . statistical sampling methodologies conducive to enhanced accuracy in the decennial enumeration. How exciting.

But hold on there. Knowing the actual population of the United States is very important indeed. Census figures serve as a basis for the allocation of congressional seats and the lines for congressional and state legislative districts. In a democratic republic, how much more important can things get? Not much.

Yet civil service professionals at the Census Bureau are warning that unless Congress extends the necessary funding to upgrade the government's demographic techniques, the 2000 census could be the least accurate to date. Inner cities and rural areas will be particularly susceptible to a worsening undercount.

Capitol Hill Republicans aren't fazed. They fear that changing the status quo could undermine them and help the Democrats—which is why the disaster relief funding bill, the larger piece of legislation in which the sampling proposal is hidden, did not come up for a vote before Congress adjourned for the Memorial Day recess.

To be sure, The Dallas Morning News has in the past registered its concern over "census adjustments." Still, concerns such as the following have been answered one by one:

Accuracy. The 1990 census was the first to be less accurate than its predecessor. Now, even the Bush administration appointee who oversaw the 1990 census has endorsed sampling as promoting accuracy.

Constitutionality. The Constitution says that all people shall be counted. But numerous legal experts believe that sampling is a reasonable option that would pass muster with the Supreme Court.

Politicization. Could sampling be susceptible to political manipulation by one party or the other? That's a risk anywhere in government. Trust has to be placed in the professionalism and integrity of civil service professionals at the Census Bureau.

The most important issue in this debate over how to conduct the census should be achieving the most accurate census possible. That will promote fairness and confidence in our political system. Toward this end—whether on the basis of scientific accuracy or cost—objections to sampling are falling by the wayside, and rightly so.

[From the Bakersfield Californian, May 28, 1998]

NEW CENSUS SUPPLEMENT GOOD

The plan by the federal Bureau of the Census to supplement the actual national population count in the year 2000 with statistical projections is a good one. The purpose is to make up for people who are missed.

The problem of under-representation of significant numbers of people has been consistent and growing in recent census counts.

The primary purpose of the decennial census that is mandated by the U.S. Constitution is to apportion the 450 seats in the House of Representatives among the states proportionally by population. An undercount concentrated in a few areas could result in a change in congressional representation.

But the data from the census also is used as the basis on which federal funds for a wide variety of programs worth an estimated $100 billion are distributed to states and localities. Areas will large, traditionally undercounted populations—often moniorities and immigrants—such as California and Kern County could lose millions of dollars of federal program funds to which they are entitled.

States also use the information for how they distribute funds locally, and the private sector uses the information extensively for marketing research.

It is estimated that the error rate in the 1990 census averaged 1.6 percent nationally, but was higher on average in California at 2.7 percent. It was higher than that in some areas of the state.

Although the undercount among whites nationally was less than 1 percent, for minorities it ranged between 2.5 percent and 5 percent (for Latinos). Thus, for areas with readily growing minority and immigrant populations like Kern County, the error can be costly.

The problem is compounded because of a decreasing rate of voluntary compliance

with the census. Following the main head count in the year 2000, special census takers will go into selected census tracts to determine how many people were missed. Then the Census Bureau will make adjustments.

Already the decision is being swamped in phony constitutional and mathematical arguments, mostly made by congressional Republicans.

Contrary to their claim, the Constitution does not bar use of techniques to supplement means normally used to take the census. Thus the year 2000 census should be no different legally than past ones.

Mathematically, the science of statistics can be extraordinarily accurate. Much of science, medicine and commerce depend on it.

The fact that much of the objection is partisan is telling. It is based on the assumption that the majority of the undercounted populations are among minorities who are presumptively Democrats. If so, a few congressional seats might shift to democrats.

Whether that is true or not, we would rather have an accurate national profile than a count that is incorrect by errors of omission for the sake of partisanship.

[From the Ft. Worth Star Telegram, May 14, 1997]

CENSUS POLITICS

In case you don't understand why there should be a flap about how to conduct the national census in 2000, it's because of two factors:

1. The nation's nose-counters apparently have never been able to count everyone—not even in 1790, when America's population was less than 4 million. Oddly enough, the best guess is that the 1990 Census failed to find approximately 4 million residents. The problem is that census-takers seem to be undercounting more each decade.

2. Politics, plain and simple. More than 10 years ago it became evident to professional politicians that the people the census was missing were mostly urban minorities who might be counted upon to vote Democratic. As a result, Democrats generally favor using scientific techniques ("statistical sampling") to make up for the undercount. Republicans generally oppose it, insisting upon an "accurate" head count that the National Academy of Science says is impossible.

According to one political newsletter, Republicans fear they might lose as many as 24 House seats to redistricting if statistical sampling is used.

The Constitution requires an "enumeration," period.

So the question seems to be: Do we use scientific sampling in an effort to come closer to the actual number of Americans, or do we count heads and settle for knowing that the census is as much as 2 percent off?

It is well to remember that the politicians who decry using a scientific sampling based on 10 percent of the uncounted homes are happy to stake their political futures on polls that are based on much smaller samplings. As we said, this is now mostly about partisan politics rather than "enumerating" the population.

[From the Boston Globe, May 13, 1997]

EDITORIAL

For the first time in history, the 1990 Census was less accurate than its predecessor, failing to find about 4 million Americans—roughly a million more than were undercounted in 1980.

The Census Bureau's plans to rectify this problem have suddenly become a hot issue in Washington, not because of the proposed sampling technique—professionals say it is sensible and conservative—but because of politics.

Most of those missed by the Census are poor, both urban and rural; many are minorities. They are not fictitious people whom bureaucrats theorize must exist; they are real people who live in real dwellings that the bureau knows to be occupied, but they have failed to return mailed Census forms or answer the knock of enumerators.

Although many of them are not registered to vote, they are individuals who deserve to be counted, to be recognized, and to be represented in public life. It is this last consideration that has caused a flap in Washington. If a significant portion of the undercount is restored, a number of congressional districts—perhaps as many as two dozen—may be drawn in a way that is likely to benefit Democrats.

Republicans, led by Senate majority leader Trent Lott and House Speaker Newt Gingrich, have asked Census director Martha Farnsworth Riche to abandon the proposed sampling, but she has responded that it is the best hope for an accurate count. Congress will not and should not pay for a massive personal enumeration that would track down every last individual.

House Republicans may move this week to attach a prohibition against this technique to a supplementary appropriation for disaster relief. The Senate backed off a similar attachment, and the House should do the same.

The goal should be clear: the most accurate account possible, without excessive made-up estimates that would help Democrats and without an acknowledged undercount that helps Republicans. The country needs an accurate count of its residents regardless of political considerations.

The CHAIRMAN. The Chair would advise Members that the gentleman from Kentucky (Mr. ROGERS) has 2½ minutes remaining and the right to close, and the gentleman from West Virginia (Mr. MOLLOHAN) has 2 minutes remaining.

Mr. ROGERS. Mr. Chairman, I reserve the balance of my time.

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

Mr. ROGERS. Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. Miller), chairman of the House Subcommittee on the Census.

Mr. MILLER of Florida. Mr. Chairman, it is too bad that politics has been brought into play on this issue of the census, because the census should not be a partisan issue. There should not be a Republican census. There should not be a Democratic census.

Unfortunately, President Clinton has decided it is going to be his way or no way, and he designed unilaterally this polling technique to use on the census.

I know the President has written about all the times he cannot make a decision without reading a poll. They do polling every day at the White House to make decisions.

□ 2030

And he says, well, it works for me in politics, I will use polling for the census.

Now, everyone says on the other side that we want to count everyone. Well, let me tell my colleagues so everyone knows what the plan is. The plan deletes and does not count 27 million people. Let me repeat that. There are 27 million people, approximately, that are not going to be counted under the Clinton plan because the Clinton plan only wants to count 90 percent of the people to start with.

Of course, they want to talk 90 percent of 100 percent, and we do not know what 100 percent is to start with, so they will have to explain that one. But the fact is they are not going to count 27 million people. So how can we count everyone with a plan that does not count those 27 million?

He has proposed a plan that is moving towards failure. The General Accounting Office and Inspector General says this is a high risk plan, and the risk of failure keeps increasing. What they are going to do with those 27 million that they refuse to count is they are going to create virtual people. They are going to clone people and then say these are the 27 million people.

That is not the way the plan should be put together. We need to work together. We need to make a decision, Republicans and Democrats, and the decision is appropriately to be made next March. That is when we will have the results of the dress rehearsal. That is when we will hear more about the court cases, and that is when the monitoring board will issue their report.

So let us put off the decision, as we all agree can be done, until next March, and we will work together. That is the only way we can have a census that is trusted by the American people. If we have a Clinton census that automatically refuses to count 27 million people, it will not be trusted by the American people.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from Kentucky.

Mr. ROGERS. I ask the gentleman, was it not the agreement of the President and the Speaker of the House that the decision on how to proceed on the census would be postponed for the first 6 months.

Mr. MILLER of Florida. Right.

Mr. ROGERS. And that the decision would be made in February of 1999.

Mr. MILLER of Florida. In the Clinton budget submitted this past February the President talked about a March 1 date when the decision will be made. That is when we should make the decision.

Mr. ROGERS. And does the gentleman agree with that?

Mr. MILLER of Florida. Absolutely.

Mr. ROGERS. And is that what is in this bill?

Mr. MILLER of Florida. That is what is in this bill, and the Mollohan amendment just wants to put off the decision

and say only the President can make the decision and Congress is irrelevant. That is not the Democratic way.

Mr. LANTOS. Mr. Chairman, the appropriations bill covering the Departments of Commerce, Justice, and State includes funding for Radio Free Europe/Radio Liberty. I want to express my strong support for this appropriation.

In the euphoria following the fall of the Berlin Wall and the collapse of the Soviet Union, many people initially thought that Radio Free Europe/Radio Liberty was now part of the past and could be downsized or even closed. It was assumed that the surrogate radios had fulfilled their mission of serving as a substitute for free radio broadcasting that did not exist in these countries.

But the events of the decade since the fall of the Berlin Wall have demonstrated that many of the Newly Independent States and the countries of Central and Eastern Europe have serious political and economic problems. Authoritarian rule—some have suggested dictatorial rule—threatens the future of Belarus and Slovakia. Unresolved military conflicts have prevented progress in Tajikistan, Armenia, Azerbaijan, and Georgia. In still other countries—including Russia, Ukraine, and Romania—political and economic reforms are far from complete. Throughout this area, government structures remain little reformed from Soviet times; on the contrary, they are extraordinarily more corrupt.

Mr. Chairman, up to the collapse of the Soviet Union in 1991, RFE/RL in general played a key role in bringing critical information to people who were systematically denied access to any other source of news. The demise of Soviet power happened precisely because more and more people in the USSR and the communist countries of Central and Eastern Europe learned the truth about the Soviet system and demanded changes.

At present, Mr. Chairman, RFE/RL presently broadcasts in 23 languages of Central and Eastern Europe and the Newly Independent States. In many of these states, RFE/RL remains a lifeline for people who want to see democracy flourish in their own countries, functioning much as it did for the last 48 years. As a surrogate radio, RFE/RL does not broadcast U.S. government propaganda. Indeed, it has never carried any editorials by U.S. government officials. Despite some press reporting to the contrary, RFE/RL was never simply an anti-communist enterprise. Even though the radio operated on the basis of funds appropriated by the Congress, it has been an independent radio network—with its fundamental commitment to accurate, factual, and timely reporting. That principle underlies all truly free and democratic societies.

In the former communist countries which are making steady progress toward democracy and free market economies, RFE/FL has been able to expand its role of surrogate broadcasting into genuine partnership. In many of the countries to which it broadcasts, RFE/RL has opened bureaus, maintains extensive stringer operations, and has entered into contracts with local broadcasters and other media outlets. From the polling that is done, it is apparent that audiences want something from the radio as well. They demand not only news and information, but they also want guidance about how to make the transition from communism to democracy and a free market. They listen to RFE/RL programming as a check against what they are hearing from their own media—a check that helps assure the honesty of the local media, which is still dominated by people trained in the communist past.

Mr. Chairman, many of the democratic leaders of Central and Eastern Europe and the Newly Independent States rely on RFE/RL to support the development of political pluralism, the reform of their economics, and the independence of their media. As Czech President Vaclav Havel said: "These radio stations are significant even after the end of the Cold War. . . not only because human rights are not fully respected [and] democracy has not yet fully matured, but also because they set a goal for the new independent media, creating a healthy competitive environment."

While taking on these new responsibilities, RFE/RL has successfully relocated, downsized, and incorporated new technologies. It has gone from some 1,600 full-time employees to just 432, and its budget has been reduced from $220 million per year to just $75 million. Such draconian cuts would have destroyed most organizations—but RFE/RL continues to flourish. There is a role—albeit a transformed role—for the radio in the post-Cold War World.

Mr. Chairman, there are three important reasons for this. First, in recognition of what the radio has done and continues to do for the people of Central and Eastern Europe and the countries of the former Soviet Union, Czech President Havel offered FRE/RL a home in Prague at virtually no cost—$12 per year. Second, employees of the radio have shown their commitment to the ideals of RFE/RL by doing more for less—producing the same number of hours of programming with only one quarter of the staff and one third of the budget. And third, many of us now realize that overcoming the communist past of these countries is a far more difficult task than many of us first assumed.

RFE/RL has also been creative in applying new technologies to its tasks. For example, it is now providing news and analysis via the Internet. People can hear and see what is being broadcast by using RFE/RL's website and RealAudio. More than 2.5 million people visit the website every month—a number that has grown dramatically over the last 2 years. Increasingly, these are visits by citizens of the countries to which the radio broadcasts.

Earlier this year, Mr. Chairman, the Congress passed and President Clinton signed into law legislation that directed RFE/RL to begin to broadcast to Iran and Iraq, two countries whose media is anything but free and whose governments have been less than friendly to the United States. We have entrusted to RFE/RL the operation of these Farsi and Arabic language broadcasts in recognition of its past and present role in promoting a free and independent media as a means to promote democracy and international cooperation. These two broadcast services will be on the air in the early fall.

Mr. Chairman, it is my hope that RFE/RL will continue to broadcast well into the twenty-first century. The radio has made and continues to make a dramatic difference in one of the most historic and sweeping revolutions of our time. With its expanded mission, RFE/RL can play an important role in providing a model of what responsible journalism truly is and in prodding the people of these nations toward the development of truly democratic and pluralistic societies. For all of these critical reasons, Mr. Chairman, I urge my colleagues to support the RFE/RL.

Mr. DELAY. Mr. Chairman, I rise to discuss an important issue in the Commerce, Justice, State Appropriations bill. Since 1996, under Chairman ROGERS' leadership, the Appropriations Committee has had before it various proposals, including implementation plans, reports and the like, to attempt to come to grips with the delays in the implementation of the Communications Assistance for Law Enforcement Act of 1994 of CALEA that have prevented both the telecommunications industry and law enforcement from complying with its provisions. Nothing, to date, has resolved the issue which affects all of the telecommunications industry, including long distance and local telephone companies, cellular carriers, PCS providers and equipment manufacturers, and the FBI. On October 25 of this year, if the industry is not in compliance with CALEA, fines and penalties of upwards of $10,000 per day may well be levied against all carriers big, as well as, small. Through no fault of their own, the technology and standards are still not set for implementation purposes nearly four years after enactment of the law.

Mr. Chairman, I hope this issue can be dealt with this year by the authorizers. I note that on June 22, Judiciary Committee Chairman HYDE brought to the floor and passed by voice vote H.R. 3303, the DOJ Authorization bill, which included provisions to delay both the compliance date and reimbursement "grandfather" date in CALEA. Furthermore, last week Chairman Hyde wrote a letter to Senate Judiciary Committee Chairman HATCH to strongly encourage him to pass the bill in the Senate, a copy of which I am including in the RECORD. If the authorizers are not successful, though, we may need to again and finally resolve this festering problem later this year. Certainty, CALEA's implementation, is critical to both the FBI and the telecommunications industry.

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 16, 1998.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

Dear ORRIN: as you know, on June 22, the House of Representatives passed the "Department of Justice Appropriation Authorization Act" for fiscal years 1999, 2000, and 2001 (H.R. 3303). That bill is now pending before the Senate Judiciary Committee. This important bipartisan legislation is a comprehensive three-year reauthorization of the Justice Department's activities and programs.

Authorization is the process by which Congress creates, amends, and extends programs in response to national needs. It is perhaps the most important oversight tool that Congress can employ. With respect to the Department of Justice, the law requires that all money appropriated must first be authorized by an act of Congress. Notwithstanding this obligation to authorize, Congress has

not properly reauthorized the Department's activities as whole since 1979. Since that time, several attempts have failed either because of bad timing or because the reauthorization bills were loaded with controversial amendments.

This 19-year failure to properly reauthorize the Department has diminished the role that the two judiciary committees have traditionally played in overseeing the structure and funding of the Department's activities and programs. The inability of our two committees to regularly reauthorize the Department deprives the Congress of the institutional knowledge and collective wisdom that we have gained through regular oversight. H.R. 3303 is an attempt to improve the efficiency of the Department and an opportunity to reaffirm the authority and responsibility of the authorizing committees.

Let me now briefly summarize H.R. 3303. The bill contains four titles. Title I authorizes appropriations to carry out the work of the various components of the Department for three fiscal years. Title I largely adheres to the Department's budget request for fiscal year 1999 by providing nearly $15.5 billion, and it would authorize a 5% increase for fiscal years 2000 and 2001. Title II reauthorizes for two additional years a number of successful programs whose authorizations will expire at the end of fiscal year 1998. Title III would grant permanent authorization for certain inherent and noncontroversial functions of the Department. The Department has requested permanent authorizing authority in the past, and proposed authority has appeared in several reauthorization bills since the last reauthorization in 1989. Title IV would, among other things, repeal the permanent open-ended authorization of the United States Marshals Service.

Included as part of the authorization legislation was language amending the Communications Assistance for Law Enforcement Act ("CALEA")—amendments which I fully support. Specifically, section 204 of H.R. 3303 extends the time frame for CALEA compliance and clarifies the "grandfather" status of existing telecommunications network equipment facilities and services. These amendments are necessary because of the unfortunate delays that have prevented both law enforcement and the telecommunications industry from fully implementing the provisions of CALEA.

Because of these delays, I decided to add section 204 to the Department of Justice Authorization bill. It should be emphasized that section 204 does not alter the underlying substance of CALEA. I have been a supporter of the CALEA statute from its inception and continue to support its full implementation. Nevertheless, with the statutory deadlines only a short time away and recognizing the reality that further work needs to be done before the CALEA requirements go into effect, I went forward with section 204.

This is to urge you to give H.R. 3303, including the amendments to CALEA, your active and timely consideration. If you have any questions regarding the Department of Justice Authorization legislation in general, or section 204 in particular, please do not hesitate to contact me or the House Judiciary Committee's Chief of Staff, Tom Mooney. I look forward to working with you and your staff on this important matter.

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. SMITH of New Jersey. Mr. Chairman, I want to congratulate Chairman ROGERS, as well as my good friend Mr. MOLLOHAN, the distinguished ranking minority member, and other members of the subcommittee for reporting a bill that protects the American taxpayer while allowing the State Department and our other foreign policy institutions to conduct a foreign policy that promotes American interests and American values around the world.

As chairman of the Subcommittee on International Operations and Human Rights, the principal authorizing subcommittee for the Department of State and our other foreign policy agencies, I am particularly pleased that the appropriation for resolution of the dispute over United Nations arrearages is made expressly conditional on enactment of an authorization bill. This ensures that we will not write a blank check to the United Nations without insisting on the reform conditions contained in H.R. 1757, the Foreign Affairs Reform and Restructuring Act—reforms which will save the American taxpayer many millions of dollars in the long run.

The bill also provides adequate funding for our public diplomacy programs—the National Endowment for Democracy, as well as the international information programs, exchanges, and freedom broadcasting services conducted by the United States Information Agency. I am pleased that the Committee report expressly supports the Tibet Scholarships, the East Timor Scholarships, and the South Pacific Scholarships. This list should certainly not be read to exclude the scholarship and fellowship programs for students and academics from Burma who have been forced into exile by the military dictatorship in that country. These are all small programs targeted at people who particularly need them. They not only promote American values, but do so efficiently, at far less cost per participant than larger programs.

The funding provided in the bill for international broadcasting is unfortunately somewhat lower than the amount authorized in H.R. 1757. Each of our broadcasting services—the Voice of America, Radio Free Europe/Radio Liberty, Radio Free Asia, and Radio/TV Marti, and WorldNet—works in its own way to promote freedom and democracy. I want to call particular attention to our "surrogate" services—those which supply people who do not enjoy freedom of expression with the kinds of broadcasting they themselves would conduct if their governments would only allow it.

The surrogate broadcasting service with the longest and most glorious history is Radio Free Europe/Radio Liberty (RFE/RL). It is now generally acknowledged that FRE/RL was an important part of the reason the free world won the Cold War. By providing the peoples of the Soviet Union and occupied eastern and central Europe with information and ideas to which their governments tried to deny them access, we kept hope alive. The end of the Cold War in Europe, however, did not make these services obsolete. On the contrary, they are still desperately needed in countries such as Serbia and Byelorussia, whose governments still deny fundamental freedoms. Even in countries whose press has become free during the last decade, RFE/RL continues to set the standard for professional journalism. And RFE/RL is uniquely suited to fill the needs of the people of Iraq and Iran for freedom broadcasting. As both Houses of Congress have acknowledged by passing the conference report to H.R. 1757, the world still needs RFE/RL, and there is no particular reason to believe that this need will suddenly disappear in the year 2000. Radio Free Europe/Radio Liberty is not a relic but a treasure.

Radio Free Asia and Radio/TV Marti also provide the message of freedom to people whose governments deny freedom of expression. The bill provides $22 million for Radio Free Asia (RFA), the amount we provided in H.R. 1757. This should be sufficient not only to provide 24-hour broadcasting to China in Mandarin, Cantonese, and Wu, but also to initiate the important Uighur service as recommended in the Committee report. I also urge RFA to find a solution—more powerful transmitters, new transmission sites, whatever it takes—to the systematic jamming undertaken by the government of Viet Nam. And it is terribly important that we take similar action in order to bring TV Marti to a wider audience, rather than concede defeat to the Castro regime as some would suggest.

Finally, I want to express my disappointment that the bill does not fund the East-West Center or the North-South Center. Each of these institutions promotes understanding with an area of the world to which other U.S. institutions give inadequate attention, and both the East-West Center and the North-South Center operate at very lost cost compared to these other institutions. I particularly want to commend the East-West Center for its efforts to keep the line of communication and understanding open between policy makers in the United States and the Pacific Island nations. Too many "Asia-Pacific" institutions and programs seem to regard the Pacific as a place you have to fly over in order to get to Asia. The East-West Center is a happy exception to this rule. The nations of the Pacific, like those of Latin America, are our historic allies. They share our values. They need us, and we need them. I urge the funding for the East-West Center and the North-South Center to restored in conference.

Mr. DOOLEY of California. Mr. Chairman, I rise in opposition to the bill, and to the misguided census process that this bill attempts to establish.

The 1990 Census left out millions of people, resulting in the most inaccurate census in history. One out of every twenty Hispanics was not counted—meaning that a total of 1.1 million Latinos were completely excluded from our national census.

To correct this problem, and to ensure an accurate Census 2000, many of us in Congress support the use "sampling", a statistical technique that will ensure we get the best count possible.

And my California Republican colleagues agreed with me when we sent a delegation letter to the Census director in 1992, criticizing the 1990 census. In a bipartisan California delegation letter, Republicans and Democrats wrote, and I quote:

> It has been widely accepted that the 1990 census missed as many as 10 million people and was demonstrably flawed. . . We cannot simply ignore the inaccuracies of the current data. We are not professional statisticians and leave to those experts at the Bureau and the others in the scientific community.

The letter went on to say, and again I quote:

The decision on whether or not to adjust should not be a decision based on the politics of one region losing population while another gains population. Rather, there can only be winners if there is a process adopted to more accurately reflect the population of the United States.

Well, I have news for my colleagues. We have a process to more accurately reflect the population of the United States, and it's called statistical sampling. Unfortunately, now, in spite of the empirical evidence indicating that statistical sampling is the best way to get an objective, accurate census, our Republican colleagues are doing everything in their power to block the implementation of a fair and accurate census.

Making the census more accurate shouldn't be about politics and partisanship. It should be about making sure that every Amercian—regardless of ethnicity or geography.

I urge my colleagues to support the Mollohan Amendment, which would move us closer to a fair and accurate census.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendments printed in House Report 105–641 may be offered only by a member designated in the report and only at the appropriate point in the reading of the bill, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote of any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 4276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $79,448,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided,* That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $8,136,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1998: *Provided further,* That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,811,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further,* That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $129,200,000, to remain available until expended, to reimburse departments and agencies of the Federal Government for any costs incurred in connection with—

(1) providing bomb training and response capabilities to State and local law enforcement agencies;

(2) providing training and related equipment for chemical, biological, nuclear, and cyber attack prevention and response capabilities to State and local agencies; and

(3) providing grants, contracts, cooperative agreements, and other assistance authorized by sections 819, 821, and 822 of the Antiterrorism and Effective Death Penalty Act of 1996.

AMENDMENT OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOLLOHAN:

On page 2, line 25, after the dollar amount, insert the following: "(reduced by $40,000,000)".

On page 21, line 18, after the dollar amount, insert the following: "(reduced by $60,000,000)".

On page 25, line 14, after the dollar amount, insert the following: "(increased by $40,000,000)".

On page 64, line 23, after the dollar amount, insert the following: "(reduced by $20,000,000)".

On page 70, line 20, after the dollar amount, insert the following: "(reduced by $10,000,000)".

On page 85, line 19, after the dollar amount, insert the following: "(reduced by $9,000,000)".

On page 92, line 25, after the dollar amount, insert the following: "(reduced by $10,000,000)".

On page 99, line 8, after the dollar amount, insert the following: "(increased by $109,000,000)".

On page 99, line 9, after the dollar amount, insert the following: "(increased by $109,000,000)".

Mr. MOLLOHAN (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 West Virginia?

There was no objection.

Mr. MOLLOHAN. Mr. Chairman, I rise today to join my colleague, the gentleman from Pennsylvania (Mr. FOX), in offering an amendment to increase funding for the Legal Services Corporation. Simply stated, the Mollohan-Fox amendment increases funding for the Legal Services Corporation from $141 million to $250 million.

As my colleagues may know, the Legal Services Corporation, LSC, has provided legal assistance to many of the neediest, most vulnerable of our citizens for 24 years. These are people who have little means and, therefore, no place to go for legal help. Some are in life-threatening situations, such as domestic abuse, many.

The largest percentage of cases closed by LSC attorneys in 1997 was in the area of family law, comprising about 36 percent of the 1.5 million cases closed in 1997.

There are many success stories associated with the work of Legal Services Corporation. In my own State of West Virginia, for example, the Legal Aid Society of Charleston was contacted by a woman after her husband had forced her and her 2-week-old baby out of their house. With the help of Legal Aid she was able to obtain a permanent restraining order against her husband, sole custody of her child, child support, and basic health benefits for the child.

Then there was a 47-year-old woman in Wheeling, West Virginia, in my district, whose only income was from Social Security disability. She had total renal shutdown and was on dialysis and medication. These expenses were being covered under a Medicaid waiver. The woman was told her waiver would be revoked. She did not have the funds to pay for this treatment. So, in effect, revocation of the waiver was a death warrant. The Legal Aid office got her waiver reinstated.

Many of my colleagues will recall that in fiscal year 1996, our subcommittee, under the leadership of the gentleman from Kentucky (Mr. ROGERS), put in place a number of restrictions to increase accountability at the Legal Services Corporation. A competitive bidding system has been adopted for all grants and contracts, and all grantees are now required to provide audited financial statements.

A number of prohibitions on Legal Services' grantees are in place. Any Legal Services Corporation grantee is prohibited from participating in redistricting litigation, class action suits, welfare reform advocacy, prisoner representation, lobbying, abortion litigation, illegal alien representation, and collecting attorneys' fees. Last year the Congress provided for debarment of grantee organizations that violated these restrictions.

All this is by way of saying that the Legal Services Corporation has gone a long way to address the concerns many had raised with some of its past practices. The fact is the Legal Services Corporation has, in good faith, implemented these reforms.

I would like to point out to my colleagues that the Mollohan-Fox amendment does not seek to change a single one of these restrictions. This amendment simply increases funding for

grants to basic field programs by $109 million. Offsets for the amendment are as follows:

Bureau of Prisons, $60 million; the Judiciary $20 million, State Department Diplomatic and Consular Affairs, $10 million; USIA Radio Construction, $9 million; Maritime Administration, title XI loan guarantees, $10 million; a shift of $40 million from the counterterrorism fund to the Office of Justice Programs to gain needed outlays. This does not in any way affect the amount of funds available or their use.

I filed a more detailed description of these offsets in the record so that my intentions on all of them are clear.

To give my colleagues some idea of how dramatically we have decreased Legal Services' funding, Mr. Chairman, in fiscal 1995, we appropriated $415 million for this purpose; 323 grantees provided services to almost 1.7 million clients from 1,100 locations across the Nation.

If the Legal Services Corporation funding level falls to $141 million, as proposed in this bill, the number of clients would fall from 1.7 million in 1995 to less than a million. Neighborhood offices will decrease from 1,100 in fiscal year 1995 to about 550. Half. No aid will be available in thousands of counties throughout this country.

As many of my colleagues know by now, the Senate, in its appropriation bill, already has provided $300 million for the Legal Services Corporation. Frankly, as we move through the appropriations process, I intend to work hard to get as near to the Senate level as possible. The need is there, and especially so since the recent Supreme Court ruling that interest on lawyer trust accounts, IOLTA funds, are the private property of clients.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. FOX of Pennsylvania. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, I rise today to offer with my colleague, the gentleman from West Virginia (Mr. MOLLOHAN), this important amendment in support of funding for low-income legal aid assistance. I commend the gentleman from Kentucky (Mr. ROGERS) and the gentleman from West Virginia and his staff for their work on this very challenging appropriation bill. I am pleased to join my good friend from West Virginia and my good friend, the gentleman from Minnesota (Mr. Ramstad), in offering this extremely important amendment.

Last year we came to this floor and offered a similar amendment to restore the same funding as last year to this important program. We spoke of the reforms we had just recently enacted and asked Members to support a level of $250 million in funding. In that vote, 246 Members, Mr. Chairman, supported our efforts, including 45 of my Republican colleagues. This year we ask our colleagues to do so again to help assist those in each of their districts.

I am convinced under the leadership of the new President, John McKay, and Chairman Douglas Eakley, the Legal Services Corporation will be extremely vigilant in the defense of the new reform standards this Congress set for Legal Services agencies. Among these reforms are prohibitions on class action lawsuits, redistricting and political advocacy as well as additional prohibitions on abortion, prisoner litigation and legal assistance to illegal aliens.

Opponents of Legal Services continue to try and cite a litany of abuses which do not exist. While questionable activities should be carefully investigated by both Legal Services and Congress, the truth is, Mr. Chairman, that the majority of grantees are working to be honorable participants in the reformed system which Congress developed only 2 years ago. We have debated this point time and again, however, today I wish to focus on the good work being performed by some of these important local agencies.

For instance, in my own area of Montgomery County, Pennsylvania, a staff attorney assisted an 83-year-old woman, whose 85-year-old husband is now in a nursing home with Alzheimer's and Parkinson's disease, in negotiating a favorable payment arrangement with her energy company on a delinquent electric and gas bill. The company was threatening to turn off service and threatening a lawsuit as well, Mr. Chairman. The attorney was able to work out a payment schedule which allowed the woman to pay her regular bill and a small additional amount each month on the arrears without a termination of service or a judgment against her.

The same is found true with domestic violence cases, where the legal aid office represented this 35-year-old female victim of domestic violence. As a result of their representation, and her protection from abuse case, she was granted exclusive possession of the marital residence, legal and physical custody of her children, and her husband was directed to attend substance abuse and gambling counseling. Several months after the hearing, the client related that her husband's counseling was proceeding well and his relationship with the children, as well as with the wife, was much better than it had been in years.

So we see success is coming forward in this program. I appeal to those who have questions and concerns about the program to take some time to reflect on the good work of their local programs in their districts. We are never going to agree with every case, but this is an issue of whether we agree with the concept of helping those with low-income funding so that they have equal access to the courts and equal representation in those courts.

So, in closing, I want to repeat that the Legal Services Corporation is working hard to be a working partner with Congress, Mr. Chairman, to uphold the reforms and to stop grantees that are overstepping their bounds. In offering this amendment, we are simply trying to ensure that low-income individuals and families have equal access to our justice system.

Please support the Mollohan-Fox-Ramstad amendment to restore funding to current levels for Legal Services and to ensure equal justice under the law.

Mr. NADLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the ranking member of the authorizing subcommittee on the Legal Services Corporation, I rise today in strong support of the Mollohan amendment to restore or to increase funding to this crucial program.

The LSC was authorized by the Nixon administration in 1974 to ensure at least a minimum level of access to the system of civil justice for those who could not otherwise afford it. In most areas, little or no legal services were available for the poor before Federal support for this crucial program was initiated. Today, there is little chance that most States and municipalities, already hard-pressed to meet budgetary demands, will take on the additional obligation of providing legal services if the Federal funding is substantially reduced, as proposed in this bill. This is especially true, of course, in light of the Supreme Court's recent ruling on the IOLTA question, which will remove a major funding of the legal services.

A study released by the American Bar Association 2 years ago concluded that approximately 80 percent of poor Americans do not have the advantage of an attorney when they are in serious situations in which a lawyer's advice and assistance in their civil law matters would make a crucial difference. Even before the 1996 cutback in Legal Services funding, local legal services programs were able to meet only a small fraction of the demands for their services. A study in 1993, revealed that nearly half the people who actually applied for assistance were turned away because of lack of program resources, and that was before the funding cuts.

□ 2045

With legal services funding considerably depleted and with the IOLTA decision, it is certain that even more people are being denied legal services because they cannot afford it and their Government will not help them get it.

Cutbacks in legal services were implemented under the assumption that many attorneys were using Legal Service funds to focus on political agendas and class action lawsuits rather than

helping poor Americans solve their legal problems.

The political agenda's allegation I do not believe was ever true. But, in any event, Congress subsequently passed laws to address these concerns and they should not be before us today.

The Legal Services Corporation helps those who cannot otherwise help themselves. One out of every four children under 6 and one in every five children under 18 lives in poverty. Seventy percent of all legal services cases deal with children. More than 2 million children received assistance from Legal Services grantees in 1996 alone.

The great reduction of Federal funding incorporated in this bill will deny these children legal assistance for obtaining financial support from an absent parent, a decent home to live in, adequate nutrition and health care, relief from a violent living situation, or access to education and vocational skills. Legal Services also represents many senior citizens who could not otherwise afford representation.

It must be acknowledged, finally, that contrary to the arguments of those opposing Legal Services funding, pro bono work alone cannot possibly provide the same caliber and quantity of legal services that the Legal Services Corporation does. Pro bono services are now at an all-time high. But even if this level of services were doubled or tripled, it would fall short of what would be necessary to replace services now being provided by Legal Services attorneys.

Moreover, the great reduction in legal services contemplated in this bill for all practical purposes eliminate much of the legal services that we have now, would destroy the referral structure and training through which pro bono services are provided.

Mr. Chairman, this Nation rests on a foundation of access to and fair treatment by our legal institutions. The Legal Services Corporation was created under President Nixon with bipartisan support in order to ensure that at least a minimum level of access to our legal institutions would be available everywhere in the United States.

The current trend of reductions in the budget could lead an outside observer to believe that Congress has changed its mind and is no longer interested in the legal rights of those that do not have the monetary resources to go fight for them. I sincerely hope that is not true.

Mr. Chairman, I urge my colleagues to support this amendment to maintain at least a minimal level of funding to support this program and by so doing to support the rights of those who need their help the most in order to be heard.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, thanks to my chairman the gentleman from Kentucky (Mr. ROGERS) and the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member.

I strongly support the Mollohan-Fox amendment to increase funding for the Legal Services Corporation. The people I represent direly need access to the legal system. The bill, as reported by the committee, cuts next year's funding for the Legal Services Corporation by 50 percent. That is a very big cut, from this year's level of $238 million to $141 million. That is a very big cut.

This cut is a continuation of the House Republicans' efforts to tear down a legal system that President Nixon and the Congress jointly created in 1974. Last year, the committee also recommended a level of $141 million. There is no budgetary need, Mr. Chairman, to cut Legal Services by 50 percent. There is no budgetary need for that.

The other body, the Senate version of this bill increases Legal Services funding by $17 million, even though the total size of the Senate bill is more than $700 million smaller than the bill we are considering. There is no budgetary need to cut Legal Services Corporation.

Do my colleagues know who the majority party seems to be attacking? They seem to be attacking the poor, particularly women and children. I have asked the head of the Legal Services of Greater Miami to tell me about the type of cases they serve every day. Many of these cases are so pitiful that it hurts to even hear them recount it.

There is a case that involved a woman who wanted her 6-year-old daughter who is mentally retarded because of Downs Syndrome to attend a regular kindergarten in her neighborhood school. Legal Services got the school district to agree to mediation. As a result of this mediation process, the school district agreed to train the regular teacher to handle this child and she is now a full participant in a regular first grade class. This could not have happened if it were not for the intervention by Legal Services.

Mr. Chairman, if these had been wealthy people, they would have hired private lawyers because their cause is just. But they are not wealthy, and so they go to Legal Services for help in getting justice. This is not the time, Mr. Chairman, to be cutting legal services.

I call to the attention of my colleagues another one of the cases in my district. Mrs. Dee and her three young children had rented an apartment from the Dade County Housing Authority. For many years, there was a backup of sewage, garbage, and human waste from the entire building flowing through her apartment out of her toilets, faucets, and tub.

As a result, Mrs. Dee's possessions were contaminated and they were water logged. Her apartment became mildewed, which exacerbated her children's asthma and heart conditions. These are signs of poverty.

Despite the extreme seriousness of the situation, Mrs. Dee was unable to convince the Housing Authority to either repair the building plumbing or transfer her to another apartment. Therefore, she sought the services of Legal Services of Greater Miami.

Legal Services sought an immediate transfer of this family and compensation for the loss of Mrs. Dee and her family's possessions. After heated negotiations, Legal Services recovered enough money for the lost possessions and a transfer to another apartment.

I repeat that this is not the time to cut the Legal Services Corporation in that they are providing a function, particularly for the poor, particularly for children.

I urge my colleagues to support the Mollohan-Fox amendment.

Mr. FATTAH. Mr. Chairman, I move to strike the requisite number of words.

I strongly urge my colleagues to favorably support the amendment being offered by the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, and also my colleague the gentleman from Pennsylvania (Mr. FOX).

In our Nation, where we guarantee those who have been alleged to have committed the most atrocious criminal acts the right to counsel, for this Congress to do anything less than our absolute best to provide legal services to Americans who cannot afford it I think would be shrinking from our responsibilities.

So I rise in support of this amendment. I would ask that my colleagues look at the fine tradition of Legal Services, understand how it has made a positive impact on the life chances of literally millions of Americans in terms of their pursuit of all of those things that we hold dear as a society.

I hope that this House would find it within their collective resolve to overwhelmingly support this amendment.

Mr. RODRIGUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment to restore $109 million funding for the Legal Services Corporation. We must bring up the House appropriation level for this worthy program. Even $250 million is not enough, but it is a step in the right direction.

The Supreme Court recently restricted certain legal service programs. Now is the time to increase the current level of $283 million rather than to cut the budget in half. Legal Services programs have been unfairly targeted by those who wrongfully believe that they are political. These accusations are merely a smoke screen for denying funding for the programs that help those who need it the most.

Legal Services programs are the livelihood for the poor, and those are the rights that they are entitled to. One of the key things that we must recognize is that these individuals have rights. Many of our legal protections today came from the cases made possible by the Legal Services work. Protections such as due process, voting rights, property rights, women's rights, and many other areas came from the Legal Services Corporation programs.

In today's society, we need lawyers, as my colleagues well know, and any person's rights that are violated, everyone else is in danger, rights such as voting rights violations, other violations about not getting the minimum wage, other violations that involve withholding of wages for outrageous reasons. Other violations includes paying women less for the same type of work that men are doing. Other violations include youngsters not having access to textbooks because of various other reasons.

I urge my colleagues to raise the level and to vote on this particular key amendment. I ask my colleagues to vote in assuring that these individuals have certain rights.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. RODRIGUEZ. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank my good friend, the gentleman from Texas, for his kindness. I join the gentleman in supporting the Legal Services Corporation and the Mollohan amendment. I rise to support it.

The gentleman is right, there is a great need for this service all over the Nation and particularly in Texas. I have seen the Gulf Coast Legal Foundation in my community work very hard in helping victims of domestic violence, helping with divorce cases, helping children in poverty, assisting the elderly and representing migrant farm workers.

We are told with these terrible cuts we will see neighborhood offices fall from 1,100 to 550. We will see lawyers fall from 4,800 Legal Services attorneys to 2,150 and there will be only one Legal Service Corporation attorney for 23,600 poor Americans. That is injustice. That is not justice.

Just as an example, helping Michelle Blue and her son Cody, who had been beaten and threatened with a knife by Michelle's husband, although Michelle wanted a divorce she could not afford an attorney so the abuse continued. It took a lawyer from the Legal Services Corporation to help Michelle in order to avoid the beating and the stalking and to get her a restraining order.

They also help homeless children who have been evicted from their homes and have problems with getting back into the schools. They go and help those who are most in need.

This terrible cut, putting them down to $141 million, cutting them 50 percent, is going to make our country not the country of laws and justice but one of unequal justice.

I believe that the Mollohan amendment answers the great concern of ensuring that this Nation does not discriminate, whether you are poor or not poor; that you have the same kind of justice, the same kind of freedom and the same kind of rights.

I hope that our colleagues will join us on behalf of all of those across this Nation, and particularly those who reside in my district in the State of Texas, as the gentleman has so ably represented. There is a great need for all Americans to have the right kind of justice.

Mr. RODRIGUEZ. Mr. Chairman, reclaiming my time, I agree with the gentlewoman totally, and I recognize that anyone's rights that are violated, we run the risk of losing our own rights. It is important for us to understand that and recognize that. I urge my colleagues to raise the level of the spending by $109 million and to vote for the amendment.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Mollohan-Fox amendment to increase Legal Services Corporation funding by $109 million to $250 million.

Mr. Chairman, the Legal Services Corporation is important to assisting vulnerable people in our society. Women and children are among the most vulnerable, who without assistance often find themselves in abusive situations that they cannot control.

The impact of these situations is significant and may result in homelessness and the loss of necessary financial resources for food, maintenance and health care.

To give one example from my own district, as a result of domestic violence and in fear for her safety and that of her five children, a woman left her husband of 15 years. He had been the primary support for the family. She was able to on her own obtain housing, although it was still neither decent nor safe.

Still, because of her financial situation, she was threatened with eviction. Legal Services helped her to get section 8 housing and the family was able to relocate to decent housing with adequate space. This stabilized the family during a very disruptive and unsettling time, to say the least.

Millions of children are the victims of abuse from their parents and others who are responsible for their care. This abuse goes on somewhere in the country every minute of the day. Legal Services in Maryland represents children who are neglected or abused. Such neglect or abuse ranges from a child being left alone by a parent or not being provided a nutritional meal, to physical or sexual abuse that results in severe injury and all too often death.

Legal Services has helped the infant that has been abandoned at birth, the child who is left unattended, the child who is beaten, burned by cigarette butts because he would not stop crying, or scalded by hot water to teach him a lesson.

These children are vulnerable, and without the protection of the law they would be endangered and lost. Legal Services advocacy, on behalf of children, assures that they will not be the subject of abuse. It helps to secure services for children such as housing support, health care, food, educational programs and necessary counseling.

The work of Legal Services on behalf of families and children touches at the heart of what we value in this country: Decent housing, adequate health care, food and a safe environment.

Because of the importance of safety in our society, Legal Services programs have supported legislation to prevent abuse and to protect the abused. In general, the States are not allocating funds for civil legal services for poor citizens, and without this federally funded program the most vulnerable members of our society will not have the ability to get inside the courtroom door to seek judicial protection of their rights.

I urge support for the amendment.

□ 2100

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Mollohan-Fox amendment. For over a decade now, the gentleman from Florida (Mr. MCCOLLUM) and I have worked to reform the Legal Services Corporation. The gentleman from Kentucky (Mr. ROGERS) has offered considerable help to this effort as well. But tonight we are not debating whether or not to reform the LSC or change the delivery system for legal services altogether. We are simply setting a funding level where the Legal Services Corporation can continue to function and provide civil legal care for those in our country who cannot otherwise afford it.

I fully understand the arguments for taking a hard look at changing our current delivery system for providing legal services to the poor. I intend to continue a careful examination of how we provide daily legal support for low-income individuals, and I hope to work with the authorizing committee to see if we can address this matter in the appropriate context. But until that happens, I support continuing to fund the Legal Services Corporation at $250 million for fiscal year 1999. This is exactly the funding level which the gentleman from Florida (Mr. MCCOLLUM) and I proposed in our LSC reauthorization bill of the 104th Congress.

All of the arguments we might hear tonight come down to one fundamental question, whether we believe that the Federal Government has a role to play in ensuring that the poor have access to the courts. I believe that they do. I will be the first one to tell my colleagues that the LSC has had its share of problems over the years and I am sure we will hear about some of them tonight. And while I am not convinced that the current structure is the best way to deliver these services, I am not willing to demolish the LSC absent any other well-developed approach to caring for the people that depend on legal assistance in their daily lives. But that is precisely what we will do if we cut their funding to $141 million.

As a lifelong supporter of a balanced budget, I understand budget realities and know we cannot fund every program at the level we want. That is why I commend the sponsors of this amendment who have worked extremely hard to find the offsets to pay for this amendment in a fair and reasonable manner.

Finally, it is important to remember that we continue all of the restrictions agreed to on the Legal Services Corporation in the effort to make sure that this program works for its original purpose. And while LSC may not have been perfect over the past year, I do believe they have made sincere efforts to abide by these restrictions. In my State of Texas, it is very noticeable.

I urge my colleagues to support the Mollohan-Fox amendment.

Mr. SKAGGS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I walked over here a minute ago from my office. It is a beautiful night here in the Nation's capital. The sun is setting, the temperature is pleasant, one of our fine military bands is performing on the Capitol steps. It is easy to feel pretty good about things. At a time of economic prosperity, thank goodness, we all generally do feel pretty good about things, but we should bear in mind that there is an enormous underclass in this society that is hurting. And to the extent that we deny them redress of their legal grievances by so shamefully underfunding the Legal Services Corporation, we issue an invitation to their abuse, by landlords, by employers, by estranged partners who are tempted to domestic violence because they know that without the funds being raised to some decent level in this bill, the chance that there will be a lawyer able to handle the case, to right the wrongs that these people are enduring, is minimal. And so it is an invitation to further wrong in this society.

That band that is playing out there on the Capitol steps and its sister organizations throughout the United States military is funded at a level now that exceeds what this bill proposes for the Legal Services Corporation. And so the amendment that the gentleman from West Virginia (Mr. MOLLOHAN) is proposing and which I rise to support is absolutely essential to get us up into some more decent range. But make no mistake, we will have barely scratched the surface. Far more people out there that will need legal representation because they cannot afford to hire a private lawyer will go unserved than will go served, even with this increase.

This program was created by that noted social engineer back in the late 1960s, Richard Nixon. For all of the problems that we associate with President Nixon, he understood that this Nation, if it is to be a proud Nation, if it is a Nation that is going to live up to its stated principles of equal justice for all, has got to do something about this problem. That is what the Legal Services Corporation is all about. There are tens of thousands of private lawyers out there that work on a pro bono basis, but even with that free help to go along with the daunting efforts made by the underpaid legal services programs lawyers, we are barely scratching the surface.

We should be proud of this program, Mr. Chairman. This is something that lives up to the fundamental ideals that we hold as a people. And rather than having been cowed and intimidated and compromised into being grateful for a few crumbs, this Congress ought to stand up and be proud that we recognize our responsibility to the least among us, to be true to our principles to fund this program at a decent level. I trust we will adopt this amendment, but in doing so, let us not delude ourselves that we have solved the problem.

I rise in support of this amendment to restore some of the basic funding for the Legal Services Corporation (LSC).

It is fitting we are considering this amendment during the portion of the bill containing funding for the Department of Justice because this amendment is fundamentally about justice. Our constitutional guarantee of equal justice under law is a hollow promise without equal access to the courts. For the nation's poor, not having a lawyer effectively means not getting to court or even to an administrative hearing. LSC provides representation to those who would otherwise go without it. We owe it not only to the poor, but to that first principle of equal justice for all, to fund legal services sufficiently for the poor to have real access to the civil justice system.

While I certainly support this amendment, it is only a start. We need to do more—much more than is in this amendment, and much more than we have been doing in recent years. The combination of budget cuts and unwarranted restrictions on the ability of LSC to effectively represent clients is slowly strangling legal services programs and gutting the principles upon which it was founded.

We must take this modest first step toward bringing LSC funding back to a decent level.

LSC provides legal representation to this nation's poorest citizens. When it was founded by President Richard Nixon in 1974, LSC was designed to become a permanent, vital part of the American justice system.

Cases involving families and children, housing, income, and consumer protection account for over 80% of LSC's work. Without the Mollohan amendment, this bill would cut LSC by almost 50%. It's not hard to figure who will pay the price for any further funding reductions—women, children, and low-income older Americans, farmers and veterans.

Mr. Chairman, LSC's work is carried on by staff lawyers who are willing to work for reduced pay. Last year, over 150,000 private attorneys participated as volunteers providing pro bono representation for Legal Service Corporation clients. As a former volunteer attorney for LSC, I can attest that the lawyers I worked with were far too busy trying to meet the basic legal needs of their clients to engage in some of the activities that detractors assert.

Mr. Chairman, if we are going to ensure that justice is not available only to the highest bidder, the work of LSC must continue. This amendment is the right thing to do; it is the least we can do.

I strongly urge a yes vote.

Mrs. THURMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all before the gentleman from Colorado (Mr. SKAGGS) leaves, I have heard some of the debate here tonight. We will deeply miss him for his heartfeltness for all Americans in this country. It has been an honor and privilege for me to have the opportunity to serve with him. He will be missed.

Mr. Chairman, I rise in support of the Mollohan-Fox amendment tonight. I also do appreciate the gentleman from Texas (Mr. STENHOLM) and the gentleman from Florida (Mr. MCCOLLUM) for their work on the reforms that they have done. I find it interesting that every year for the last 6 years that I have been here that this particular amendment comes back every year, year after year after year. I go home and I talk to my legal service providers, and I talk to them about what this budget in particular means to them. It is providing about 50 percent of their budget. They already are turning back half of those applying for legal services because of lack of resources. With more than 2 million individuals living below the poverty line in Florida, I fear that drastic reductions in funding for these services will deeply impact the ability to meet the needs of the people who truly cannot afford the high cost of legal services.

Mr. Chairman, people's rights as citizens of this country have little use if they are not protected. Programs funded by Legal Services Corporation are needed to ensure that everyone, regardless of their income, operates on a level playing field in our judicial system. Otherwise, America's poor have few ways of pursuing their right to equal

treatment under the law. In my home State of Florida, Legal Services Corporation provides more than 43 percent of legal aid funding for legal counsel for about 1.6 million people below the poverty line. This program, and I need to emphasize this, is a partnership between public funding and private pro bono work. Contrary to what Members might hear, this program does not go to fund left-wing litigation but is instead used to help real people with real, everyday problems. These are ordinary Americans facing difficulties that may not be resolved if they have not received legal help.

Here are a few examples from my own district of what the Legal Services Corporation is really used for, and these are but just a sample. When a 13-year-old child in need of emergency surgery for an intestinal hernia found herself caught in bureaucratic red tape, the local Legal Services Corporation helped her grandmother prepare the required legal paperwork and get the needed hearing so that she could get the operation done in the next day. When a woman was beaten, locked out of her house and custody of her children was given to her abusive husband, Legal Services was able to help her get that custody and receive child support. Both went into counseling, and this is important because we hear a lot of stories about how they just want to break up marriages, and eight months later the two agreed to a trial period of living together. The divorce was dropped, and they have been doing well ever since. When SSI turned down benefits to a 14-year-old child who had suffered a serious skeletal disability since birth, Legal Services stepped in and helped him schedule a hearing with a judge. Today he now receives the benefits that allow him to obtain the necessary treatments and enjoy a better quality of life.

Mr. Chairman, the current low funding level for Legal Services Corporation would hurt real people like the ones I just described. Over half of all the cases deal directly with family and housing issues. All people, regardless of their income, have a right to be represented in court. If Legal Services is not funded adequately, what rights will be taken away? In order to preserve the principle of equal justice for all, we must continue to maintain this needed program.

I urge my colleagues to support this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the amendment to restore funding for the Legal Services Corporation. The Legal Services Corporation plays a vital and indispensable role in providing access to our civil justice system for the poor and destitute in our Nation who would otherwise be financially incapable of seeking justice in our courts of law.

Today many critics of our justice system believe that justice belongs solely to those who can afford it. With the ever increasing cost of litigation, the legal landscape in this country lends some credence to this perspective. The Legal Services Corporation serves as a safety net for the poor in that it gives them the ability to pursue their rights as American citizens, irregardless of economic status. Without such a safety net, these Americans would not be able to petition the courts for a remedy for their wrongs they may have suffered. For these Americans, their rights would be no rights at all. For where there is no remedy, there is no right. Unfortunately, this bill cuts funding for the Legal Services Corporation in half compared with the funding level for this year. I urge my colleagues to oppose the bill and restore funding for this program to restore the rights of our fellow Americans.

In my own congressional district, thousands of residents are in need of these services on a daily basis. I also take my hat off and commend and congratulate all of those Legal Services attorneys, paralegals and other personnel who make use of their talents and skills each and every day to try and make sure that the poorest members of our society have access to our judicial system. Especially do I commend that group of attorneys and paralegals whose offices are down the hall from mine in my district office, where I see countless people coming in and out every day who would not be able to have any redress except for the fact that they are there.

Again, I commend the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from Pennsylvania (Mr. FOX) for this amendment and would urge that we make America one America when it comes to justice and the pursuit of it by providing legal services for all of our citizens.

□ 2115

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today I want to speak in support of the Mollohan-Fox-Ramstad amendment to restore funding to the Legal Services Corporation. If this amendment is not accepted, the Legal Services Corporation will suffer another devastating blow. As currently written, this bill provides only $141 million for the Legal Services Corporation. This is a 50 percent reduction, or a cut, of 142 million from Legal Services funding year 1998 budget.

Mr. Chairman, such a reduction would crush an already vulnerable Legal Services, thereby rendering it even more difficult to provide legal services for the poor.

Let us be clear. Legal Services has already been cut to the bone. This worthy program cannot survive another massive reduction in funds. We have cut legal services from a budget of 415 million in fiscal year 1955 to 283 million in fiscal year 1998. The effects of these cuts are already being felt by those low-income clients that depend on legal services organizations.

Mr. Chairman, in my own State of California the Legal Services Corporation provided legal services to 217,015 clients in 1997. Those represented included our most vulnerable citizens, including the elderly, battered women and families who are barely surviving poverty. Moreover, if the Mollohan-Fox-Ramstad amendment is not accepted, we, as legislators, would effectively be abandoning the longstanding commitment to legal services for the poor.

To make matters worse, in the State of California many of the poor are already without service because of Governor Pete Wilson's veto of the State bar fee authorization last year. The poor in California have been failed by their Governor, and this amendment is really their last hope.

Moreover, the deep cuts in legal services will mean that whole sectors of our society will be left without access to the Legal Services Corporation. In many poor and rural regions of the country there will be no publicly-funded legal assistance available to the poor.

We must not forget that 40 percent of the 23 million people over 18 who live in poverty in this country are the working poor. They also depend on legal services organizations for legal assistance. One Legal Services Corporation for every 23,600 poor Americans is simply not enough. In fact, the number of Legal Services lawyers servicing the poor will fall from 4,871 in funding year 1995 to a mere 2,115 in the next fiscal year. This means that thousands of poor people in the South, Southwest and large parts of the Midwest will have virtually no legal services representation.

The American public supports federally-funded legal services for those individuals who would not otherwise be able to afford an attorney's service in certain civil matters. The provision of adequate Federal funding for legal services cannot be provided elsewhere. Pro bono services will never be able to replace federally-funded legal services. In fact, most pro bono services are provided through legal services organizations. Private attorneys are recruited by and use the system of legal services organizations to volunteer their time.

I have worked alongside Legal Services attorneys throughout my life in public office, and I have seen firsthand the work they do. It is tremendous. Many of my constituents and many of my colleagues' would have no other

legal representation without the existence of Legal Services Corporation.

It is for these reasons that I call on my colleagues to support the Mollohan-Fox-Ramstad amendment.

Mr. Chairman, I alluded to senior citizens, and this particular group in our society must have some support and some services from their government. Many of them are being caught up in schemes where they are losing their homes. There are many unscrupulous individuals out there who misrepresent who they are, and it is spreading across this Nation. We are going to find that these particular problems will be dropped in the laps of Congress because the States are not protecting our seniors from those who put their sights on their homes and come up with all kind of sophisticated schemes by which they take these people's homes. Mr. Chairman, the only defense they have are the Legal Services Corporations. If we reduce the amount of money that we are going to put to support Legal Services Corporation, that means more seniors are going to lose their homes to these unscrupulous schemes.

I ask my colleagues to please support this amendment.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Mollohan-Fox amendment, and I ask my colleagues to support it.

Mr. Chairman, imagine what our country would be like if there were no court system, if there were no access to a means to resolve disputes in our country, and then you can see what it is like for poor people who do not have access to the courts.

It used to be that we had in our country a system of resolving these disputes by simply going out into the middle of the street and pulling out a sword and dueling. That is not a very satisfactory way to resolve a dispute. What we have when you do not have access to the courts is the most sinister people, the most powerful people having the ability to take advantage of the most vulnerable people in our society.

So, when people have access to the courts, who does it benefit? It not only benefits poor people, because they can resolve their differences through an orderly process, it benefits rich people because they do not have to pay for the results of not having the ability of people to resolve their disputes in an orderly way. It makes for an orderly society, which is really what our whole system of justice and our system of courts is designed to do.

This amendment is especially important this year because the Supreme Court recently held that interest that is paid on lawyers' trust accounts can no longer be converted to legal services for the poor.

When I was the president of the Mecklenburg County Bar in Charlotte, North Carolina, we were wrestling with this problem of how to provide legal services for the poor, as most States were wrestling with that problem, and over time people came up with this idea that since lawyers put money from real estate closings and other transactions into their trust accounts and interest cannot be distributed or paid on those trust accounts, that perhaps we could take the interest from those trust accounts and pay for legal services for the poor, and that became a multi-million-dollar source of revenues for the payment of legal services for the poor.

But recently the Supreme Court of the United States said that cannot be done because those trust funds that go into those lawyer trust accounts, if they are to draw interest, that interest belongs to the people who own the money that went into the trust account in the first place. So that money has to be distributed to the individuals who own the trust funds. That is not poor people.

So the major source of legal services for the poor went out the window several months ago, a source of funds that actually was providing more legal services to poor people in this country than the appropriations that are provided in this appropriations bill or in last year's appropriations bill.

So, this year this amendment is doubly, triply important if poor people are going to have legal services and access to the courts.

What is this about? It is about an orderly means of resolving differences between people. Rich people are not the only ones that have disputes; poor people have them too. They should have access to the courts.

Mr. Chairman, I encourage my colleagues to support this amendment.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Mollohan-Fox-Ramstad amendment.

From 1980 to 1986 I served with the Native American Program of Oregon Legal Services, and as someone who grew up in South Africa, a country which at that time had no regard for civil rights, I really know how important it is to protect and enhance, and I stress "enhance," citizens' access to legal services.

Legal Services Corporation provides something that is very special. It provides special expertise that is not available if someone just goes out and seeks a random pool of pro bono lawyers. The Legal Services Corporation provides dependable quality legal services for those who cannot afford it, and this program needs full funding. What that full funding will mean is it will prove that Congress has commitment to the poor.

But I want to talk about a very special group. We have heard a lot about children and women who are affected, but I want to talk about a very special group of people who will be very affected by the Mollohan-Fox amendment. Those are the group who are tribal governments, poor tribal governments who rely in many cases on the Legal Services Corporation to provide a special expertise in a body of law that not many people understand, which is the body of Indian law. Indian law protects a very special treaty and natural resources rights of Indian tribes.

The Indian tribes come to the eight States that have Native American programs. There are already eight States attached to the ordinary Legal Services Program, and these States provide that very special expertise and, even more important, dependability. Because if we look into Indian cases, cases of treaty rights or natural resource rights, we will see that those cases last sometimes two decades. Well, a pro bono lawyer cannot be expected to cover that case for that amount of time, but in order to protect those treaty rights and those special natural resources rights it is absolutely essential to have that dependability, and above all, to have that expertise, and that is what the Legal Services Corporation provides.

So although there are many, many good attorneys providing legal services across the country on a pro bono basis, they cannot provide the long-term service, and in the case of Native American tribes it is very hard for them to provide the expertise.

□ 2130

So I am very pleased that the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from Pennsylvania (Mr. FOX) and the gentleman from Minnesota (Mr. RAMSTAD) have put this amendment in to restore the funding for the Legal Services Corporation.

This is not just ordinary law. This is law that is provided on a very special basis and without it, without it we would see a great diminishment of the civil rights not only of poor people, but also of those tribes that we have in this Congress a very special responsibility, a trust responsibility.

So I urge my colleagues to vote for the Mollohan-Fox-Ramstad amendment to restore the funding for the Legal Services Corporation.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Mollohan-Fox amendment to increase funding for the Legal Services Corporation by $109 million. I particularly want to congratulate the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from Pennsylvania (Mr. FOX) for bringing forward this amendment, again, because it is a very valuable effort.

The Legal Services Corporation was established by Congress in 1974 to ensure that all Americans, Americans of every stripe, have equal access to the justice system. We should not go back on that commitment, and we cannot expect that some process or program of solely voluntary donations, which has been suggested, by wealthy Americans, will provide poor Americans who cannot afford to pay for access to the justice system, that they would be provided that equal access.

But the bill before us would cut Legal Services funding by 50 percent from last year, and that would have an immediate effect on Legal Services clients. Thousands of low income people would be denied their chance of equal justice in my district alone, and that can be multiplied all over the country.

Funding over the last four years has gone from $400 million in fiscal year 1995, to $278 million in fiscal year 1996, to $283 million in fiscal year 1997 and again $283 million in fiscal year 1998, all of those years when we have been trying to get control of the enormous deficits that built up year after year during the Reagan and Bush administrations.

It is truly mind-boggling to me that in fiscal year 1999, a year when we are expecting a multi-billion dollar surplus, that this Republican Congress would propose cutting Legal Services funding by 50 percent, to a number lower than the funding for Legal Services has been at any time since 1980 under Republican and Democratic Presidents.

Now, Mr. Chairman, I could cite dozens of legitimate cases of legal services being provided in my district compared with those that have been suggested as illegitimate cases by various people, as abusive cases of the program, but I just want to cite one that shows the vital role that Legal Services plays in the lives of ordinary people.

A woman from my district separated from her husband because of physical abuse, and she had custody of their children. While she was hospitalized recovering from that very physical abuse, her abusive husband obtained a custody order that she was in no position to contest, being that she was in the hospital, and placed the children with his parents.

With Legal Services' assistance, this mother was able to regain custody of her children, she was able to end that abusive relationship, obtain housing, and then go on to obtain a Bachelor's Degree, so she can now support herself and her children on her education. We need to ensure that every citizen has access to equal justice.

Last year, in similar circumstances, this House voted for the same Mollohan-Fox amendment by a vote of 246 to 176 in a recorded vote. I urge my colleagues to pass the Mollohan-Fox amendment this year by an even larger margin than it was voted by last year, and send an obviously correct message.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Mollohan-Fox amendment to restore some of the cuts in legal assistance for the poor. As a former Legal Services program board chairman who helped to establish a Legal Services program over 20 years ago, I can attest firsthand to the importance of Legal Services to individuals in my district who cannot afford a lawyer.

As a result of legal aid, many of the unscrupulous businesses who once operated with relative impunity are now held in check. I am concerned that if we further reduce the Federal support for these programs, we will give license to the resurgence of such operators to prey on those who are vulnerable and unable to respond because of the cuts in Legal Services.

Mr. Chairman, despite the existence of Legal Services programs for the poor, there have never been sufficient funds to reach anywhere near the number of people who need assistance. For example, the American Bar Association in 1995 did a study that revealed that 43 percent of those asking for services had to be turned away because of lack of funding to provide for services.

The 1995 funding level was $415 million. Last year the Legal Services Corporation received only $283 million, and even with this amendment, the funding will only be $250 million.

So, Mr. Chairman, we have already drastically cut the funding for Legal Services. At this point there is no justification for so drastically reducing the Legal Services Corporation as the current bill requires. I hope that we will assure at least the minimum Federal support that this amendment calls for, so that some of those who are defenseless and helpless against the unscrupulous in our society will have some recourse.

I implore my colleagues to support the modest funding for Legal Services for the poor by supporting the Mollohan-Fox amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly support the Mollohan-Fox amendment. Cutting the funding of the Legal Services Corporation to $141 million would be a disaster for families living in poverty across this Nation.

Legal Services attorneys deserve our thanks and our appreciation. They help our poorest and most vulnerable citizens navigate the complicated bureaucracy of our court system in search of justice and fairness.

Many of my colleagues may not think of Legal Services as a women's issue, but it is. More than two-thirds of the clients served by Legal Services are women. The funding cuts in this bill will force Legal Services to abandon many of the critical legal services that it provides to poor women, particularly victims of domestic violence.

In 1997, Legal Services programs handled over 58,000 cases in which clients sought legal protection from abusive spouses. In fact, family law, which includes domestic violence cases, makes up over one-third of the cases handled by Legal Services programs each year.

In addition to helping domestic violence victims, the lawyers at the Legal Services Corporation help poor women to enforce child support orders against deadbeat dads. They also help women with employment discrimination cases. Slashing funding for Legal Services means barring the door of the courthouse for tens of thousands of women who have nowhere else to turn for help. How can we at this time abandon these women to violence and abuse and greater poverty?

Please support Legal Services. Let us protect poor families who need this help desperately. Let us vote for this amendment.

Mr. McHALE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I speak not from a prepared text, but from experience. In 1977 I graduated from Georgetown Law School. I returned home to the Lehigh Valley of Pennsylvania, where I served for approximately 5 years as a volunteer lawyer with Lehigh Valley Legal Services.

Mr. Chairman, during that period of time I became aware of how extraordinarily important this program is for equal justice under the law. In 1981 the Legal Services program in which I participated had 13 attorneys; today, we have six. Offices have been closed; representation, because of inadequate funding, has been denied.

Mr. Chairman, when I was a student at Georgetown, I used to walk between this building and the Supreme Court of the United States. When I did so, on hundreds of occasions, I would look up to those words carved over the entryway to the Supreme Court and I, for one, would be inspired: "Equal Justice Under Law." If we fail to pass the Mollohan amendment, we establish, as a matter of policy, our lack of faith in that commitment.

At home today in the Lehigh Valley, a citizen will obtain competent representation in cases that involve an immediate and essential hearing, typically on matters of housing, domestic relations and custody. The cases in my hometown where this representation is provided rarely, if ever, involve politically oriented issues or ideologically explosive issues. This is about equal justice to ordinary citizens who happen to be poor.

What confronts this Chamber tonight is whether or not we will provide to those citizens, in matters of basic civil

justice, the kind of representation that is available to other citizens who are financially better qualified.

I am leaving the Congress of the United States at the end of this term, and I am going to close a loop. One of the first things I am going to do as a private practitioner when I return to the Lehigh Valley is to volunteer my time and energy representing those people. But we who are volunteers cannot possibly carry the burden alone.

Legal Services, federally funded in the case of my hometown to the extent of almost 50 percent of the annual budget, must be provided if we are going to stand true to what I read so many years ago carved over that doorway to the Supreme Court of the United States. Tonight, when we vote, we will decide whether or not we truly believe in equal justice under law. To carry forward that principle, I strongly urge an affirmative vote for the Mollohan-Fox amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to speak in support of the Mollohan amendment which will govern how we proceed on H.R. 4276, the Commerce Justice, State Appropriations bill. I am grateful to the Rules Committee for allowing the Mollohan amendment to be considered which would restore full funding for the Legal Services Corporation in FY 1999 at $415 million. This cut will result in the virtual abandonment of the long-standing federal commitment to the legal protection of working poor Americans, including victims of spouse and child abusers, dead-beat parents, and consumer fraud.

The programs funded by LSC have provided effective and meaningful access for the poor to our courts. In 1997, LSC-funded programs provided services to almost 2 million clients, benefitting approximately 4 million individuals, the majority of them children living in poverty. The vast majority of cases handled by programs are noncontroversial, individual cases arising out of the everyday problems of the poor.

Cutting this funding will mean that the number of clients will fall from 1.7 million in FY 95 to less than a million; the number of neighborhood offices will fall from 1,100 in FY 95 to approximately 550, the number of LSC attorneys serving the poor will fall from 4,871 in FY 95 to 2,150; there will be only one LSC lawyer for every 23,600 poor Americans; no legal assistance to clients in thousands of counties throughout the country; and legal services programs will be forced to severely limit their services, resulting in the substitution of brief advice and referral for complete legal representation in most cases.

While domestic violence occurs at all income levels, low-income women are significantly more likely to experience violent victimization that other women, according to the U.S. Bureau of Justice Statistics. Medical researchers assert that 61 percent of women who head poor families have experienced severe physical violence as adults at the hands of male partners. The Legal Aid Society of Charleston, West Virginia was contacted by a woman after her boyfriend put her and her 2-week baby out of the home at gunpoint. She obtained a 90-day domestic violence petition against him in magistrate court. She needed the assistance of the Legal Aid lawyers in getting a permanent restraining order and custody. The Legal Aid lawyers obtained a final court order awarding the woman custody of the child.

A woman in Oklahoma was hospitalized for several months as a result of suffering years of physical and psychological abuse at the hands of her husband. In the subsequent divorce and child custory battle the husband used her hospitalization against her. With the help of the Legal Aid laywer, the woman was granted a divorce, custody of their child, and a permanent restraining order against her ex-husband. We must restore the money to the Legal Services Corporation.

In 1997, LSC-funded programs closed some 146,000 cases in which the client was 60 or older. This represents approximately 10 percent of all LCS cases. Some LSC-funded programs have special elderly law units, but all programs provide services to the elderly.

One out of every four children under six and one in every five under eighteen live in poverty. Elimination of federal funding of legal services will deny them legal assistance on obtaining financial support from an absent parent, a decent home to live in, adequate nutrition and health care, relief from a violent living situation, access to education and vocational skills. The working poor represent 40 percent of the 23 million people over eighteen living in poverty in the United States. Access to legal services can preserve employment that makes the difference between remaining productive and independent or joining the ranks of the dependent poor. We need to restore, the funding of the Legal Services Corporation for our poor, our elderly, women who are victims of domestic violence, and migrant workers. Please support the Mollohan-Fox amendment.

Mrs. MORELLA. Mr. Chairman, I would like to thank Chairman ROGERS for his work to fund the programs of the National Institute of Standards and Technology (NIST).

NIST is the nation's oldest Federal laboratory. It was established by Congress in 1901, as the National Bureau of Standards (NBS) and subsequently renamed NIST.

As part of the Department of Commerce, NIST's mission is to promote economic growth by working with industry to develop and apply technology, measurement, and standards. As the nation's arbiter of standards, NIST enables our nation's businesses to engage each other in commerce and participate in the global marketplace.

The precise measurements required for establishing standards associated with today's increasing complex technologies require NIST laboratories to maintain the most sophisticated equipment and most talented scientists in the world. NIST's infrastructure, however, is failing and in need of repair and replacement.

NIST currently has a maintenance backlog of almost $300 million. In addition, NIST requires new laboratory space that includes a higher level of environmental control (control of both vibration and air quality) than can be achieved through the retrofitting of any of its existing facilities. In order to meet this pressing need, NIST must construct an Advanced Measurement Laboratory (AML).

As part of the sums appropriated for NIST, H.R. 4276 includes $56.7 million for construction, renovation and maintenance of NIST's laboratories. This funding level is below the $67 million authorized by the House when it passed H.R. 1274, the NIST Authorization Act of 1997, but matches the President's request.

While a considerable amount of money still needs to be appropriated before the AML's construction is fully funded, this year's appropriation, when is combined with the $95 million appropriated last year for construction and maintenance, is a significant down-payment on the laboratory. I am hopeful that with Chairman ROGERS' continued support, we can find the money next year to complete funding and begin construction of the AML.

I would like to again thank Chairman ROGERS for his support of NIST and its facility needs.

Mr. DOOLITTLE. Mr. Chairman, the Legal Services Corporation often strays from its primary mission of providing legal counsel in cases to people who cannot afford it. It is clear that the LSC often pursues an activist and ideological agenda that hardly benefits its poor clients.

It is ridiculous that we continue to fund a program so irresponsible that the Congress would actually have to take the kind of action we took in fiscal year 1996 and spell out what ought to be clear ahead of time for an organization funded with federal taxpayer dollars. Congress actually had to make explicit that the LSC may not get involved in redistricting, they may not get involved in abortion litigation, or prison litigation, or welfare litigation, or pro-union advocacy, or union organizing, or fee-generating cases, or representation of public housing tenants charged with possession of illegal drugs or against whom eviction proceedings have begun as a result of illegal drug activity, and a prohibition on representing illegal aliens. That is an indictment right there on the inclinations of the individuals in this irresponsible agency.

I believe as much as anyone in protecting the rights of poor people, but I do not believe we have to build a bigger and bigger welfare state, of which this is a part, in order to accomplish those objectives.

If legal representation of the poor at public expense is so important, let the attorneys donate their time, let the States handle the matter, where they are a little closer to the people and where these kinds of abuses cannot continue to occur. And yes, they do continue to occur.

For example, when it comes to protecting children, the LSC has actually been often counterproductive to that goal. In 1997 Northwest Louisiana Legal Services argued for preserving a woman's parental rights to her children, despite clear evidence she had physically abused them. The case began in 1991. The State investigated it. They assumed temporary custody. Legal Services still got involved, claiming that terminating parental rights was improper. These children had been severely beaten and burned, and yet our taxpayer dollars went through Legal Services to defend this type of individual.

Providing free legal services to the poor is perfectly appropriate for local and State entities to carry out. I think we will not end the

abuses as long as the remote Federal Government continues to fund a program of this sort.

Obviously these organizations have no interest in respecting the intent of Congress, when we have cited repeated violations of the very restrictions that were already in the law that continue to happen. This is not the job of the United States government. It is the job of the State governments or of local bar societies.

Mr. RAMSTAD. Mr. Chairman, I join my colleagues from Pennsylvania and West Virginia in sponsoring this amendment to prevent the drastic 50% cut in Legal Service Corporation funding.

Without adequate funding for Legal Services, our poorest, most vulnerable citizens will be unable to have legal representation in civil matters.

"Equal Justice Under Law," which Americans read every day across the street on the Supreme Court building, will be empty words.

This proposed 50% cut, to $141 million, follows a 33% reduction in FY 1996, and no increases in FY 1997 or FY 1998. This amendment would be a great improvement from the current level in the bill, but it still represents a $33 million cut from last year's appropriation.

In my home state, severe cuts in LSC funds have ready meant that tens of thousands of Minnesotans who needed legal help had to be turned away. Because of reduced funding, Legal Services in Minnesota closes 4,000 fewer cases each year.

Legal services in my state is struggling in spite of generous support from state and private sources. In Minnesota, over 3,000 attorneys already donated over 30,000 hours of legal services—worth over $3.5 million—each year. Minnesota lawyers pay an extra $50 in their annual licensing fee to support legal services. Individual lawyers and firms currently contribute over $500,000 each year.

Even greater numbers of poor people have been shut out of the civil justice system in other states, where private support is not as strong: LSC programs across the nation are already serving 300,000 fewer low-income Americans because of decreased resources. If limited to this bill's drastic level they will have to turn away an additional 400,000 vulnerable Americans.

On top of this, a recent Supreme Court decision is further threatening resources for legal aid to the poor. In 1997 Interest on Lawyer Trust Accounts (IOLTA) programs accounted for 11% of funding for LSC programs, But, now, the availability of IOLTA funding for legal aid programs has been called into question by the courts.

Some claim that private bar can step in and meet the legal needs of the poor if funding for the LSC is cut by this magnitude. But throughout the country the private bar and individual lawyers are already working hard to provide legal services for indigent people.

However, they cannot meet these critical needs alone, any more than doctors can treat all the medical needs of the poor or grocers can feed all the hungry without pay.

We cannot effectively provide legal services to the poor without a public-private partnership. LSC funds are critical in matching private lawyers with needy clients, and LSC-funded staff is needed to handle intake, screening, referral, training and support for private lawyers.

Although government entities are not often known for efficiency, ninety-seven cents of every LSC dollar go directly to delivery of legal assistance. And federal oversight and accountability over those dollars are ensured.

Tight restrictions required by Congress are being enforced by LSC under the strong leadership of President John McKay: no class action suits; no lobbying; no legal assistance to illegal aliens; no political activities; no prisoner litigation; no redistricting representation; and no representation of people evicted from public housing due to drugs.

Some of my colleagues point to a few, well-publicized cases that appear to be abusive. There is almost always more to the story, and in many cases no LSC-funded program was involved or the LSC is enforcing sanctions against the abuses. But even if all of the alleged abuses were true, these would represent a mere handful of aberrations in a program that last year served 2 million clients, benefiting 4 million Americans, most of whom were low-income seniors, women and children. I wish all federal programs could have such a remarkable record.

Legal Services actually saves taxpayers money by establishing child support orders and maintaining private health insurance for children. Legal Services protects the victims of domestic violence and child abuse. Legal Services combats consumer fraud and unlawful discrimination.

If our justice system is only accessible to the wealthy—to those with means—then it cannot truly be just. I urge my colleagues to support basic fairness and equality under the law by restoring Legal Services funding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. MOLLOHAN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ROGERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 508, further proceedings on the amendment offered by the gentleman from West Virginia (Mr. MOLLOHAN) will be postponed.

Mr. ROGERS. 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. SHIMKUS) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, had come to no resolution thereon.

□ 2145

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). 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.

EXPRESSING APPRECIATION FOR SUPPORT ON SHAYS-MEEHAN LEGISLATION, AND URGING MEMBERS TO VOTE TO RESTORE FUNDING FOR LEGAL SERVICES FOR THE POOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FOX) is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise tonight first to thank the House for their support for the important Shays-Meehan legislation. This legislation is a landmark in that it will provide for the first time in many, many years an opportunity for the House to have meaningful campaign finance reform.

The bill makes four major changes to our campaign finance system.

One, it completely eliminates Federal soft money as well as State soft money that influences the Federal elections.

Two, it strengthens the definition of "express advocacy" to include those radio and TV advertisements that clearly identify a Federal candidate which are run within 60 days of an election, or include unambiguous support for or opposition to a clearly identified Federal candidate run at any time.

Number three, Mr. Speaker, it improves the Federal Election Commission disclosure and enforcement. It requires the Federal Election Commission reports to be filed electronically. It provides for Internet posting of this and other disclosure data.

Number four, it establishes a commission to study further reforms to our campaign finance system.

In addition, the bill makes other important reforms, including foreign money and fund-raising on government property being prohibited. It expands the ban on unsolicited franked mass mailings. It also makes other reforms which, in the opinion of those who have been observing the House for many years, go to the important end game of making sure that, from the public's point of view, there is more accountability.

I also rise to request that my House colleagues tomorrow, in the voice vote and the recorded vote on legal services for the poor, that we again do as we have in the past 2 years, restore the $109 million in this House so those who are truly in need and need legal representation in their local counties and across their States for cases involving 101 assistance for the poor, that they support the amendment tomorrow, the Mollohan-Fox-Ramstad amendment, because it is so important to many of those who could not be represented

otherwise, and who may be just one court case away from losing their family, losing their job, or losing an important matter which goes to their financial or family security.

I thank those who will look carefully upon our debate tonight and hopefully support our amendment.

THE DIFFERENCES BETWEEN THE DEMOCRATS' PATIENTS' BILL OF RIGHTS AND THE REPUBLICAN HMO PROPOSAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening I would like to spend some time talking about the issue of managed care reform, or HMO reform. I wanted to start out by pointing out that the House Republican leaders brought a bill to the floor about 2 weeks ago which they are trying to use to essentially dupe Americans into believing that they are protected against HMOs, when in fact, if anything, the Republican bill makes people's situation with HMOs even worse off, in my opinion.

There were no hearings on this Republican bill. It never went through any congressional committee, and it was literally changing up until the very last minute, when it came to the floor of the House of Representatives.

For months Republicans have been working hand-in-hand with insurance companies to fight the Democratic alternative, the Patients' Bill of Rights, which is a real patient protection bill, which enjoys the strong support of doctors, nurses, and consumer advocates.

Now all of a sudden the Republicans have rushed their bill, which they call a patient protection bill, to the floor in an effort to solve the political problem that their opposition to managed care reform has essentially become. Mr. Speaker, make no mistake, the differences between the Democratic Patients' Bill of Rights and the Republican HMO proposal are significant.

The Republican bill excludes key provisions that are essential for consumer protection, and includes provisions that would reduce current consumer protections. The Republican HMO plan seeks to give the appearance of reform without the reality.

Just to mention, among other things, some of the most serious problems with the Republican HMO plan, it leaves medical decisions in the hands of insurance company accountants instead of doctors. It does not limit HMOs and insurance companies' use of improper financial incentives to limit needed care. It allows drive-through mastectomies, and fails to contain a requirement of coverage for reconstructive surgery after mastectomies.

It does not give access to specialty care when needed. It also does not guarantee patients access to needed drugs or clinical trials. Most important, it provides no effective mechanism to hold plans accountable when plans abuse, kill, or injure someone.

Democrats have been insisting and will continue to insist on a bill that contains guarantees that are a significant gain for health plan consumers. The Republican plan, by contrast to the Democratic plan, is essentially a sham in providing patient protections.

Mr. Speaker, I wanted to talk for a few minutes, if I could, about some of the specific problems that I see with the Republican HMO plan, and give some examples of how they essentially would not help.

For example, one of the most important provisions in the Republican bill that contrasts it from the Democratic Patients' Bill of Rights is that the Democrats' Patients' Bill of Rights insures access to specialists, whereas the Republican plan does not.

For example, under the Democratic bill, if you had cancer, you could go directly to an oncologist. If your child had a specific problem, you could bring your child to whatever type of specialist your child might need. Under the Republican plan, you would still have to go see your primary care physician for a referral, and there is no guarantee that you would get to see a specialist if you needed one.

The differences between the two bills are even more pronounced when it comes to seeing specialists outside your HMO, outside your network. The Democrats' Patients' Bill of Rights ensures you will be able to go outside your network at no cost to you if you need to see a specialist that your HMO does not have within the network. But under the Republican bill, if you need to see a specialist outside of your network, you are out of luck. You do not get to see him.

Another difference between the access each bill would provide is what we call "standing referrals." If you were fortunate enough to be in an HMO that has the type of specialists you need when you get sick under the Republican plan, you still have to jump through hoops. The Republican plan does not allow patients who need care over a long period of time by a specialist to have standing referrals. The Democratic bill, the Patients' Bill of Rights, does not require patients to go back time and again to renew referrals. If you need to see a specialist over a long period of time, you are guaranteed the right to that doctor.

The Democrats' Patients' Bill of Rights will also let you designate the specialist as your primary care physician. If you are a woman, you can choose your OB-GYN as your primary care physician. The Republican bill, by contrast, neither allows you to designate your specialist as your primary care physician nor your OB-GYN.

Another major difference, and I think it is important, refers to access to physicians, again. That is, what the two bills do to protect the continuity of care.

The Democrats' bill ensures that if you were in the middle of treatment and your plan drops the doctor that you were seeing or your employer switches insurance companies, that you will still be able to see that doctor at no cost to you. But under the Republican bill, if you are a woman in your last trimester of pregnancy, for example, you could be forced to see another doctor once that doctor is dropped from the plan. The same goes for any patient in similar circumstances.

The differences in ensuring access between the two bills is not limited to just physicians. Under the Democrats' Patients' Bill of Rights, health plans are required to have a process for allowing certain patients to participate in a defined set of approved clinical trials.

For many patients, clinical trials represent the last and only hope they have of surviving. But the Republican plan provides no access to clinical trials at all. If you are in an advanced stage of breast cancer, for example, the Democratic bill would give you not only the opportunity but the resources to fight that horrible disease. I do not see how the Republican bill does anything of the sort.

One last difference I would like to point out in terms of access is access to needed drugs. The Republican plan does not guarantee that your HMO will pay for the drugs your doctor prescribes. If your doctor prescribes you a drug that is not on your HMO's approved list of drugs under the Republican plan, you will have to pay for it yourself. If it is too expensive for you, that is too bad. Even though you have health care, you find the prescribed remedy out of reach because the health plan you pay for refuses to cover it.

The Democrats' Patients' Bill of Rights, on the other hand, guarantees access to whatever medication your doctor determines that you need. The Democrats' bill requires plans that have a limited set of drugs available to provide patients with access to drugs that are medically necessary.

As I said, Mr. Speaker, really, the facts tell the story. When we compare these two bills, we find there is no comparison at all. Basically, the Republican bill does little to expand access and a lot to protect the insurance industry. Really, I think we should be helping patients get the care they need without the red tape and without the added trauma of wondering just how much sicker they are going to get, and have to wait for some bureaucrat somewhere to tell them they can see a doctor or have the medicine they need. If

we want to address those problems, then we have to pass the Democrats' Patients' Bill of Rights.

I wanted to mention another area that I consider a very important difference between the two bills. Then I will try to wrap up what I have to say tonight. That is, in my opinion, one of the most important aspects. That is the issue of enforcement.

The point is clear that under the Democratic proposal, the Patients' Bill of Rights, we are getting certain patient protections. Under the Republican bill, we are getting very few patient protections. Even if there were some patient protections that were important under the Republican bill, it does not mean anything if we cannot enforce those patient protections and make sure we get them. Any legislation that fails to give patients the right of enforcement essentially renders the protections within the bill absolutely meaningless.

The Democratic bill, most importantly, repeals the ERISA exemption. This is the 1974 law that shields HMOs from being sued if they deny people needed care. A lot of people do not realize that if your employer has a self-insured plan, which many people have, and they fall under ERISA, which is a Federal law, that basically says that the HMO cannot be sued if it denies people care.

We repealed that, essentially, effectively, in the Democratic bill. The Republican bill, however, does nothing to hold HMOs accountable for their actions. It not only leaves ERISA essentially intact and still has the prohibition on suit, it actually exacerbates the problem, because its external appeals process, in other words, the ability to appeal the denial of care, only applies to people whose insurance comes under ERISA.

Individuals in the private insurance market are left without any external recourse when they are denied care, and what is even worse is that those who were fortunate enough to be covered by ERISA are subject to the HMOs' definition of "medical necessity."

I just wanted to talk a little about that, because it goes to the whole issue of enforcement. What the Republican bill does, it allows the HMOs, and not the doctors and patients, to define "medical necessity." Of course, this provision flies in the face of the whole idea of the managed care reform debate, that "medical necessity" should be the determinant of whether or not a patient needs care, and not cost considerations.

So if we are really going to make reforms in HMOs and managed care, we have to make sure that doctors and patients decide what type of care is necessary, whether you have to stay a few extra days in the hospital, whether or not you need a certain procedure. But if the insurance company bureaucrats continue to make those medical decisions, people will continue to be denied care. That is what is going to happen with the Republican bill, because it lets the HMOs and not the doctors and patients define what is a "medical necessity."

I also want to dispel a myth that my Republican colleagues have been working overtime to spread. That is that the Democrats' Patients' Bill of Rights does not create any new Federal litigation.

□ 2200

In other words, if you repeal ERISA, as we do, all that allows is for individuals to go back to the States and bring the kinds of suit they would normally be able to bring. So we are not really creating a new Federal remedy by repealing ERISA and allowing people to sue. We are just allowing people to exercise the rights that they would normally have if the Federal Government had not prohibited them from bringing suit under ERISA.

Some of the other points that could be made with regard to enforcement of the Republican bill I do not think I need to go into tonight. I just want to stress again that if you have patient protections and you cannot enforce them, either through some external review process or through the ability to go to court and bring suit, then for all practical purposes, whatever patient protections you have under the Republican bill really are meaningless.

If I could, Mr. Speaker, the last thing that I wanted to bring up tonight is the whole issue of cost, because I know that my colleagues on the other side of the aisle continue to talk about how if we put in place the Democrats' Patients Bill of Rights, which is a comprehensive patient protection act, that somehow it is going to cost more and it is going to drive the cost of HMOs up. Nothing really could be further from the truth.

We had the Congressional Budget Office do an analysis, if you will, of the Democrats' Patients Bill of Rights. What they basically said is that the legislation would have a very minimal effect on premiums with most individuals paying only about $2 more per month. Keep in mind that for an extra $2, and it probably would not even be that much, you are going to get the return of medical decisionmaking to patients and health care professionals and not insurance company bureaucrats. You are going to get access to specialists, including access to pediatric specialists for children. You are going to get coverage for emergency room care. You are going to get the right to talk freely with doctors and nurses about every medical option. You have an appeals process and real legal accountability for insurance company decisions, and you have an end to financial incentives for doctors and nurses to limit the care that they can provide.

These are the kinds of patient protections that we are providing with the Democratic bill. I know that when I talk to most Americans, and certainly, or most of my constituents, and certainly the polls have shown both Democratic and Republican polls, that when you talk to most Americans, they would rather have those protections. They would like to be able to go to the emergency room nearby and not have to worry that they are not going to be approved because they did not get a referral or that they have to go to an emergency room 50 miles away. They do not want the doctor to be gagged as some doctors are now with HMOs and told they cannot even tell you about certain medical options.

They do not want doctors and nurses to be under a regime where if they do not meet assert quota, if they do not deny a certain number of cases or a certain number of procedures, that they will not get paid enough for their work. We know that the average American would not mind paying an extra dollar or two per month to have the kind of protections that we are talking about here tonight.

Mr. Speaker, I would just say, in conclusion, that, of course, the Republican bill passed the House of Representatives a couple weeks ago but very narrowly. The Democratic proposal, the difference between the two was only about 5 votes. I think that shows very strong support in this body for strong patient protections that are enforceable. I only hope that when the legislation goes over to the Senate and that when the Senate reconvenes in September, the Senate will take up the stronger Democratic bill and that we will see a strong bill pass this Congress, pass both houses of this Congress, because President Clinton has said over and over again that if he gets the Republican version on his desk, he will veto it because it essentially does not provide the type of patient protections that we need to really have some significant managed care reform.

If it is necessary for the legislation to come back to the House or back to the Senate after the President's veto, we know that we are going to have the support here to pass a strong bill because of the vote that took place on the floor of the House of Representatives two weeks ago.

I see one of my colleagues is here who has been a strong supporter of the Democrats' Patients Bill of Rights, who is a member of the Committee on Commerce, the gentleman from Texas (Mr. GREEN), where they have on the State level passed very strong patient protections, but one of the things that we know, because New Jersey, my State, is another State that has passed State legislation that provides strong

patient protections, but unfortunately many people are not covered by State law because, again, of the ERISA statute that I mentioned previously. ERISA, which applies to all employers that essentially self-insure, that is a big group in this country, ERISA essentially preempts State law. So that is the reason why, one of the reasons why we have to pass Federal legislation for even those States that do have strong patient protections to make sure that everybody is covered. Of course, also to take care of the States that have not passed strong patient protection legislation. That is why we need comprehensive Federal legislation.

I yield to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. I thank my colleague from New Jersey for allowing for this special order this evening and asking for the time, and I thank the gentleman for yielding to me.

I want to make a few points, because I think the gentleman led into the concerns I had with the bill that we passed, literally, on the Friday of the tragedy that occurred here in the Capitol, make a few points about the Republican majority bill, a bill that we talked about, the Democratic plan actually had bipartisan support. The Republican bill would do to state passed, State protections like Texas has done, and share with you some of the concerns that have been raised by officials in my home State.

Very simply, it would destroy some of the local initiatives that we have seen in the State of Texas. I do not know if that is true in New Jersey or other parts of the country, but the Republicans so-called Patient Protection Act would really be called the Patient Protection Elimination Act.

First, let me refer to a letter from our State comptroller, John Sharp. He writes, literally on July 29, after the bill was passed, The following question should be asked of anyone considering supporting this bill, the HMO reform conference committee report. Will the Federal legislation preempt Texas's current managed care protection laws? Will Federal legislation preempt Texas' HMO Legal Accountability Act? Is there a Federal floor that States may improve upon, or will new Federal legislation create a ceiling and preempt Texas from enacting tougher patient protection laws?

For example, would the Federal legislation erase the Texas gag clause legislation as well as the gag clause legislation in other States and provide a weaker substitute nationwide? Does the Federal legislation preempt Texas OB/GYN direct access bill and substitute weaker language that permits direct access for routine care? Will the Federal legislation be the final word on managed care accountability, or will Texas and other States experiment with different kinds of approaches such as their own external review process?

Because, again, this is quoting from John Sharp, Comptroller of Public Accounts, I will put it into the RECORD. I am reading from the verbiage because the Gingrich supported HMO reform legislation is silent on many more kinds of patient protections enacted into Texas. Are those protections also preempted or nullified by this legislation?

Will this proposed bill erase Texas laws protecting patients and doctors from retaliation by a plan or due process provisions for health care providers or continuity of care that guarantees after a provider has been deselected?

These are just a few of the questions that Comptroller John Sharp raised. We just received this letter today. It was dated at the end of last week and, again, because of the tragedies that we saw here happen that Friday afternoon, I do not think a lot of Members have thought about what Congress did pass that day.

Let me talk about a letter from a person who I served with when I was a State representative and a State Senator. John Smithee is a Republican State representative from North Texas, Armstrong, Deaf Smith, Oldham and Randall Counties which is very far north in Texas.

He writes, again on the 22nd of July, We are writing to respectfully urge, and he is writing not only himself but also David Sibley, chairman of the Senate Committee on Economic Development for the State of Texas, and John Smithee is the chairman of the House Insurance Committee and, by the way, both these members in the legislature in Texas are Republican members.

And they write, we are writing to respectfully urge that in the course of your deliberations on managed care and patients rights, you do not disturb the substantial progress already achieved in Texas. As chairman of the committees of jurisdiction over insurance and managed care in Texas, we have presided over hundreds of hours of public hearings on every conceivable aspect of managed care. I doubt there is an argument or threat that we have not heard in the course of the legislative lobbying, advertising or debate. The 75th legislature, the one this 1997, both Representative Smithee and Senator Sibley cosponsored the legislation and, along with many other colleagues in their House and Senate, some of the most comprehensive and sweeping managed care reforms in the country. They have not had the opportunity to review fully the Federal managed care legislation that was selected, scheduled for debate in the House, but judging from the news reports and their own preliminary analysis it appears that the deliberations are following an identical pattern as the debate in Texas, especially regarding medical liability.

While we intend to provide a more detailed analysis of the impact as it proceeds to conference, we respectfully submit the following observations.

HMO accountability. The Texas legislature, in 1997, in a strong bipartisan display established a legal duty on the part of managed care organizations to exercise ordinary care when determining medical necessity. Aetna Insurance filed suit against the State of Texas claiming that the Senate bill was preempted by Federal ERISA. Ideally, Federal legislation should clarify ERISA does not preempt a State's right to determine health plan accountability and quality.

If such clarification is not achievable, we suggest that the Texas congressional delegation push for Texas as a designated national pilot project for 3 years so the experiences can be measured and evaluated by future Congresses. We know what happened on that Friday and we know that there are cases where the experiments and the innovative techniques that a lot of our States are using, particularly Texas, will not stand the muster of the bill that passed this House.

Also they ask for an independent review in item 2. It is our understanding that H.R. 4250, the House GOP bill, would weaken Texas independent review provisions. Again, these are a Republican State Senator and a Republican member of the State legislature, State House. Apparently H.R. 4250's independent review is not binding compared to Texas law that requires managed care organizations to provide the care deemed appropriate by the independent review organization. Once again, the Texas legislature's preference in this regard was overwhelmingly stated in 1997.

Number 3, this is the last one of Representative Smithee and Senator Sibley's letter. We are also concerned that H.R. 4250 weakens current Texas law regarding emergency care and gag clauses. As we understand it, the bill waters down Texas prudent layperson by allowing a health plan to override the treatment decision by the emergency department physician. The gag clause provision does not protect health care providers from retaliation when they act as advocates for their patients.

They end it by saying, we know you are hearing from many points of view on managed care. Thank you for considering our comments on Texas law. And that copy was sent to Governor Bush and also to the whole Texas delegation.

My concern and a lot of Members' concern is what the House passed as HMO is a sham. What it is actually doing is taking a step backwards from States who have made efforts to try and control it in their own States, like Texas has and I think New Jersey has and other States. So what we are doing

is taking away States' rights. It is ironic that as a Democratic member that I am concerned about Congress taking away States' rights, but that is what happened, I think, in H.R. 4250. And I am really surprised that some of my Republican colleagues would allow that to happen here on the floor when so often we talk about the importance of states being the experimental, the embryo, the way to say, okay, we have a problem with HMOs, we have a problem with education. Let us see what the States are doing.

We have 50 laboratories out there. Yet in Congress, in H.R. 4250, we are deciding what is best for the State of Texas and New Jersey, even though those legislators made some tough decisions, as Representative Smithee pointed out and Senator Sibley pointed out. They made some tough decisions and went forward with it.

While many Republicans here in Washington keep saying real reform is too expensive and would be too great a burden on insurance companies, it is important to note that similar provisions in Texas raised premiums only 34 cents per month per member. I would not mind going to any constituent in my district and saying, for 34 cents, would you like to have your doctor have the ability to talk to you about your health care needs, even though your HMO may not cover it so we can eliminate the gag clause? Would you really like to have a swift and sure external and internal appeals process for 34 cents a month, 34 cents a month? Would you really rather not have the decision made by you if you go to an emergency room?

□ 2215

If someone has chest pains and they go to that emergency room and the doctor says, well, I am sorry, those chest pains were really gas. And the doctor asks what they had for dinner, and they probably had some good Mexican food that we have in Texas, and that probably caused them to have gas. But that person could have been having a heart attack. But for 34 cents people would be willing to pay to make that determination themselves with that doctor in that emergency room.

That is why I think we need to continue to call the American people's attention to what happened on that Friday here on the floor of this House. The tragedy that happened outside these doors we all pray about and we support those families, but I am concerned that what happened on the floor of this House that Friday, with the passage of that bill, will not only not help Americans but it will set back the States who have made progressive efforts to try and provide that ability to their patients and to their providers and their physicians: The right to sue an HMO if they are inappropriately denied care; to have access to a binding independent review; to communicate freely with the provider without fear of retaliation against the doctor; and utilize emergency room services if an individual experience symptoms that a prudent layperson would consider an emergency.

And again, what does it cost? Thirty-four cents per patient per month. We hear all sorts of huge costs. In fact, I heard from this mike that day people saying how our bill does not cost anything. I heard it time and time again. It doesn't cost anything because it takes away rights. No wonder it does not cost anything. It takes away rights. We do not get something for nothing, but for 34 cents under Texas law they are providing those protections.

And I would hope that we would see our way clear that when this bill goes to the Senate they would reform H.R. 4250, and maybe the conference could even make some changes with the encouragement and working with the administration. But I would hope when we get another vote on that bill in a conference committee report that it will be a much better product for our constituents than what we sent out here that Friday that all of us regret the tragedy that happened that day.

And, again, I want to thank my colleague from New Jersey. I cannot say it enough; that for the small cost that we are seeing in Texas for these rights, why we cannot on this floor of the House do as well as the State legislature in the State of Texas, why we cannot do as well as the legislature in New Jersey and as well as many of the State legislatures all over this country, because, as my colleague pointed out, they only affect insurance companies that are licensed by the State of Texas. They do not affect employers in my district who are multi-State employers who have to come under Federal law because there is a plan in Houston and a plan in New Jersey. They do not want to have to comply with two laws.

So we need to provide those protections, and I again thank the gentleman for allowing me to be here tonight and to speak.

Mr. Speaker, I provide for the RECORD the letters from both John Sharp and John Smithee and David Sibley. I read most of them into the RECORD, anyway.

THE STATE OF TEXAS,
HOUSE OF REPRESENTATIVES,
Austin, TX, July 22, 1998.

Hon. GENE GREEN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GREEN: We are writing to respectfully urge that, in the course of your deliberations on managed care and patients' rights, you not disturb the substantial progress already achieved in Texas.

As chairmen of the committees that have jurisdiction over insurance and managed care in Texas, we have presided over hundreds of hours of public hearings on every conceivable aspect of managed care. I doubt there is an argument or threat we haven't heard in the course of legislative lobbying, advertising, or debate. In the 75th Legislature, we authored, along with many of our colleagues, some of the most comprehensive and sweeping managed care reforms in the country.

We have not had an opportunity to fully review the federal managed care legislation that is scheduled for debate in both chambers of Congress this week. But judging from news accounts and our own preliminary analysis, it appears that the deliberations are following an identical pattern as the debate in Texas, especially regarding managed care liability. While we intend to provide a more detailed analysis of the impact of the congressional legislation as the bills proceed to a conference committee, we respectfully submit the following observations at this time.

1. HMO ACCOUNTABILITY

As you know, the 1997 Texas Legislature, in a strong bipartisan display, enacted S.B. 386, which establishes a legal duty on the part of a managed care organization to exercise ordinary care when determining medical necessity. Aetna has filed suit against the State of Texas claiming that S.B. 386 is preempted by federal ERISA. Ideally, federal legislation should clarify that ERISA does not preempt a states right to determine health plan accountability and quality. If such clarification is not achievable, we suggest that the Texas Congressional Delegation push for Texas to be designated as a national "pilot project" for three years so that the experience can be measured and evaluated by a future Congress. We would respectfully urge you to oppose any language that would jeopardize, weaken, or preempt Texas' S.B. 386.

The extravagant claims about increased litigation and costs are simply not true. In 1995 managed care reform opponents called the patient protection act a billion-dollar health care tax, and 1997 they claimed health care costs would skyrocket upwards of 30 percent. However, multiple independent studies, including an actuarial analysis by Milliman and Robertson, of Scott and White's HMO, show costs have increased by about 34 cents per member per month.

2. INDEPENDENT REVIEW

It is our understanding that HR 4250, the House GOP bill, would weaken Texas' independent review provisions. Apparently, HR 4250's independent review is not binding compared to the Texas law that requires managed care organizations to provide the care deemed appropriate by the independent review organization. Once again, the Texas Legislature's preference in this regard was overwhelmingly stated in 1997.

3. EMERGENCY CARE/GAG CLAUSES

We also are concerned that HR 4250 weakens current Texas law regarding emergency care and gag clauses. As we understand it, the bill waters down Texas' prudent lay person by allowing a health plan to override the treatment decision by the emergency department physician. The gag clause provision does not protect health care providers from retaliation when they act as advocates for their patients.

We know that you are hearing many points of view on managed care reform. Thank you for considering our comments on the potential impact of federal legislation on Texas law. As the legislation proceeds to conference committee, we will share additional

comments with you. In the meantime, please call on us if we can be of assistance.

Sincerely,

DAVID SIBLEY,
Chairman, Senate Committee on Economic Development.
JOHN SMITHEE,
Chairman, House Committee on Insurance.

OFFICE OF THE COMPTROLLER,
Austin, TX, July 29, 1998.

Hon. GENE GREEN,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR GENE: As State Comptroller, I am disturbed by the special interests in Washington and their attempts to preempt and weaken Texas' HMO patient protection laws.

You will recall that last year a bi-partisan effort in the Texas Legislature succeeded in passing the nation's toughest patient protection laws, including a new statute holding HMOs legally accountable for wrongfully delaying or denying necessary medical are.

Now it appears that House Speaker Newt Gingrich is trying to help special interest groups in Washington preempt Texas law and dilute our new patient protection laws.

As this issue moves into conference committee, I urge you to support quality patient care in Texas rather than federal legislation that preempts Texas laws protecting HMO patient care.

I also urge you to guard against falling prey to the false arguments against holding HMOs legally accountable for the wrongful denial of necessary medical care. As State Senator David Sibley emphasized in a recent opinion column (Dallas Morning News, 7/25/98), Texas' new HMO liability law has not flooded the courthouse with new lawsuits, but instead has "actually diverted lawsuits and saved patients' legal costs" (see enclosure). As the state's chief financial officer, I affirm Senator Sibley's observation.

The following questions should be asked by anyone considering support for the HMO reform conference committee report:

1. Will federal legislation preempt Texas' current managed care patient protection laws?

2. Will federal legislation preempts Texas' HMO legal accountability law?

3. Is there a federal floor that states may improve upon, or will new federal legislation create a ceiling and preempt Texas' tougher patient protection laws?

For example, will the federal legislation erase Texas' gag clause legislation, as well as gag clause legislation in many other states, and substitute weaker provisions?

4. Does the federal legislation preempt Texas' Ob/Gyn Direct-Access Bill and substitute weaker language that only permits direct access for "routine" care?

5. Will the federal legislation be the final word on managed care accountability, or will Texas and other states experiment with different kinds of approaches such as their own external review process?

6. Because the Gingrich-supported HMO reform legislation is silent on many more kinds of patient protections enacted in Texas, are those projections also preempted or nullified by this legislation? Will this proposal bill erase Texas laws protecting patients and doctors from retaliation by a plan, or due process provisions for health care providers, or continuity-of-care guarantees after a provider has been deselected?

These only raise further questions about this proposed federal legislation. I encourage you in the strongest possible terms to defeat this bill on the grounds that it seeks to take away Texas' HMO patient protection. As always, if I can provide further information and help in any way, please do not hesitate to let me know.

Sincerely,

JOHN SHARP,
Comptroller of Public Accounts.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Texas because he brought out a number of very important points, and when he mentioned the minimal cost, the 34 cents per month, I am always happy to mention the CBO saying that our Democratic plan would only be maybe as much as $2 a month.

But I agree with the gentleman, I think it would even be less than that. And the reason there would be no additional cost is, essentially, these patient protections are things that make sense. They are common sense proposals. And if an insurance company knows, if an HMO knows that they have to provide these protections, they get involved in prevention and they do not let terrible things happen. They do not deny care that should be provided. So that avoids the extra cost that might come from a lawsuit or damages or whatever because an HMO is not doing what they are supposed to do.

So I think what we are really talking about are basic common sense ideas and principles that can be easily provided for if the HMO is told that they have to do it, and that is why it really does not cost any more.

The other thing I wanted to mention that the gentleman brought out was with regard to the preemption, which I think is so important. And, yes, the same thing would be true in my home State of New Jersey. We have very strong patient protections now on the books, similar to what the Democrats have proposed with our Patients' Bill of Rights. And it is quite clear when we look at the Republican bill that it would preempt many of those very strong provisions in New Jersey, just as in the State of Texas.

The reason for all this is that, as we talked before, this bill was essentially drafted and put together by the Republican leadership in 1 week because they wanted to have a response to the fact that so many people around the country are clamoring for managed care reform. There are so many loopholes, so many problems, so many exceptions in this bill. Whether because of poor drafting or intentionally because it is basically the insurance companies that are writing it, essentially we are taking a step backward. The Republican leadership would take us a step backward with this legislation.

I know the gentleman mentioned a couple of things, and I wanted to use them as examples, the kinds of loopholes that we have. The gentleman talked about the gag rule, where doctors are told by an HMO that they cannot talk about procedures or other means of doing things that the HMO will not cover. That is the gag rule, as we talk about it.

Well, because of the complaints that the Democrats made, there were some changes made in the Republican bill so that there were some gag rule protections or some prohibitions on the gag rule. But when we looked at the fine print, we found that it only applied to doctors who were directly contracting with the HMO. But many physicians operate through group practices and they are not covered by it, so they still can impose a gag rule on those physicians.

The gentleman mentioned the emergency room care. Well, again, that prudent layperson standard that we have in the Democratic bill says if I get severe chest pains and there is a hospital a mile away, I go to that hospital. I do not call for approval, and I do not go to the hospital 50 miles away that the HMO may say I am supposed to go to. Because the average person, prudent layperson, would not go 50 miles and call to get approval to go to a hospital when they have chest pains.

Well, the Republican bill says the HMO can define medical necessity. So they could basically define a prudent layperson any way they want. And one of the things in the Democratic bill is that that includes severe pain. So if I have severe pain, I go to the local emergency room. But the Republicans do not provide for that, so they can define emergency care as not allowing for severe pain. Just an example.

I do not want to keep mentioning all these examples, but it is just riddled with all these loopholes. And it is not really funny, I should not be laughing, but it is pretty sad because, in many cases, what it does is to preempt many good State laws and substitute very vague language that really does not provide any protection.

I am glad that the gentleman brought that out this evening because I think it is very important. I appreciate it.

Mr. GREEN. Again, I would like to thank the gentleman for this special order, and I do not think it is too strong a language to say that this bill that we passed, H.R. 4250, will not only not provide improvements, but it will set us back in patient responsibility, patient ability to be able to control their own destiny, physicians and providers being able to treat their patients, and that is what is so bad. I would hope that the American people will see what is happening, and I think they will after not only special orders like these, but also when we are back in our own districts.

I have townhall meetings in August and I expect to explain to my constituents on how it works and what happened and how it is such a travesty that the State of Texas passed a law in 1997, it was actually passed in 1995, but

it was vetoed by the governor then, and in 1997 it became law without his signature, and yet we are taking away that local legislature's ability to solve their problems locally.

Again, 34 cents. Let me talk about the GAO report that talked about $2. I know that was an amount I used in the example for the price of a Big Mac, maybe a Supersized Big Mac now, that we could get these protections. Yet in Texas it is 34 cents. Thirty-four cents a month. So we are going to see cost estimates all over the board because it is hard to decide it. But, actually, in the State of Texas, the protections have been in effect and it costs 34 cents.

Mr. PALLONE. The amazing thing that my colleague brings out about the preemption is usually, for most protections or legislation that is of a protective nature for health or safety on a Federal level, the Federal law reads that if the State wants to be more protective of the health or the safety or the environment, or whatever it happens to be, that they can do so. It is amazing that this bill does the opposite.

This Republican bill says that if we are more protective of the patient's health, then we are going to preempt that and the Federal law is going to hold. Usually we do the opposite, as the gentleman knows. So, again, there is clearly an effort here to do what the insurance companies want rather than do what not only is right, the right thing for the average person, but also what the norm is here when we deal with health and safety and environmental and other protections of that nature. So we know there is sort of a cynical side to this Republican bill in terms of what they are trying do.

The gentleman mentioned another thing that I think is important, and I have talked all evening about the Patients' Bill of Rights being a Democratic bill. But the fact of the matter is there are Republicans who not only cosponsored the bill but voted for the bill on the floor of the House and voted against the Republican bill. What the Republican bill is is a Republican leadership bill. There are Republicans who would join us in a bipartisan fashion, which is another indication of why the Patients' Bill of Rights really is a good bill. It is bipartisan. But, unfortunately, the Republican leadership is opposed to it.

I want to thank the gentleman again.

24TH ANNIVERSARY OF TURKEY'S INVASION OF CYPRUS

The SPEAKER pro tempore (Mr. PETERSON of Pennsylvania). Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. BILIRAKIS. 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 this special order.

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

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I rise today to acknowledge the 24th anniversary of Turkey's brutal invasion and illegal occupation of the Island of Cyprus. Five Americans lost their lives in the invasion and the illegal occupation continues today.

Turkey continues to illegally occupy more than one-third of Cyprus with 40,000 troops. The current status quo is unacceptable. It is also unacceptable that the United States and the international community, while publicly denouncing the invasion and occupation, allow it to continue. The resulting instability between Greece and Turkey threatens the strength of NATO and could ignite into military conflict. It is time to demand, I repeat, demand a solution in Cyprus.

I am hopeful that a solution to the division of a Cyprus is within reach. However, my optimism is tempered by the fact that I held my first Cyprus special order on the ninth anniversary of the invasion in 1983. Although much has changed since then, many issues remain the same.

In July 1974, Turkish forces, consisting of 6,000 troops and 40 tanks, landed on Cyprus's northern coast and captured almost 40 percent of the island nation.

I might add parenthetically that those 40 tanks were either American made tanks or certainly American made parts which went into them.

Cyprus, which is roughly the size of Connecticut, has not been whole since the invasion. Churches have been plundered and ransacked, beautiful frescoes have been stripped off the walls of religious institutions. Some churches have been converted into mosques, while still others were turned into cinemas and recreation centers. The Cypriots have witnessed the intentional destruction of their cultural heritage over the past 24 years.

Cyprus is an island divided by the green line, a 113-mile physical barrier which separates Greek Cypriots from the towns and communities where their families lived for generations. The division of Cyprus is most obvious in its divided capital city of Nicosia. It is the last truly divided city in the world. Armed guards stare at each other at check points around the city. In the center of the city bullet holes scar buildings and serve as a powerful reminder of the 1974 events.

More than 200,000 men, women, and children were forcibly expelled from the northern portion of Cyprus during the invasion and occupation. They remain refugees today. A people without a home. There are still 1,614 people missing from the invasion.

Mr. Speaker, I would yield to the gentleman from New Jersey (Mr. PAPPAS) at this point.

□ 2230

Mr. PAPPAS. Mr. Speaker, I thank my friend, the gentleman from Florida, for yielding and for his leadership, not just tonight but for so many years, and not just in special orders marking the very unfortunate moment in human history but for his leadership day in and day out on this issue and so many others.

Mr. Speaker, I rise today along with my friend, the gentleman from Florida (Mr. BILIRAKIS) to call attention to an injustice that is 24 years too old. On July 20, 1974, 6,000 Turkish troops and 40 tanks landed on the north coast of Cyprus, capturing nearly 40 percent of the island. Overnight, nearly 200,000 Greek Cypriotes became refugees, refugees in their own country.

Today, in defiance of United Nations resolutions, nearly 35,000 Turkish troops occupy the northern part of this island nation. The refugees that fled 24 years ago still cannot return to their homes. Sadly, over 1,600 people are still missing, including several Americans. A barbed wire fence known as the Green Line, which many of us have seen, cuts across the island separating communities and people that lived for generations together in peace.

Aside from all of this, numerous human rights abuses are still taking place. Every year, Congress addresses this problem, denouncing the unlawful and tyrannical rule that Turkey has imposed on Cyprus. It is important that we continue to acknowledge the injustice of Turkey's actions.

While this issue lacks the glamour that attracts mainstream media coverage, it does not make this issue any less important.

Problems from this conflict reach beyond the island. Mistrust and animosity have grown between our NATO partners Greece and Turkey. Now more than ever action must be taken. The United States, the European Union, NATO and the United Nations must do more now.

I remind my colleagues, though, that this problem began with a violent invasion, yes, a violent invasion, of Cyprus by Turkey, and that lasting peace and justice can only be restored when Turkish troops are fully removed.

I hope and I pray, as I know many of us do here in this country, that the vision of a peaceful resolution on Cyprus is not lost. I urge this administration to be more active in seeking the peaceful resolution that is so desperately needed. A continuance of U.N. sponsored confidence-building measures can also help bring about peace.

What will not bring peace, however, is complacency. Let us not stand by for another year, let us not allow ourselves to overlook this issue any longer. As long as the conflict continues, so will pain and human suffering.

Next year, Congress will commemorate the 25th anniversary of these sad circumstances. I pray that we stand here and tell of progress rather than oppression and resolution rather than conflict.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from New Jersey for his contribution to this special order and his work. In the short period of time he has been here, he has become a true leader on this subject.

In 1992, Mr. Speaker, I chaired hearings of the Congressional Human Rights Caucus and heard heart-wrenching stories of people who had relatives abducted during and after the invasion. As a result of legislation that I cosponsored, our government recently discovered the remains of one of the missing, a young American named Andrew Kasapis.

Andrew disappeared when he was 17. His remains were recently found in a field in Cyprus. The administration's report to Congress on the whereabouts of the U.S. Citizens missing from Cyprus since the invasion concluded that the other four Americans are presumed dead. However, it is imperative that the administration maintain efforts to find the truth and account for these four Americans who along with 1,614 others have still not been found.

I would yield at this point to the other gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I just wanted to thank the gentleman from Florida (Mr. BILIRAKIS), who is the co-chair of our congressional caucus on Hellenic issues, for organizing this special order and for all that he does on a daily basis to try to resolve the situation in Cyprus.

It has now been, as we know, 24 years since Turkey brutally invaded Cyprus and divided the island, and the facts surrounding that occurrence are well-known. Since the time of that invasion, not a single nation in the world, not one nation, has recognized this self-proclaimed Turkish republic of northern Cyprus, with the exception of the regime in Ankara. The international community, rather, has unmistakably and unequivocally called for a negotiated peaceful settlement through a number of U.N. resolutions.

I just wanted to say, if I could, to the gentleman from Florida (Mr. BILIRAKIS) that sadly, after nearly a quarter of a century's worth of attempts to resolve this conflict, the situation appears as far away from being resolved as it ever has been.

Turkey continues to reject the Cypriot government's proposal for demilitarization of the island, a proposal that is supported by both Congress and the Clinton administration.

On May 3, Mr. Speaker, a newly-attempted American effort to resuscitate the peace talks in Cyprus, headed by Ambassador Holbrooke, collapsed when the Turkish side change its position and began insisting that three new preconditions be met for reunification.

These unfounded demands brought a public rebuke from Ambassador Holbrooke, who to his credit pointedly assailed the Turks for not being truly interested in resolving this dispute and blamed them for the collapse of the talks.

The gentleman from Florida (Mr. BILIRAKIS) and my colleague, the gentleman from New Jersey (Mr. PAPPAS) and others have pointed out how ridiculous these new Turkish demands are.

Turkey's new demands represent a clear step backward and must be met with equal resolve by those who support an independent and sovereign state of Cyprus.

I just wanted to say, if I could very quickly, that following the collapse of the May talks I sent a letter to the President which outlines the steps that I believe the U.S. should take in dealing with Turkey and I just wanted to read an excerpt from that, if I could, because I believe it describes what the true obstacle to peace in Cyprus is and what the United States needs to do.

I wrote:

> Mr. President, I believe that the administration privately shares my views that the key to progress lies in Ankara and it is time to stop focusing public and private efforts on the Turkish Cypriots and intensify American efforts to move the peace process forward on the Turkish military, which has a real and substantial influence on decision-making in the Turkish government. To that end, I urge you to convey in forceful and unequivocal terms that there will be direct consequences in U.S.-Turkish relations if Ankara does not prevail upon the Turkish Cypriot leader to abandon these new conditions and return to the negotiating process set out in the U.N. resolutions. It is also essential that the Turkish government not be allowed to interfere in the accession negotiations between Cyprus and the European Union. These negotiations are already started and Turkey must not be allowed to hold Cyprus hostage for its own political purposes.

Now, the latter part of what I just read is in response to the Turkish demand that the Cyprus government withdraw its application for membership in the European Union, and this was one of the preconditions that led to the collapse of the peace talks in May.

If I could just say that I think that this special order is a small but important part of our overall efforts, and we just need to send a very clear signal to the administration that members of this body are steadfast in their determination to monitor this situation, are increasingly frustrated with the lack of progress and that we just are not going to stand for the Turkish government's intransigence anymore.

I again want to thank the gentleman from Florida, who cochairs our caucus, for being so resolute in making it possible for us to continue to bring this point up.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman. God knows, as the gentleman has already indicated, the Congress, the United States Government as a whole really, has to be more resolute. Otherwise a solution will never be found.

As the gentleman has already said, no government on earth recognizes the illegal occupation of northern Cyprus, except Turkey. Turkey has stationed 40,000 troops on Cyprus and has transplanted 80,000 settlers there and it is likely that the Turkish settlers and troops will soon out number the indigenous Turkish population on the island.

The Greek Cypriots have repeatedly attempted to find a just and lasting solution to this more than two decades old problem. In December of 1993, Cyprus President Glafcos Clerides submitted a reasonable and innovative proposal to the United Nations calling for the demilitarization of the island. In exchange for the withdrawal of Turkish troops, Cyprus would disband its national guard and transfer its military equipment to the U.N. peacekeeping force there. Cyprus would also fund an enlargement of the U.N. peacekeeping force. The money saved from defense spending would be used for development projects that would benefit both Greek and Turkish Cypriot communities.

Unfortunately, the Turkish side rejected this effort to end the tragic division. We have to ask ourselves who is really seeking a true peaceful solution to the problem of Cyprus?

I think it is obvious. In June, President Clerides renewed his call for the demilitarization of the island in a letter to U.N. Secretary General Kofi Annan. He asked the Secretary General to undertake a personal initiative to promote efforts to achieve progress in reducing military tensions.

And this must be New Jersey evening because the gentleman from New Jersey (Mr. ANDREWS) is here to take part in this special order and I hereby yield to him.

Mr. ANDREWS. Mr. Speaker, I thank my friend, the gentleman from Florida, for yielding.

Mr. Speaker, I want to congratulate and thank the gentleman from Florida (Mr. BILIRAKIS) for his persistent and consistent guidance and leadership on this issue. I thank him for inviting me to speak tonight.

Mr. Speaker, I had the opportunity to be in Cyprus with my wife and many of my friends about a year ago, and I was reminded, as I traveled there with many of my friends from New Jersey whose roots are in Cyprus, of the very real deprivation that they have felt as mothers and fathers and as grandparents.

One of the things that we find the most enjoyment from and the most richness from is showing our children the places where we were as children, the schools we attended, the parks we played in, the homes that we lived in, and also it is important to show them the graves of their ancestors, of their grandmothers and grandfathers.

I saw, Mr. Speaker, during that trip to Cyprus the very real heartache and very real pain of my friends who could not show their children those places where they had grown up, those places where they had been educated, indeed, those very places where their mothers and fathers had been buried, because as Cypriots, as citizens of a free and independent Cyprus, they were barred from crossing the Green Line and going to the occupied portion of the island.

As a matter of fact, the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from Massachusetts (Mr. KENNEDY), the gentleman from New York (Mr. HINCHEY), the gentleman from Florida (Mr. HASTINGS), a number of us on the trip, we were also barred from crossing the Green Line, and meeting with officials north of the Green Line, unless we went through what we considered to be an inappropriate and ritualistic meeting where we could hear propaganda before we did so.

We got a small taste, Mr. Speaker, on that trip of what the free people of Cyprus must feel every day.

I think it is important that at this time we do more than just condemn the atrocities which commenced long before 24 years ago but which intensified 24 years ago and have been bad ever since then. I think it is important we talk about an idea and a plan for peace and justice and progress.

These are ideas, Mr. Speaker, which I have conveyed to our diplomatic corps, to my colleagues here in the Congress, and I would like to convey them through the Speaker tonight to those who listen to us.

I believe that the time has come for us to focus, as my colleague, the gentleman from New Jersey, just said, on Ankara and not on the puppet government in northern Cyprus. It is very clear to me that the decisions are made in Turkey and they are, in fact, made by the Turkish military leadership.

I believe the United States should hold out to the Turkish military leadership not only the sanctions which we have all supported, including the elimination of military aid to Turkey in the foreign operations appropriations bill, which will be before us some time in the next few weeks, which I congratulate the chairman, the gentleman from Alabama (Mr. CALLAHAN) for, but I also believe that we should hold out incentives as well to a just and reasonable course of action by Turkey.

I believe that Cyprus' application for accession to the European Union should be supported by the United States and granted promptly, but I also believe we should hold out to Turkey the ultimate promise of its accession to the European Union, which I believe would be supported by the people of Greece as well, if the following conditions were met, and these conditions must be met:

First, Turkey must cease the atrocities against the Kurds both within Turkey and outside of Turkey.

Second, Turkey must cooperate to a peaceful solution for their Armenian people and stop its practice of perpetuating the difficulties and indeed atrocities that the Armenian people have so often felt.

Third, Turkey must immediately cease the aggression in the Aegean and make sure that it acts responsibly toward Greece and its rightful claims in the Aegean.

□ 2245

Finally, and perhaps most importantly, Turkey must make sure that its surrogates and itself respond appropriately in international negotiations on Cyprus.

I had, Mr. Speaker, the privilege of meeting President Clerides about a year ago and hearing firsthand the proposal that the gentleman from Florida (Mr. BILIRAKIS) just outlined. It was a bold proposal that was reminiscent of what President Sadat extended to the Israelis and that Prime Minister Begin reciprocated 20 years ago. It was reminiscent of what brave people have done in South Africa to bring peace and justice there. It was reminiscent of the bold steps that Senator Mitchell was able to bring about when he went to Northern Ireland last year.

President Clerides, frankly to his own political disadvantage, offered disarmament, offered massive investment in the northern part of Cyprus so that its economy could rise and offered a long-term policy of cooperation and rapprochement. I believe that these are the terms that Turkey should accept, these are the terms that could lead us to peace, and I believe we, as Americans, Mr. Speaker, should be on record as saying that we fully embrace these positions and concur with their aims.

And, Mr. Speaker, I would just conclude by saying that I believe that we need to do more as a Congress than simply protest, although protest we will when we adopt the foreign aid appropriations bill this year and zero is next to Turkey in that bill.

We should do more than protest. We should facilitate a new growth and evolution toward peace, a path that will take Turkey toward the West, toward secularism, towards being a gateway to great promise in the Eastern part of the world, but on the conditions and only on the conditions that hostilities against the Kurds cease, that hostilities in the Aegean cease, that cooperation for the welfare of the Armenians commence and that once and for all we reach a settlement for a free, independent and sovereign Cyprus.

Mr. Speaker, I commend and thank my friend, the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. You put it so well, and you put it in a way that I think the average American and the average person in the world would understand.

As my colleagues know, we talk constantly about negotiations, about the offer made by President Clerides, et cetera, et cetera, and you know when you stop to think about it, we are talking about a free republic that existed for a number of years which was invaded in an illegal invasion. There is no threat from Cyprus to Turkey, to the mainland of Turkey; the Turks just came over and invaded this country, and they took this land wrongfully, and yet we are talking about negotiating to get back what was roughly Cyprus' during those many years by a regime recognized by only one country in the world.

Sort of blows your mind that really this is the situation. The Turkish side, led by Mr. Denktash, has dismissed efforts, as the gentleman said, by the United States and the international community to find a fair and comprehensive solution to the Cyprus problem. It is clear that we will not have a solution, as again the gentleman said, we will not have a solution in Cyprus until Turkey itself agrees to be part of the solution instead of part of the problem.

The Turkish-Cypriot leader recently issued two preconditions for a Cyprus solution. He demanded that his illegal entity in the occupied part of Northern Cyprus be recognized, and he also said that Cyprus must withdraw its application to join the European Union. Well, talk about something you cannot really get over. Who is he to demand that Cyprus withdraw its application, and I might add an application which, when successful, will benefit the Turkish Cypriots as well as the Greek Cypriots.

I yield to the gentleman from New Jersey.

Mr. ANDREWS. One point the gentleman just made, I would like to bring out and amplify.

Do you know the precise number of persons that Cyprus has under arms in the southern part of the island?

Mr. BILIRAKIS. I do not, but it is certainly a number considerably smaller. In fact, I am not sure that they really have an army; they have a national guard.

Mr. ANDREWS. I think probably the better description would be a national guard.

Mr. BILIRAKIS. Yes, a national guard.

Mr. ANDREWS. And, if the gentleman would yield, it is my understanding, and I repeat what he said, that there are 40,000, 40,000 Turkish troops in the northern part of Cyprus.

I recall sitting in the Presidential residence with President Clerides, and he pointed out to the visiting delegation that if Turkey were to launch an attack it would take less than 5 minutes for Turkish fighter planes to reach the presidential residence where we sat that day.

This is someone who really is in a position of disadvantage militarily but who is willing to give up even his meager defenses that he has right now in order to boldly go after the cause of peace.

And again I commend what the gentleman has said. I think it explicitly and accurately states what happened, and I encourage him to continue his leadership.

Mr. BILIRAKIS. And following up what the gentleman said, and I plan to talk about this later, but a big thing is being made these days by the Turks, and I might add by our government here, regarding the ordering of S–300 missiles, defensive missiles. I emphasize defensive missiles by Cyprus, and the fact is this is going to destabilize things and what not.

Now here is a country which is really completely defenseless, as we have already indicated. They have no army to speak of. It is all a national guard, and they want to do what Turkey has been doing for years. They have certainly a defense system set up, and how, again with the use of American dollars and American arms in Turkey. So Cyprus wants to order some defensive missiles, and of course that is being resented as a destabilizing force against peace.

And so this is really what the real world is like regarding Cyprus, and it is just amazing to me that the United States Government, which is the only entity that can really do something about this, is not showing a stronger hand.

Mr. ANDREWS. If the gentleman would yield just one more time, I want to re-emphasize what he just said, that there is a definite difference between self-defense and provocation, and I think it is very clear that the decision by President Clerides to try to defend the free people of Cyprus is self-defense and not provocation, and I am disappointed that our government has gone on record indicating its reluctance to see that happen. I believe that the proper policy should be for us to recognize the right of the free people of Cyprus to have that self-defense.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman, and the demands that we have spoken about made by Mr. Danktesh, the Turkish leader in the occupied portion of the island, are clearly unacceptable to Congress and to the administration and to the international community and to President Clerides and his government of Cyprus, as well it should be.

I was pleased that U.S. presidential envoy and newly nominated U.S. ambassador to the U.N., Richard Holbrooke, flatly rejected the demands and signaled that neither were acceptable.

So why is it then, we have to ask ourselves, the division of Cyprus in America's best interest? It is fundamentally important to have international stability in the increasingly global economy. That is why. A divided Cyprus continues to cause tension between two of our NATO allies, Greece and Turkey. The two countries have come perilously close to war several times since that 1974 invasion. The Aegean Sea is home to the world's busiest shipping lanes. Cyprus is in a key strategic position relative to the Mediterranean region and the Suez Canal which is instrumental in supplying oil and other materials vital to the stability of the entire region. Any conflict between Greece and Turkey could disrupt trade in the region and have extremely serious consequences for many nations including the United States.

If the situation in Cyprus continues to deteriorate, there could be serious repercussions among other NATO members. These nations could be forced to choose between two allies, Greece or Turkey. A divided Cyprus also weakens American security interests in the region and serves as a source of instability in an important part of the world.

The recent dispute over Cyprus' plan to purchase, and we have just talked about, but I will repeat it, to purchase defensive antiaircraft missiles from Russia to protect itself illustrates why we must unify Cyprus. President Clerides intends to purchase a defensive system to protect Cyprus, as we have already said, from Turkish aggression. Turkey falsely claims that the missiles represent a threat to its security, and they are defensive missiles, and has made it clear that it will use force to block the scheduled deployment in November.

A Turkish Cypriot newspaper reported that Mr. Danktesh stated that, and I quote him, our position today stands at a point that you will get a response whatever you do, whatever you do you will get a response, end quotes. The United States should not lend credence to Turkey's unjustified claim that Cyprus' attempt to defend itself is a provocative action which threatens Turkey. This diverts attention from the real cause of instability in the region, and that is the illegal Turkish occupation of Cyprus.

The administration, as the gentleman from New Jersey just said, must act expeditiously to persuade Turkey to enter serious negotiations for a solution to the Cyprus problem. It should also send a clear and unmistakable message that the United States will respond swiftly and appropriately to threats of violence against Cyprus. President Clerides has already delayed the deployment once and he has offered to cancel deployment. Now this again is an indication of the fact that he really wants peace here. He has offered to cancel deployment if serious and constructive reconciliation talks with the Turkish Cypriots resume. And yet the Turkish side remains intransigent in its refusal to renew negotiations and continues to threaten Cyprus with military action.

All of the administration has pledged that finding a Cyprus solution is one of its top priorities. Turkish demands have become so completely inflexible and unacceptable that we are no closer, I am afraid, to a Cyprus solution today than we were two decades ago, and, Mr. Speaker, I would yield to Mr. Payne for the time being as a member of this special order.

Mr. PAYNE. Thank you very much, and I certainly commend the gentleman for continuing to keep this very serious issue before the American public and before people throughout the world who are looking for peaceful resolutions to situations. We should not allow aggression to be the manner in which nations operate.

Mr. Speaker, I rise today to join my colleagues in trying to bring a peaceful resolution to one of the most challenging foreign policy issues: Cyprus.

Let me just say briefly before I came to Congress as a National President of the YMCA and Chairman of the World Refugee Committee in Geneva, I recall the day when the invasion occurred in Cyprus back in 1974. In the capacity that I had as Chairman of the Refugee Committee, we immediately sent people to Cyprus to work in refugee camps. We sent several experts, Mr. Thompson from Scotland. We had an Australian who operated the U.N. program, Mr. Kohaut, and they also ran across the green line to meet with the Turkish authorities, the Minister of Social Services there, but they were rejected and told that their services would not be interested. The YMCA was interested in the people, people who were disrupted. And so refugee camps were set up, people were taught various crafts and set up ways and means to attempt to become self-sufficient. As I have indicated, we have always been concerned about the humanitarian issue and that we need to talk about a real solution to this problem.

I might have mentioned earlier too that a New Jersey friend of mine and I visited the island and went up past the green line and visited his old neighborhood, Mr. Andy Comadomas, and we went to his former house which was at that time deserted. They said that the Turkish person living there was out of the country and went to the home a block away of his cousin. And we there were able to go into the house, and we had a very strong discussion about how can people come in and occupy other people's territory? And a heated discussion went on. But I could see the pain

and the anguish of this man who had not been in that property at that time in over 20 years to see his neighborhood, his street, his block being occupied by other people who were settlers who came into that area.

And so just as I conclude, last week Turkey was ordered by the European court of human rights in Strasbourg to pay $640,000 to a Greek Cypriot for the loss of property and mental stress. The court ruled in December 1996 that Turkey violated the convention on human rights of a person, Titina Loizidou, who had been denied access to her property in Kyrenia since 1974 but postponed a ruling on compensation for the victim.

□ 2300

In its ruling last week, the court awarded 300,000 Cypriot pounds, about $600,000, for material damage, with an additional 20,000 pounds for compensation for anguish and feelings of powerlessness and frustration which she suffered as a result of not being able to use her property. The court also awarded the costs and expenses to her, without specifying the amount, but rejected a similar cost claim made by the Cypriot government.

So as we are looking at this, as we see Special Envoy Richard Holbrook describe the situation as being on the brink of war, with the lack of progress and talks between President Clerides and Mr. Denktash. We must have a solution. The recent geo-strategic maneuvers by Israel with Turkey also have caused some uneasiness.

So we have neighbors, we have friends, we have allies in the region. We must have a firm solution to this problem. We must bring people together, because aggression should not be allowed, after 24 years, to still remain. Territory taken by war should be returned, and there must be a solution.

Cypriots will be able to come up with a solution if it is left to Cypriots, and the outside forces from Turkey, with the settlers who were not Cypriots who have come in, have created the problem.

So, once again let me say I applaud the gentleman for his continued effort, his persistence. I know there must be a solution at hand, but only a right and just solution to this problem.

Mr. BILIRAKIS. I thank the gentleman, and he has annually been a part of this special order. I might add, I do not think it is the same trip the gentleman referred to, but we were together in Cyprus once a few years ago.

Mr. PAYNE of New Jersey. That is right.

Mr. BILIRAKIS. I thank the gentleman so very much.

This past July 20, the very date of the invasion 24 years ago, Turkish Prime Minister Mesut Yilmaz visited the illegally occupied area of Northern Cyprus and declared Turkey's support for Mr. Denktash and his illegal occupation force. He said Turkey intends to stop the missile deployment.

The Republic of Cyprus, as we already said, has every right under international law to defend itself from outside aggression. However, Mr. Denktash and opponents of a unified Cyprus have used the issue to divert attention from the illegal occupation and thwart progress towards a Cyprus solution, and, darn it, it is working. It is working.

Mr. Speaker, the Republic of Cyprus needs American support and active leadership by our government, as we have said so many times already tonight, to unify itself and stabilize the region.

One of the most effective ways to achieve this goal is for the United States to support Cyprus membership in the European Community. This membership would promote stability by permanently linking Cyprus to Europe, both economically and strategically, and, as I have said previously and the gentleman from New Jersey (Mr. ANDREWS) has stated, this would greatly benefit both Greek and Turkish populations on the island.

The European parliament indicated its desire for peace on the island. Cyprus has earned its place in the European Union, and now the international community must take steps to move the peace process forward. Unfortunately, Turkey has threatened to annex the occupied area of Cyprus if it joins the European Union. It has threatened to annex the occupied area of Cyprus if it joins the European Union. Mr. Denktash has gone as far as saying, "There will be war if Cyprus joins the European Union." "There will be war," he says. In fact, Turkey already signed a number of agreements with the illegal Turkish regime that lay the groundwork for the eventual annexation of the occupied area. The United States must prevent such belligerent rhetoric and oppose any attempt by Turkey to annex the illegally occupied area in Cyprus.

Cyprus is ready to become an important trading partner with the United States. The Greek-Cypriot community is a democratic society known for its open and efficient economic system. Despite the violent blow dealt by the invasion, the Cypriot economy has strongly rebounded to become one of the strongest economist in the region.

In the past, our Nation has pledged its support to developing free-market democracies. The United States should consider offering trade incentives to Cyprus to allow the manufacturing sector to increase, the labor market to improve and the infrastructure to modernize.

Congress must pledge its support to building a strong trade relationship between the United States and Cyprus. The continued growth of their economy will provide for a more stable country, which is a key in the peace process. The island has seen a tremendous amount of growth through the years, mainly from tourism. However, the heart of Cyprus's potential growth has yet to be tapped, and those of us who have been there, I know, believe in that.

The case for American support of a unified and economically sound Cyprus is undeniable. That is why I was extremely dismayed that President Clinton called Greek Prime Minister Costas Simitis this past June to ask Greece to lift its reservations to Turkey's membership in the European Union. Greece should not have to change its policies on Turkey simply because Turkey refuses to participate in meaningful discussions on improving relations with Greece and demilitarizing Cyprus.

I fully support the Prime Minister's position that it is Turkey, and not Greece, that must change. I might add that there are other countries that have played a part in Turkey's refused admission in the European Union. The very reason that opposition exists to Turkish membership in the EU is its atrocious record of human rights violations, its longstanding disputes with Greece, and its illegal occupation of Cyprus.

It is not in the interest of U.S. foreign policy to reward Turkey, which I think is what we have been doing, for its hostile and inflexible stance towards Greece and Cyprus. It only serves to encourage Turkey to continue its opposition to progress in the region.

A newspaper in my Congressional district, the St. Petersburg Times, recently published an article entitled "Why U.S. pushes Turkey into Europe's unwilling arms." The story noted that "Turkey isn't yet close, either politically or economically, to qualifying for EU membership."

In fact, Turkey's position on Cyprus is one of the major obstacles preventing it from membership in the EU. The European Community has made it clear that membership is contingent upon the resolution of the Cyprus problem.

I am also very concerned about the possibility that Turkey may have violated, and we haven't talked enough about this, I think, about the possibility that Turkey may have violated the Arms Control Export Act by transferring American weapons to Northern Cyprus without the approval of the United States Government.

In June, members of the Hellenic Caucus, which I cofounded with the gentlewoman from New York (Mrs. MALONEY), met with the chairman and several members of the Defense and Foreign Affairs Committee of the Greek parliament. They suggested that American weapons were being sent to Northern Cyprus. If this is substantiated, and there are some of us who

want to find out if it can be substantiated, it would destabilize an already unstable area of the world and would merit a reexamination of our own policies toward Turkey.

I would like to close by sharing with my colleagues a portion of an Associated Press wire report about Turkish celebrations on the anniversary of the invasion several weeks ago.

"Thousands of people attended festivities in Turkish controlled Nicosia, holding up pictures of the founder of modern Turkey and waiving the Turkish flag. Parachutists landed to the cheers of the crowd and civilian Turkish planes flew low in salute. Six Turkish warships were docked in Northern Cyprus ports for the week-long celebrations."

We must ask ourselves, what were they celebrating? They were celebrating an illegal invasion which cost the lives of 5,000 people, including five Americans. They were celebrating 1,614 people who are still missing from the invasion. They were celebrating cultural destruction and violations of basic human rights. And they were celebrating their continued illegal occupation of an island and a people divided.

Mr. Speaker, we have a responsibility to use our influence as Americans to reunite Cyprus with its heritage. As Americans, as defenders of democracy, as righteous human beings, we must not and cannot further stand idle while Cyprus remains divided.

Mr. SHERMAN. Mr. Speaker, I rise once again today with the gentleman from Florida and my other colleagues to mark a somber anniversary—the 24th Anniversary of the Turkish invasion of Cyprus on July 20, 1974.

Time and time again over the last 24 years the United States Congress has reaffirmed its commitment to a just and peaceful resolution to the Cyprus conflict. Last year this Congress passed the "Peace in Cyprus" Resolution, by overwhelming majorities, calling for the full withdrawal of Turkish occupation troops and an early substantive resolution of the conflict. Last year at this time we expressed hope in the U.S. brokered talks on Cyprus.

No matter how firm our commitment, no matter how deep our resolve, however, the breakdown of the most recent talks and indeed the repeated failures of the last 24 years, demonstrate that negotiations cannot go forward, progress cannot be made, if one of the parties is unwilling to negotiate. U.S. Presidential Envoy Richard Holbrooke acknowledged as much, blaming the breakdown of negotiations on Turkish intransigence.

Rather than negotiate in good faith, the Turkish side set ridiculous preconditions, demanding recognition as a state and withdrawal of the Cypriot application to the EU. Recognition of the puppet regime in occupied Cyprus would violate international law and legitimize Turkish aggression. The EU's historic decision to admit Cyprus could have opened a window of opportunity for negotiation, but Turkey has used this instead as a pretext for blocking the talks.

Now Turkey threatens to attack Cyprus if the S–300 missiles are deployed. With regard to the missiles, one cannot deny a Nation's right to self-defense: Cyprus is a nation with small National Guard and no air force to speak of facing an occupation force of more than 35,000 troops and Turkish fighters within striking distance. To his credit, President Clerides has offered repeatedly to cancel the missile order in exchange for demilitarization and genuine talks.

While there has been some resolution with regard to the Americans missing in Cyprus, who we now know were killed in the Turkish invasion, key issues remain unresolved on this 24th Anniversary: the fate of the 1600 missing Greek Cypriots, the status of Farmagusta, the situation of the enclaved, the desecration of Christian sites in occupied Cyprus and the list goes on.

We can look to one victory tonight, however, as we mark this somber anniversary. In a historic decision last week, the European Court of Human Rights in Strasbourg ordered the government of Turkey to pay $640,000 in damages to a Greek Cypriot refugee, having found that Turkey violated the Convention on Human Rights. This acknowledgment, if belated, provides hope to the more than 200,000 Greek Cypriot refugees who lost so much in the invasion.

This year Turkey marked the 24th Anniversary of the occupation of Cyprus in quite a different fashion, with a militaristic display of force presided over by none other than Turkish Prime Minister Yilmaz. This celebration and the presense of Prime Minister Yilmaz should not only offend the world community, it should also signal to the U.S. an essential truth: Unless we bring our influence to bear on the real center of power in all this—the Turkish General Staff in Ankara—there is little hope for a resolution on Cyprus. Turkey is ultimately responsible for the division and occupation of Cyprus. We must demand that Ankara withdraw its occupation forces, tear down the Green Line and reunite the divided city of Nicosia.

Mr. Speaker, I do not want to stand here next year on the 25th Anniversary of the Turkish invasion of Cyprus. Let us not reach the quarter-century mark.

Ms. ROS-LEHTINEN. Mr. Speaker, today I join my Colleagues in commemorating the recent 24th anniversary of the Turkish invasion and occupation of Cyprus. I thank Congressman MICHAEL BILIRAKIS for the opportunity to make the public aware of the suffering of the Cypriot people.

For over 24 years, one third of the island of Cyprus has been illegally occupied and divided by over 55,000 Turkish troops. During the invasion, over 1,600 people were taken prisoner, including five Americans, and except for one of those five Americans, Andreas Kasapis, whose remains were returned to his family in Detroit, Michigan, those prisoners are still missing today.

The U.N. Secretary General has referred to the occupied area of Cyprus as one of the most highly militarized areas in the world. This area of the world remains a very volatile region and it would clearly meet anyone's criteria of a major U.S. interest that peace and stability be maintained in this area.

I hope the Administration moves quickly to replace Ambassador Richard Holbrooke for the position of Special Envoy for Cyprus and that the person is equally familiar with the history, insecurities, and cultural sensitivities of the area.

The geo-political issues are enough reasons for the US government and the American people to work with the international community to reunite Cyprus and end all foreign occupation on that little island.

But there are other more personal reasons for this to happen. The people of Cyprus are suffering and being denied their human rights by a brutal police and military occupation.

According to a United Nations report, Creek Cypriots in the occupied areas of the island, whom we call the Enclaved, suffer from a number of human rights violations and these abuses are also violations of the Vienna Three Agreement of 1975.

I have filed H. Con. Res. 181, which seeks to restore certain freedoms and liberties, and end the violations of internationally recognized human rights which the world should not tolerate and help these innocent people suffering in the illegally occupied area.

It is my firm belief that ending the suffering on the Enclaved is the first step and may make the over all Cyprus solution more attainable.

H. Con. Res. 181 is necessary because it calls on the Administration to keep working on a solution fro Cyprus. We must all keep calling on, not just the Administration, but the United Nations and the European Union as well, to all continue their efforts to find a solution fro Cyprus.

The present state of the negotiations does not appear too encouraging. The Turkish side is trying to stop Cyprus assession to the European Union even though the EU has stated it is prepared and is proceeding with negotiations with Cyprus for membership in the organization. The Turkish side has set certain preconditions before any discussions can proceed.

These preconditions are totally unacceptable and include demanding that the international community accept Cyprus as a divided island and a divided people.

Turkey and the Turkish Cypriots have made good on their threat to cut off all intercommunal discussions between Greek and Turkish Cypriots over issues such as talks to find the missing from the 1974 ware.

Furthermore, in addition to the oppressive police-state conditions the Cypriot people must endure in the illegally occupied areas of the island, the Turkish side and others are expressing concern and opposition to the Cypriot plan to acquire the S–300 defensive missiles. This is like attacking the victim fro trying to defend itself.

These critics of Cyprus make these complaints about the S–300 missiles while expressing no concern or opposition to repeated and routine violation of Cypriot airspace by the Turkish air force or the constant threats made by the Turkish government to attack Cypus. Nor do these critics of Cyprus seem to be very concerned or active in ending the illegal occupation of Cyprus which is in violation of numerous UN resolutions and Congressional expressions of oppositions.

It is the sovereign right of any nation, including Cyprus, to defend itself. It is not Cyprus that is the destabilizing element in this area but Turkish which is being provocative and amassing excessive military force in the illegal occupied areas of Cyprus.

Turkey maintains approximately 55,000 troops on Cyprus, (40,000 plus 15,000 Turkish-Cypriot soldiers), plus 400 heavy tanks, as well as heavy artillery, plus the Turkish air force is 4 minutes away. That is in stark contrast to Cyprus which maintains no standing army or air force, and only has 10,000 national guardsmen.

It is clear that these missiles are intended solely as a defensive measure to stop the Turkish violation of their airspace.

Not withstanding all the difficulties laying before, us, we must not be discouraged. We in the U.S. Congress and the American people want Cyprus to be free of foreign troops, united, and living in justice and peace, so we must keep up intransigent pressure on all parities to continue working towards a solution.

The people of Cyprus will find an agreement acceptable only if it calls for a united Cyprus. Any agreement that calls for a divided island will only serve to engender anomocity between the two communities. History has shown us that no nation can endure a line cutting through its country and Cyprus will be no different.

Mr. MCGOVERN. Mr. Speaker, I rise to join my distinguished colleague from Florida [Mr. MIKE BILIRAKIS] and all those who today acknowledge this sad date in the history of Cyprus. I rise to add my name to the long list of Members of Congress who throughout the past 24 years have decried Turkey's brutal invasion of this Mediterranean island.

After 24 years, some might be tempted to throw in the towel, to believe that these 24 years of Turkish occupation of Northern Cyprus prove the helplessness of the international community in the face of invasion, occupation, ethnic strife and injustice. Some might even say that our yearly acknowledgment of this tragic event are wasted words. I say that now more than ever, we need to voice our resolve, our ongoing commitment to building a lasting peace for all the people of Cyprus. As we've witnessed in so many parts of the world, peace building does not happen overnight-it requires hard work, vigilance, and the very resolve that we've maintained over the years and that will help us undo Turkey's wrongdoing in Cypus.

The Government of Turkey and its proxy on Cypus—the Turkish Cypriots—have a long record of ignoring international law and the will of the international community. Turks have only been able to sustain the division of Cyprus by maintaining an illegal occupation force of some 35,000 troops.

Most recently, the Turkish side demonstrated again its disrespect for international law when, on May 3d, it abruptly declared Greek Cypriots must meet three new "preconditions" before any meaningful negotiations to resolve the Cyprus crisis could begin. This move undermined efforts by U.S. Ambassador Richard Holbrooke to revive peace negotiations and brought a public rebuke from the Ambassador.

Despite Turkish intransigence, however, international resolve to in support of a just settlement for Cyprus remains strong. In a June 18 letter, Cyprus President Clerides called on United Nations Secretary General Kofi Annan to undertake a personal initiative to achieve progress in reducing military tensions on Cyprus. In his letter to the Secretary General, President Clerides also reiterated his commitment to "steps leading towards the eventual goal of demilitarization."

President Clerides' letter was welcomed by the British government which noted on June 23rd that, "President Clerides's letter is a step in the right direction."

On June 29th, the United Nations Security Council unanimously reaffirmed its position for resumption of inter-communal talks on the basis of relevant United Nations resolutions regarding the conflict in Cyprus.

Once again the Security Council called upon the international community to respect the sovereignty, independence and territorial integrity of the Republic of Cyprus and to refrain from any actions that my cause harm to that republic. In an obvious reference to Turkey, the Security Council called on nations to refrain from any effort to partition Cyprus or to unify it with another nation.

Unfortunatley, the response from Turkey and Turkish Cypriots was the familiar one of denouncement. The president of the self-declared Republic of North Cyrus stated that his government would restrict the operations of the U.N. Peace Force in retaliation for the U.N. resolution and its use of the term Cypriot Government in reference to Greek Cyprus.

While we here in Washington and the Secretary General of the United Nations in New York are calling upon the international community to increase efforts to revive negotiations and find a peaceful, negotiated resolution to this divided island, the Turkish government engages in a flagrantly provocative action—including repeated violations of Cyprus air space, sending six new fighter planes to the occupied north, and a flotilla of naval vessels.

These are not the actions of a nation that wishes to be viewed as a leading broker of peace in the region. Rather, they are the actions of the provocateur and the promotor of instability and violence.

I was pleased to hear Under Secretary of State Thomas Pickering announce that the U.S. will continue to press aggressively for a resolution to the Cyprus conflict, in spite of the set-backs experienced by Ambassador Holbrooke.

I believe the progress made by the Republic of Cyprus to ensure the economic well-being for its people should be applauded and recognized. Yet there can be no real economic stability when 160,000 Greek Cypriots remain displaced and away from their rightful homes. There can be no real security when 35,000 Turkish troops threaten the Republic of Cyprus. And there can be no real stability when the Northern half of Cyprus languishes in economic and political isolation under a near totalitarian regime.

I urge all my colleagues, the Administration and the international community to pursue with even more vigor a negotiated resolution to Cyprus—one that is just and humane for all the citizens and residents of Cyprus; one that protects and promotes the human rights of all Cypriots; one that provides for a peaceful, unified and democratic republic; and one that resolves the outstanding humanitarian issues left unanswered over the past 24 years.

And finally, Mr. Speaker, I want to thank the gentleman from Florida, Congressman BILIRAKIS, and the other Members of Congress who, for so long, have worked tirelessly to bring a just peace to the people of Cyprus; and who have been generous with their time and experience in educating the American people and their colleagues about the history and importance of this issue.

I thank him for his leadership.

Ms. PELOSI. Mr. Speaker, on July 20, 1974 the world was shocked to learn of the brutal Turkish invasion of the Republic of Cyprus. I rise today to join with my colleagues in marking this sad anniversary that has led to the partition of the island nation for nearly one-quarter of a century. I would like to thank and commend Mr. BILIRAKIS of Florida and Ms. MALONEY of New York for their vigilance and commitment to a peaceful resolution to this act of terror that has brought noting but sadness and sorrow.

As we mark this anniversary, our resolve is being tested. Peace of Cyprus appears elusive. One year ago there was enthusiasm and guarded, yet high expectations. Richard Holbrooke, the President's top foreign policy trouble-shooter had just been put on the Cyprus case and there was good reason to believe that on the heels of the Dayton Accords in Bosnia, Mr. Holbrooke could bring all sides together for a meaningful and lasting peace in Cyprus.

Today, the reunification talks are stalled, mistrust on all sides hampers the peace process, and an arms buildup on the island threatens the entire region.

In the face of these obstacles some might say there is no current chance for an end to the Turkish occupation and the reunification of the island under the one legitimate Cypriot government. But now is the time for those who are truly committed to peace and justice to rededicate themselves to our collective goal. Turkey could demonstrate its commitment to peace by:

Rescinding its recognition of the so-called Turkish Republic of Northern Cyprus;

Withdrawing its occupying army, 30,000 strong, which has for 24 years posed a threat to the people and government of Cyprus;

Respecting human rights;

Ceasing its tactics of intimidation in the Aegean;

Engaging the legitimate government of Cyprus in meaningful peace talks in order to halt any increase militarization of the island.

Although the United States has not been successful in restarting the peace process, Richard Holbrooke recently restated our commitment to a peaceful resolution to this crisis remains unchanged. I share this commitment to peace, and along with my colleagues support all efforts dedicated to reunification and peace for the people of Cyprus.

Mr. GILMAN. Mr. Speaker, I commend the gentleman from Florida, Mr. BILIRAKIS, who has over the years taken care that this House does not fail to observe the events of July 1974 whose tragic consequences still persist today nearly a quarter of a century later.

The occupation of northern Cyprus by Turkish troops, which began some twenty-four

years ago, has turned into one of the most vexing problems of the international community. it has confounded the efforts of five U.S. Presidents, four United Nations Secretaries General, and many of the world's top diplomats, including our own. Most recently we had the strong effort of Ambassador Richard Holbrooke and Ambassador Tom Miller run into a brick wall as Denktash, backed by the Turkish government, came up with new conditions before they would agree to resume negotiations with President Clerides. These conditions, as the Turkish side well understood, were non-starters—the Turks insisted that northern Cyprus be regarded as a sovereign entity, and that the government of Cyprus halt negotiations on joining the EU.

We are all disappointed that the hard-fought efforts of our envoys did not produce a breakthrough. I agree with their assessment that the impasse is a result of the Turkish position, and that they key to breaking the current stalemate lies in Ankara. That being said, however, it is difficult to foresee a way around the current deadlock unless there is a change of heart on the Turkish side.

The situation in Turkey is exceedingly complex: We don't know who really is in charge—is it the government or the military? We don't know how to put the appropriate pressure on Turkey without giving the negative influences within Turkish society grounds to say that we have turned our backs on Turkey and are not truly interested in its integration into Europe and the West.

We are now hearing from certain Turkish officials commenting that the present situation on Cyprus—division of the island and 35,000 Turkish troops in occupation of one third—is the solution. This is completely unacceptable for the United States and the international community. It should also be unaccepted to Turkey because if partition is good for Cyprus, then why not for northern Iraq, or even the Kurdish areas of Turkey itself? Obviously the officials who make these ill-advised statements have not thought through the implications of partitioning Cyprus.

War-mongering threats from Turkish officials regarding the delivery of the S–300 missiles of Cyprus later this year also are unacceptable. Instead of making these outrageous threats, the Turks, if they truly believe the missiles are a threat to their own security, should work with the Government of Cyprus and other interested parties to find a way out of the problem constructively. This should include reducing their own excessive level of armaments in northern Cyprus, and getting negotiations between President Clerides and Denktash started. The decision to postpone delivery of the missiles until the fall provides more time to resolve the problem.

I have often said that Cyprus cannot be held hostage to problems within Turkey. I think that it is imperative for our government to make it crystal clear to both the Turkish civilian government and the military that Turkey's most vital long-term interests cannot be served without Turkey acting effectively to solve the Cyprus dispute. I am not convinced that all in the Turkish leadership truly believe that the U.S. is absolutely serious about resolving Cyprus, and the message needs to be reinforced. For my part I will continue to deliver the message whenever I meet with officials from Turkey, and I call upon all our members to do so as well.

Election of a new government in Turkey has been scheduled for early next year. As Turkish voters cast their ballots I hope that our government will have done all that it can to make it clear that resolving Cyprus is in Turkey's own national interest.

Although we have hit a serious obstacle to progress, the United States has no choice but to continue our efforts to get serious negotiations between the parties on Cyprus resumed. I thank the gentleman for allowing me to participate in this Special Order.

Mr. MANTON. Mr. Speaker, in 1974, Turkey invaded the island of Cyprus and, to this day, continues to illegally occupy the north end of the island. I rise today to mark the twenty-fourth anniversary of this tragic event and encourage the country of Turkey to withdraw its troops from the island of Cyprus. I particularly want to thank my colleagues, Congressman BILIRAKIS and Congresswoman MALONEY, for organizing this very important Special Order.

Mr. Speaker, when Turkey invaded Cyprus, not only did they take away the land that rightfully belongs to the Greek Cypriots, they also took away important freedoms—the right to educate their children as they see fit and the right to practice their religion. Today, Turkey continues to occupy nearly 37% of the territory of the Republic of Cyprus. We, as members of Congress, must ensure that the remainder of the island is not seized by Turkey and continue to work toward the release of these occupied lands.

The unrest that was witnessed on the island of Cyprus two years ago represented the worst violence since the invasion of 1974. Today, an uneasy calm continues to linger over this divided island. The next round of violence could further hinder any chance of a lasting and just peace for the people of Cyprus.

The six fighter planes recently sent to Turkey to occupy the North is unacceptable. Peace cannot thrive on this island until Turkey agrees to fully cooperate by withdrawing its troops and returning the Greek Cypriots homeland and allowing them to live as they see fit and accorded the full human rights of a free nation.

Mr. Speaker, as a member of the Congressional Hellenic Caucus, I have worked with my colleagues in a bi-partisan manner on a number of issues effecting the Greek people and Greek-Americans of our nation. We also commit ourselves to finding an end to the tragic situation that has plagued Cyprus and her people for far too long. It is my hope the current deadlock on peace talks in that region is soon broken.

To address the issue of peace in Cyprus, two pieces of legislation have been introduced which I encourage my colleagues in joining me as a cosponsor. The first, H. Con. Res. 81, calls for a United States' initiative seeking a just and peaceful resolution of the situation in Cyprus. H.R. 1361 would prohibit economic support fund assistance under the Foreign Assistance Act of 1961 for the Government of Turkey for Fiscal Year 1999 unless they make certain improvements relating to human rights.

Mr. Speaker, as the European Union prepares for expansion, I encourage them to include Cyprus as a member. Although Cyprus has had a long association with the European Union, becoming a permanent member would allow the economy of Cyprus to flourish and would promote further progress toward peace throughout the island.

Mr. Speaker, I stand behind the people of Cyprus and President Clerides as they continue to offer a number of solutions to the Cyprus problem. The division of Cyprus has plagued the island on many levels—socially, politically and economically—that is why I urge the country of Turkey to be open minded during peace discussions.

Since Turkey first invaded Cyprus in 1974, over 1,619 people in the occupied areas of Cyprus, including four Americans, have never been accounted for. Andreas Kassapis, one of the previous missing Americans from 1974, has recently been peacefully laid to rest. I encourage the country of Turkey to open communications and exchange information about the remaining Americans who are missing as a result of the illegal invasion by Turkey twenty four years ago.

Permanent peace and justice in Cyprus lies in the hands of Turkey. It is my hope that next year we will be celebrating the freedoms of the Greek Cypriots rather than fighting for the return of their country and the human rights which were ripped away from them twenty-four years ago.

Mrs. LOWEY. Mr. Speaker, I rise this evening to pay tribute to a dubious anniversary. As we sit here, after 24 years of Turkish occupation of Cyprus, it is especially appropriate to recognize the struggle for the freedom of all Cypriots that has been waged for more than two decades.

It was over two decades ago that 6,000 Turkish troops and 40 tanks landed on the north coast of Cyprus, and more than 200,000 Cypriots were driven from their homes and forced to live under foreign occupation. Over two decades ago, and Turkey still has thousands of troops on the island.

That is why I'm pleased that we have this opportunity today. This evening we remember what happened in Cyprus 24 years ago and we pledge to fight to end the occupation. We also look toward the promise of the future. President Clinton has demonstrated his commitment to solving this difficult issue by making this issue a foreign policy priority of his Administration. I hope that his commitment will lead to a just and viable solution to the Cyprus conflict, and that this time next year we will be standing here on the House floor celebrating the end of the Turkish occupation.

We must continue to fight against injustice in Cyprus. We must continue to provide aid to Cyprus to help that country deal with the terrible problems caused by more than two decades of Turkish occupation. And, above all, we must continue to keep the plight of the Cypriots on the minds of everyone around the world.

Mr. ACKERMAN. Mr. Speaker, I rise today to commemorate the anniversary of the Turkish invasion of Cyprus. This act, an unprovoked use of force and flagrant violation of international law, divided the island and created a tense and dangerous situation. Sadly, almost a quarter of a century after this tragedy, the threat of renewed violence seems

greater than ever. We must work together to ensure a peaceful and fair settlement to one of the world's most bitter conflicts.

I call on the leaders of Turkish-occupied Cyprus to recognize the will of the international community and make positive steps towards ending the stand-off which has plagued the once-peaceful nation of Cyprus for twenty-four years. Mr. Denktash must end his demand that the illegitimate Turkish Cypriot Republic be recognized before he agrees to negotiations with Mr. Clerides. And Turkey must not aggravate tensions in the region by threatening the use of force against the nation of Cyprus.

However, I am encouraged by the work of United Nations envoy Diego Cordovez as well as special U.S. envoy Richard Holbrooke, and I believe that a peaceful path towards reunification can be found with the cooperation of all parties. As we near the 21st century, we move towards an era of unlimited potential. The days of invasion, intimidation, and forceful coercion can no longer be tolerated and must be replaced by a system of mutual cooperation and the peaceful arbitration of disputes. In the next millennium, there will be no place for armies of occupation.

I am proud to reaffirm the close friendship between the United States and Cyprus, particularly highlighted by our commitment to ending the division of Cyprus once and for all. However, on this day we should also remember the victims of violence during and after the 1974 invasion, many of whom are still missing. The suffering experienced by them and their families, and the continuing plight of enclaved Greek Cypriots in the Turkish-occupied territory, compel us to seek a quick and peaceful solution to the Cyprus problem.

Mr. VISCLOSKY. Mr. Speaker, I rise today to mark the twenty-fourth anniversary of Turkey's invasion, and subsequent occupation, of Cyprus.

It is extremely disturbing to me that every year we are compelled to gather in this chamber to remind the world of the horrible events that led to the division of Cyprus, and to remember those who were killed, injured, or displaced when Turkey invaded the island in 1974. It is clear to me and to most of my colleagues, as well as a vast majority of the international community, that Cyprus must be made whole again and Turkey must be held accountable for its reprehensible actions in dividing the island

Fourteen years after gaining its independence from Great Britain, Cyprus was illegally and brutally invaded by 6,000 Turkish troops and 40 tanks. These troops proceeded to sweep over the northern section of Cyprus, occupying nearly 40 percent of the island. The ensuring fighting killed thousands of Cypriots and forced hundreds of thousands from their homes. Today, more than 1,600 people are still unaccounted for, five of whom are United States citizens.

Twenty-four years after the invasion, we gather to remember those who died and to ensure that the world never forgets that Cyprus is a land divided. More than 35,000 Turkish troops continue to occupy Cyprus in violation of international law. A barbed wire fence and so-called "Green Zone," which is patrolled by United Nations, cuts across the island, separating families from their property and splitting this once beautiful country in half. To this day, the Turkish government refuses to allow Greek-Cypriots who were forced to flee to the southern part of the island from returning to their homes.

Last year, I was encouraged when President Clinton appointed special envoy Richard Holbrooke to help broker a peaceful resolution and unify the island. Unfortunately, Turkey refused to negotiate in good faith, and no agreement was reached. As Mr. Holbrooke put it, "There is no doubt that the Turkish side was responsible for the collapse of the talks." Even though Mr. Holbrooke is taking over as the U.S. ambassador to the United Nations, I hope President Clinton will continue to help foster a peaceful and united Cyprus.

The occupation of Cyprus is one of the reasons that I offered an amendment to the Fiscal Year 1997 Foreign Operations appropriations bill that would have effectively cut $25 million in United States economic aid to Turkey. This amendment, which the House overwhelmingly approved by a vote of 301 to 118, sends a clear message to Turkey that its illegal and immoral occupation of Cyprus will not be tolerated by this country.

Mr. Speaker, I am proud to join with my colleagues in standing up against Turkish oppression in Cyprus. I would especially like to extend my thanks to the gentleman from Florida, Mr. Bilirakis, for his tireless work to ensure that the people of Cyprus are not forgotten. Twenty-four years is a long time to wait, but it is my sincerest hope that our actions will help persuade Turkey to end its unlawful occupation of Cyprus.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like first to thank my colleague from Florida, Mr. BILIRAKIS, for organizing this special order to commemorate the 24th anniversary of the Turkish occupation of the island of Cyprus.

In my state of Rhode Island we have a strong Greek and Cypriot community, which has brought the plight of Cyprus to my attention. Many of them to this day do not know what happened to their brothers, their fathers, their sisters, their mothers on that dreadful day in July of 1974.

On July 20, 1974, the Government of Turkey sent troops to Cyprus and assumed control of more than one-third of that island. On that day over 200,000 Greek Cypriots became refugees in their own country and are still denied the right to return to their homes. The assault dislocated many in the Greek Cypriot population. Over 1,600 Greek Cypriots are missing and are still unaccounted for as a result of this invasion.

In the past decades, we have witnessed tremendous changes around the world. The fall of the Berlin Wall, the beginning of peace in the Middle East, and the signing of a peace agreement in Northern Ireland. It is time to add Cyprus to that list of places where freedom will prevail.

Mr. Speaker, this Congress needs to take direct steps to indicate support for Cyprus. Only when we, in Congress, show our strong support for a unified Cyprus will the necessary changes occur.

Mr. ROTHMAN. Mr. Speaker, I would like to add my voice to those of my colleagues who have eloquently spoken today on the pressing need for a just and lasting peace in Cyprus. As a member of the House International Relations Committee, one of my top priorities has been to advance a comprehensive settlement of the tragic division of Cyprus in 1974.

The cause of peace for Cyprus, the cause of freedom for Cyprus and the pursuit of unified Cyprus is in sum, not a complicated matter. To solve the Cyprus problem we need only to secure one vital element and that is the complete and unconditional withdrawal of Turkish troops from the island.

That the solution is so simple and the inability to secure it so long delayed, deeply disappoints me. Too many deliberations have been held, too many peace summits convened, too many U.S. diplomatic overtures have been made, to see the prospects for peace crumble due to the intransigence of Turkish-Cypriot political leaders. To break the stalemate in the Cyprus peace talks I am convinced that the time is ripe for the U.S. to press Ankara directly to exercise the resolve needed to withdraw its troops from Cyprus.

Notwithstanding Turkish efforts to stalemate the peace talks, I am heartened that Cyprus is on track to join the European Union (EU). With an eye to a promising and prosperous future, Cyprus's accession to the EU bodes well for the future of the island nation. As Cypriot President Clafcos Clerides remarked in June of this year, EU accession will bring Cyprus one step closer to serving as an "important hub of economic, trade and business" in the vitally important Mediterranean region.

Mr. Speaker, to close my remarks I want to reiterate that I believe in freedom for Cyprus. I believe in a united Cyprus. And I am committed to continuing my full support in seeking a genuine and long-lasting peace for Cyprus.

Mr. GILMAN. Mr. Speaker, I commend the gentleman from Florida, Mr. BILIRAKIS, who has over the years taken care that this House does not fail to observe the events of July 1974 whose tragic consequences still persist today nearly a quarter of a century later.

The occupation of northern Cyprus by Turkish troops, which began some twenty-four years ago, has turned into one of the most vexing problems of the international community. It has confounded the efforts of five U.S. Presidents, four United Nations Secretaries General, and many of the world's top diplomats, including our own. Most recently we had the strong effort of Ambassador Richard Holbrooke and Ambassador Tom Miller run into a brick wall as Denktash, backed by the Turkish government, came up with new conditions before they would agree to resume negotiations with President Clerides. These conditions, as the Turkish side well understood, were non-starters—the Turks insisted that northern Cyprus be regarded as a sovereign entity, and that the government of Cyprus halt negotiations on joining the EU.

We are all disappointed that the hard-fought efforts of our envoys did not produce a breakthrough. I agree with their assessment that the impasse is a result of the Turkish position, and that they key to breaking the current stalemate lies in Ankara. That being said, however, it is difficult to foresee a way around the current deadlock unless there is a change of heart on the Turkish side.

The situation in Turkey is exceedingly complex: We don't know who really is in charge—is it the government or the military? We don't know how to put the appropriate pressure on Turkey without giving the negative influences within Turkish society grounds to say that we have turned our backs on Turkey and are not truly interested in its integration into Europe and the West.

We are now hearing from certain Turkish officials commenting that the present situation on Cyprus—division of the island and 35,000 Turkish troops in occupation of one third—is the solution. This is completely unacceptable for the United States and the international community. It should also be unacceptable to Turkey because if partition is good for Cyprus, then why not for northern Iraq, or even the Kurdish areas of Turkey itself? Obviously the officials who make these ill-advised statements have not thought through the implications of partitioning Cyprus.

War-mongering threats from Turkish officials regarding the delivery of the S–300 missiles to Cyprus later this year also are unacceptable. Instead of making these outrageous threats, the Turks, if they truly believe the missiles are a threat to their own security, should work with the Government of Cyprus and other interested parties to find a way out of the problem constructively. This should include reducing their own excessive level of armaments in northern Cyprus, and getting negotiations between President Clerides and Denktash started. The decision to postpone delivery of the missiles until the fall provides more time to resolve this problem.

I have often said that Cyprus cannot be held hostage to problems within Turkey. I think that it is imperative for our government to make it crystal clear to both the Turkish civilian government and the military that Turkey's most vital long-term interests cannot be served without Turkey acting effectively to solve the Cyprus dispute. I am not convinced that all in the Turkish leadership truly believe that the U.S. is absolutely serious about resolving Cyprus, and the message needs to be reinforced. For my part I will continue to deliver the message whenever I meet with officials from Turkey, and I call upon all our members to do so as well.

Election of a new government in Turkey has been scheduled for early next year. As Turkish voters cast their ballots I hope that our government will have done all that it can to make it clear that resolving Cyprus is in Turkey's own national interest.

Although we have hit a serious obstacle to progress, The United States has no choice but to continue our efforts to get serious negotiations between the parties on Cyprus resumed. I thank the gentleman for allowing me to participate in this Special Order.

Mr. PORTER. Mr. Speaker, as we come to the floor today to mark the 24th anniversary of the invasion and occupation of Cyprus by Turkish forces, we have spent yet another frustrating and futile year waiting for the Administration to follow through on its promises to give resolution of this long-running problem its full attention. American policy towards Cyprus and the Aegean region can best be described as drift and react. We drift along while problems boil up, then react to the crisis du jour without a moral context or a policy framework. If we genuinely hope to solve the Cyprus problem which has plagued us for nearly a quarter of a century, we must change this haphazard approach.

Let's look at the facts: Over 35,000 heavily armed Turkish troops are stationed in the northern part of Cyprus. These forces have been upgraded and modernized; they are well-equipped from Turkey's vast military arsenal. The Turkish military is, by far, the largest and most well-trained and well-equipped in the region, thanks largely to US military assistance. The Turkish government, having occupied 38% of Cypriot territory by force, has repeatedly spoken of annexing this territory.

Cyprus has a 10,000 member voluntary national guard. Cyprus, even with its strategic relationship with Greece, would be annihilated in any conflict with Turkey. Cyprus has been the subject in widespread international crticism for the proposed purchase of a small number of defensive missiles while Turkey's continued occupation goes largely unremarked. The Cypriot government has consistently reaffirmed its support for complete demilitarization of the island—Turkey has flatly refused to consider it. The Cypriot government has also said they would cancel the missile orders in a minute if there was genuine progress towards a solution—Turkey has responded with more threats.

Even though Cyprus met the fiscal requirements for EU membership years ago, Turkey continues to irrationally threaten both Cyprus and the EU in an effort to derail Cypriot accession talks.

No progress has been made toward peaceful resolution of the Cyprus issue in the past year. Threats and intransigence from Ankara and the north have increased. The intransigence of the Turkish side has led to the unprecedented situation of both Tom Miller and Richard Holbrooke, the top U.S. diplomats working on the issue, to lay the blame for the current impasse squarely at the feet of the Turkish side.

The answer to this long-running tragedy clearly lies in Ankara. If we buy into efforts to shift blame and create a public relations backliash by focusing on the S–300 missiles, we will only allow Ankara to retrench in their posture of annexation by force. We have to stand clearly on the side of international law and peaceful settlement of disputes, and against lawlessness and aggression. The records of both the United States Congress and the United Nations General Assembly are clear: the illegal occupation of Cyprus must end.

I join my colleagues today in calling on the Clinton Administration to be honest about the facts of the Cyprus dispute and be honest with Turkey about our expectations. We cannot resolve this dispute on the basis of half-truths and self-delusion. What a shame it will be if we are again here on the House floor next year, marking the 25th year of occupation. I strongly hope that the Administration will do everything in its power to bring about a just resolution to this issue in the coming year. Unfortunately, based on what we have seen so far, I am not optimistic.

Mr. BILIRAKIS. I would like to thank all of my colleagues who joined me tonight, it is very, very late, and also thank the staff people who are here so very late as a result of this, to help us focus attention on this grave injustice which must be remedied.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today and Tuesday, August 4, on account of official business.

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today through noon on Tuesday, August 4, on account of a death in the family.

Mr. POMEROY (at the request of Mr. GEPHARDT) for today, on account of transportation problems.

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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. ADAM SMITH of Washington, for 5 minutes, today.

(The following Members (at the request of Mr. FOX of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. FOX of Pennsylvania, for 5 minutes, today.

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous material:)

Mr. MENENDEZ.
Mr. KIND.
Mr. MOAKLEY.
Mr. CRAMER.
Mr. SANDERS.
Mr. ORTIZ.
Mr. BAESLER.
Mr. ROTHMAN.
Mr. GEJDENSON.
Mr. LANTOS.
Ms. SLAUGHTER.
Mr. POMEROY.

(The following Members (at the request of Mr. FOX of Pennsylvania) and to include extraneous material:)

Mr. COX of California.
Mr. BILIRAKIS.
Mr. SOLOMON.
Mr. RADANOVICH.
Mr. BLILEY.
Mr. SMITH of New Jersey.
Mrs. ROUKEMA.
Mr. GILMAN.
Mr. KIM.
Mr. PAUL.
Mr. MICA.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken

from the Speaker's table and, under the rule, referred as follows:

S. 1325. An act to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998, 1999, and 2000, and for other purposes; to the Committee on Science.

S. 1883. An act to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris Aquacultural Research Center to the State of Alabama, and for other purposes; to the Committee on Resources.

S.J. Res. 35. Joint Resolution granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement; to the Committee on the Judiciary.

S.J. Res. 51. Joint Resolution granting the consent of Congress to the Potomac Highlands Airport Authority Compact entered into between the States of Maryland and West Virginia; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 434. An act to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico.

H.R. 643. An act to designate the United States courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, Ohio, as the "Carl B. Stokes United States Courthouse".

H.R. 765. An act to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore.

H.R. 872. An act to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

H.R. 1085. An act to revise, codify, and enact without substantive change certain general and permanent laws, related to patriotic and national observances, ceremonies, and organizations, as title 36, United States Code, "Patriotic and National Observances, Ceremonies, and Organizations".

H.R. 1385. An act to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes.

H.R. 3152. An act to provide that certain volunteers at private non-profit food banks are not employees for purposes of the Fair Labor Standards Act of 1938.

H.R. 3504. An act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts and to further define the criteria for capital repair and operation and maintenance.

H.R. 3731. An act to designate the auditorium located within the Sandia Technology Transfer Center in Albuquerque, New Mexico, as the "Steve Schiff Auditorium".

H.R. 4237. An act to amend the District of Columbia Convention Center and Sports Arena Authorization Act of 1995 to revise the revenues and activities covered under such Act, and for other purposes.

H.R. 4354. An act to establish the United States Capitol Police Memorial Fund on behalf of the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police.

ADJOURNMENT

Mr. BILIRAKIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 9 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, August 4, 1998, at 9 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10458. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pesticide Reporting Requirements for Risk/Benefit Information [OPP-60010K; FRL-6016-2] (RIN: 2070-AB50) received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10459. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule—Truth in Savings [Regulation DD; Docket No. R-0869] received July 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10460. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Membership Approval [No. 98-29] (RIN: 3069-AA67) received July 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10461. A letter from the AMD—Performance and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Johnstown and Altamount, New York) [MM Docket No. 98-31 RM-9227] received July 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10462. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling; Petitions for Nutrient Content and Health Claims, General Provisions; Correction [Docket No. 98N-0274] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10463. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

10464. A letter from the Deputy Director, Russia-NIS Program Office, U.S. and Foreign Commercial Service, International Trade Administration, transmitting the Administration's final rule—Cooperative Agreement Program For American Business Centers In Russia And The New Independent States [Docket No. 890716181-8181-01] received July 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10465. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-417, "Temple Micah Equitable Real Property Tax Relief Act of 1998" received July 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

10466. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Transmittal of D.C. ACT 12-415, "Prince Hall Freemason and Eastern Star Charitable Foundation Real Property Tax Exemption and Equitable Real Property Tax Relief of 1998" received July 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

10467. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-414, "American Legion, James Reese Europe Post No. 5 Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 1998" received July 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

10468. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-403, "Old Rock Creek Church Road Designation Act of 1998" received July 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

10469. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-410, 'Advisory Commission on Sentencing Establishment Act of 1998' received July 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

10470. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-411, "Kenneth H. Nash Post #8 American Legion Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 1998" received July 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

10471. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-412, "Bethea-Welch Post 7284, Veterans of Foreign Wars Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 1998, and Tax Increment Financing Authorization and National Capital Revitalization Corporation Technical Amendments act of 1998," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

10472. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-413, "Society of the Cincinnati Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 1998" received July 29, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

10473. A letter from the Executive Director, Committe For Purchase From People Who Are Blind or Severly Disabled, transmitting the Committee's final rule—Procurement List: Additions and Deletions—received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10474. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—Policy on Audits of RUS Borrowers (RIN: 0572-AA93) received July 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10475. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Reform of Affirmative Action in Federal Procurement [FAC 97–06; FAR Case 97–004A] (RIN: 9000–AH59) received July 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10476. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Reform of Affirmative Action in Federal Procurement [FAC 97–07; FAR Case 97–004B] (RIN: 9000–AH59) received July 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10477. A letter from the Director, Office of Surface Mining Reclamation And Enforcement, transmitting the Office's final rule—Kentucky Regulatory Program [SPATS No. KY–191–FOR] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10478. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Waiver of Inadmissibility for Certain Applicants for Admission as Permanent Residents [INS No. 1920–98] (RIN: 1115–AE47) received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10479. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Prospect Bay, Maryland [CGD 05–98–063] (RIN: 2115–AE46) received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10480. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Models TB9 and TB10 Airplanes [Docket No. 95–CE–72–AD; Amendment 39–10677; AD 98–16–03] (RIN: 2120–AA64) received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10481. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company 180, 182, and 185 Series Airplanes [Docket No. 97–CE–14–AD; Amendment 39–10679; AD 98–16–04] (RIN: 2120–AA64) received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10482. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Bennington, VT [Airspace Docket No. 98–ANE–94] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10483. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Fitchburg, MA [Airspace Docket No. 98–ANE–93] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10484. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Newton, IA [Airspace Docket No. 98–ACE–24] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10485. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Lake Charles, LA [Airspace Docket No. 98–ASW–41] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10486. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace; McKinney, TX [Airspace Docket No. 98–ASW–32] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10487. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D and Class E Airspace; St. Joseph, MO [Airspace Docket No. 98–ACE–6] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10488. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—General Rule for Taxable Year of Deduction [Revenue Ruling 98–39] received July 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10489. A letter from the Director, Defense Security Assistance Agency, transmitting a report authorizing the transfer of up to $100M in defense articles and services to the Government of Bosnia-Herzegovina, pursuant to Public Law 104—107, section 540(c) (110 Stat. 736); jointly to the Committees on International Relations 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. SMITH of Texas: Committee on the Judiciary. H.R. 2759. A bill to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas; with an amendment (Rept. 105–668). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3047. A bill to authorizes expansion of Fort Davis National Historic Site in Fort Davis, Texas, by 16 acres (Rept. 105–669). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR of North Carolina: Committee on Appropriations. H.R. 4380. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105–670). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 4342. A bill to make miscellaneous and technical changes to various trade laws, and for other purposes; with an amendment (Rept. 105–671). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. House Concurrent Resolution 213. Resolution expressing the sense of the Congress that the European Union is unfairly restricting the importation of United States agriculture products and the elimination of such restrictions should be a top priority in trade negotiations with the European Union; with amendments (Rept. 105–672). Referred to the House Calendar.

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. TAYLOR of North Carolina:

H.R. 4380. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1999, and for other purposes.

By Mr. PAUL:

H.R. 4381. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit for law enforcement officers who purchase armor vests, and for other purposes; to the Committee on Ways and Means.

By Mr. BLILEY (for himself, Mr. BILIRAKIS, Mr. DINGELL, Mr. BROWN of Ohio, Mr. HASTERT, Mr. WAXMAN, Mr. BARTON of Texas, Mr. TOWNS, Mr. UPTON, Mr. PALLONE, Mr. GREENWOOD, Mr. DEUTSCH, Mr. DEAL of Georgia, Ms. ESHOO, Mr. BURR of North Carolina, Mr. STUPAK, Mr. BILBRAY, Mr. GREEN, Mr. LAZIO of New York, Mr. STRICKLAND, Mrs. CUBIN, Ms. DEGETTE, Mr. HALL of Texas, and Ms. FURSE):

H.R. 4382. A bill to amend the Public Health Service Act to revise and extend the program for mammography quality standards; to the Committee on Commerce.

By Mr. BURR of North Carolina (for himself, Mr. GREENWOOD, Mr. UPTON, Mr. GANSKE, Mr. HALL of Texas, Mr. TOWNS, and Mr. STRICKLAND):

H.R. 4383. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes; to the Committee on Commerce.

By Mr. FROST:

H.R. 4384. A bill to amend title 49, United States Code, relating to continuation of operating assistance for small transit operators in large urbanized areas; to the Committee on Transportation and Infrastructure.

By Mr. MCNULTY (for himself, Mr. DUNCAN, Mr. MANTON, Mr. KING of New York, Mr. ROMERO-BARCELO, Mr. DIAZ-BALART, Mr. LEWIS of California, Mr. NETHERCUTT, Mr. BURTON of Indiana, Mr. LIVINGSTON, Mr. HALL of Texas, Mr. KNOLLENBERG, Mr. SUNUNU, Mr. CAMP, Mr. RAMSTAD, Mr. FROST, Mr. WALSH, Mr. SERRANO, Mrs. JOHNSON of Connecticut, Mr. NEUMANN, Mr. SHAW, Ms. DANNER, Mr. TANNER, Mr. WATTS of Oklahoma, Mrs. KELLY, Mrs. EMERSON, Mr. CALVERT, Mrs. MYRICK, Mr. CUNNINGHAM, Mr. WOLF, Ms. PRYCE of Ohio, Mr. LANTOS, Mr. KIM, Mrs. CLAYTON, Ms. ROS-LEHTINEN, Mr. BONILLA, Mr. WAXMAN, Mr. COX of California, Mrs. MALONEY of New York, Mr. DREIER, Mr. HINCHEY, Mr. LAFALCE, Mr. NORWOOD, Mr. BLUNT, Mr. BLILEY, Mr. HEFLEY, Mr. PETERSON of Pennsylvania, Mr. ACKERMAN,

Mr. MCHUGH, Mr. PAPPAS, Mrs. FOWLER, Mr. BARRETT of Wisconsin, Mr. HILLEARY, Mr. MANZULLO, Ms. SLAUGHTER, Mr. FOSSELLA, Mr. GOSS, Mr. GOODE, Mr. STEARNS, Mr. BOEHLERT, Ms. GRANGER, Mrs. MORELLA, Mr. ENGLISH of Pennsylvania, Mr. ENGEL, Mr. MCCOLLUM, Mr. BUYER, Mr. DINGELL, Mr. YOUNG of Florida, Mr. WHITFIELD, Mr. LATHAM, Mr. QUINN, Mr. TOWNS, Mr. FORBES, Mr. GALLEGLY, Mr. PASTOR, Mr. RYUN, Mrs. THURMAN, Mr. SKAGGS, Mr. KUCINICH, Mr. MCKEON, Mr. WICKER, Mr. FALEOMAVAEGA, Mr. SANDLIN, Ms. KAPTUR, Mr. SENSENBRENNER, Mr. SOUDER, Mr. ADERHOLT, Mr. LEWIS of Kentucky, and Mr. WEYGAND):

H.R. 4385. A bill to designate the national cemetery in Saratoga, New York, as the "Gerald B. H. Solomon Saratoga National Cemetary"; to the Committee on Veterans' Affairs.

By Mr. RAMSTAD (for himself, Mr. WELLER, and Mr. METCALF):

H.R. 4386. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of section 42 housing cooperatives and the shareholders of such cooperatives, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 4387. A bill to amend the Harmonized Tariff Schedule of the United States to eliminate the duty on certain electromagnets; to the Committee on Ways and Means.

By Mr. BRYANT (for himself, Mr. FAWELL, and Mr. LEWIS of Kentucky):

H. Con. Res. 314. Concurrent resolution expressing the sense of the Congress with respect to war crimes against United States military personnel and their families, and in particular to the war crimes committed in El Salvador against United States Army pilots David H. Pickett and Earnest Dawson, Jr.; to the Committee on International Relations.

By Mr. LANTOS (for himself, Mr. GILMAN, Mr. ROHRABACHER, Mr. ENGEL, Mrs. KELLY, and Mr. MORAN of Virginia):

H. Con. Res. 315. Concurrent resolution expressing the sense of the Congress condemning the atrocities by Serbian police and military forces against Albanians in Kosova and urging that blocked assets of the Federal Republic of Yugoslavia (Serbia and Montenegro) under control of the United States and other governments be used to compensate the Albanians in Kosova for losses suffered through Serbian police and military action; to the Committee on International Relations.

By Mr. BOEHNER:

H. Res. 515. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. SUNUNU and Mr. SALMON.

H.R. 303: Mr. OLVER.

H.R. 900: Mr. MEEKS of New York.

H.R. 1126: Mr. BOUCHER, Mr. LEWIS of Georgia, Mr. BURR of North Carolina, Mr. YATES, and Mr. GUTKNECHT.

H.R. 1560: Mr. GIBBONS, Mr. ENSIGN, Mr. LATOURETTE, Mr. HUTCHINSON, Mr. COOK, Mr. MORAN of Kansas, Mr. HULSHOF, Mr. PITTS, Mr. WAMP, Mr. CANNON, Mr. BRADY of Texas, Ms. GRANGER, Mr. SCARBOROUGH, Mr. BASS, Mr. WELLER, Mr. SOUDER, Mr. JENKINS, Mr. WHITE, Mrs. BONO, Mr. MCHALE, Ms. MILLENDER-MCDONALD, Mr. MURTHA, Mr. PAYNE, Ms. STABENOW, Mr. STOKES, Mr. STRICKLAND, Mr. TOWNS, Ms. WATERS, Mr. WATT of North Carolina, Ms. WOOLSEY, and Mr. YATES.

H.R. 1773: Mr. MALONEY of Connecticut.

H.R. 1788: Mr. LEWIS of Georgia.

H.R. 1951: Mr. BORSKI.

H.R. 2009: Mr. TRAFICANT and Mr. SPENCE.

H.R. 2409: Mr. STOKES.

H.R. 2708: Mr. SKELTON, Mr. THORNBERRY, Mr. BONILLA, Mr. LAFALCE, Mr. MALONEY of Connecticut, and Ms. STABENOW.

H.R. 2804: Mr. LEWIS of Georgia.

H.R. 2828: Mrs. MYRICK, Mr. SKELTON, Mr. BONIOR, and Mr. FROST.

H.R. 2840: Mr. WATTS of Oklahoma.

H.R. 2951: Mr. MATSUI and Mr. BENTSEN.

H.R. 3032: Mr. SESSIONS.

H.R. 3255: Ms. DANNER.

H.R. 3261: Mr. HILL.

H.R. 3553: Mr. FOX of Pennsylvania, Mr. RANGEL, Mr. MATSUI, Mr. FAZIO of California, Mr. DIXON, Mr. BROWN of California, Ms. MILLENDER-MCDONALD, Ms. MCKINNEY, Mr. BISHOP, Mrs. CLAYTON, Mr. LEVIN, Mrs. THURMAN, Mr. STOKES, Mr. JEFFERSON, Mr. MCDERMOTT, Ms. DELAURO, and Mr. DELAHUNT.

H.R. 3572: Mr. WOLF and Mrs. LINDA SMITH of Washington.

H.R. 3610: Mr. HASTERT and Mr. DEUTSCH.

H.R. 3622: Mr. DOOLEY of California.

H.R. 3641: Mr. WATKINS.

H.R. 3698: Ms. HARMAN.

H.R. 3702: Mr. RODRIGUEZ, Mr. ABERCROMBIE, Mr. FROST, and Mr. UNDERWOOD.

H.R. 3792: Mr. WHITE.

H.R. 3802: Mr. SHERMAN.

H.R. 3843: Mr. HALL of Texas and Mr. SMITH of Texas.

H.R. 3870: Mr. RAMSTAD, Mr. SKEEN, Mr. DOOLITTLE, Mr. BOB SCHAFFER, Mr. INGLIS of South Carolina, Mr. METCALF, Mr. SOUDER, Mr. STRICKLAND, and Mr. HOSTETTLER.

H.R. 3918: Ms. PELOSI.

H.R. 4031: Mr. LEVIN.

H.R. 4035: Mrs. TAUSCHER, Mr. MILLER of California, Ms. DEGETTE, Mr. SOLOMON, Mr. THOMPSON, Mr. STENHOLM, Mr. GORDON, Mr. STOKES, Ms. MCCARTHY of Missouri, Mr. GREEN, Mr. TAYLOR of Mississippi, Mr. LEVIN, Mr. COYNE, Mr. BALLENGER, Mr. SERRANO, and Mr. BROWN of California.

H.R. 4036: Mrs. TAUSCHER, Mr. MILLER of California, Ms. DEGETTE, Mr. SOLOMON, Mr. STENHOLM, Mr. GORDON, Mr. STOKES, Ms. MCCARTHY of Missouri, Mr. GREEN, Mr. TAYLOR of Mississippi, Mr. COYNE, Mr. BALLENGER, Mr. SERRANO, Mr. THOMPSON, and Mr. BROWN of California.

H.R. 4062: Mr. RILEY.

H.R. 4095: Mr. CAMPBELL.

H.R. 4122: Mr. HINCHEY.

H.R. 4127: Mr. BALDACCI and Mr. PRICE of North Carolina.

H.R. 4138: Mr. CALVERT, Mr. ACKERMAN, Mr. LANTOS, Mr. WAXMAN, and Mr. DEUTSCH.

H.R. 4213: Ms. JACKSON-LEE of Texas, Mr. PAPPAS, Mr. BARCIA of Michigan, Mr. HALL of Texas, and Mr. CHABOT.

H.R. 4220: Mr. RANGEL.

H.R. 4235: Mr. ORTIZ and Mr. DOOLEY of California.

H.R. 4281: Mr. BURTON of Indiana.

H.R. 4283: Mr. BOEHLERT, Ms. RIVERS, Mr. THOMPSON, and Mr. MCNULTY.

H.R. 4339: Mr. FRANK of Massachusetts, Mr. MOLLOHAN, Mr. TURNER, and Mr. HILLEARY.

H.R. 4353: Mr. MARKEY.

H.R. 4362: Mr. KENNEDY of Massachusetts, Mr. EVANS, Mr. FILNER, Mr. LAFALCE, Ms. LEE, Mr. TORRES, Mr. OBERSTAR, and Mr. RANGEL.

H.R. 4370: Mr. KENNEDY of Rhode Island and Mr. SESSIONS.

H. Con. Res. 258: Mr. PETRI, Mr. DEFAZIO, Ms. SLAUGHTER, Mr. JEFFERSON, Mr. SHERMAN, Ms. SANCHEZ, Mr. NADLER, and Mr. ENGEL.

H. Con. Res. 290: Mr. HOLDEN, Mr. HILL, Mr. WELDON of Florida, Mr. EVERETT, and Mr. POMEROY.

H. Con. Res. 312: Mr. HEFLEY.

H. Con. Res. 313: Mr. PAYNE, Mr. MCGOVERN, Mr. ROHRABACHER, and Mr. SERRANO.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 6 by Mr. OBEY on House Resolution 473: Jay W. Johnson.

The following Member's name was withdrawn from the following discharge petition:

Petition 7 by Mr. GANSKE on House Resolution 486: Greg Ganske

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2183

OFFERED BY: MR. ARCHER

(To the Amendment Offered By: Mr. Hutchinson or Mr. Allen)

AMENDMENT NO. 174: Insert after title III the following new title (and redesignate the succeeding provisions accordingly):

TITLE IV—PROHIBITING EXPENDITURES FOR COMMUNICATIONS PRIOR TO FINAL 60 DAYS OF CAMPAIGN

SECTION 401. PROHIBITING EXPENDITURES BY CANDIDATES FOR COMMUNICATIONS PRIOR TO FINAL 60 DAYS OF CAMPAIGN.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 101, is further amended by adding at the end the following new section:

"BAN ON CERTAIN EXPENDITURES PRIOR TO FINAL 60 DAYS OF CAMPAIGN

"SEC. 324. Notwithstanding any other provision of this title, no candidate in an election for Federal office or authorized committee of such a candidate may expend any amounts prior to the 60-day period which ends on the date of the election for any communication disseminated to the public (including a communication disseminated through the Internet) or for any other communication which is not solicited by the recipient or in direct response to a communication from the recipient.".

H.R. 4274

OFFERED BY: MR. PAUL

AMENDMENT NO. 2: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a) None of the funds made available in this Act may be used to carry out section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)).

(b) None of the funds made available in this Act may be used to carry out any duty of the National Committee on Vital and Health Statistics related to establishing any identifier, including any standard uniform medical identifier.

H.R. 4276

OFFERED BY: MR. BLAGOJEVICH

AMENDMENT NO. 41: Page 32, line 14, after the dollar amount, insert the following: "(increased by $5,000,000)".

H.R. 4276

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 42: Page 7, line 4, after the dollar amount, insert the following: "(increased by $2,000,000)".

Page 7, line 20, after the dollar amount, insert the following: "(reduced by $3,000,000)".

Page 26, line 17, after the dollar amount, insert the following: "(increased by $3,000,000)".

Page 30, line 3, after the dollar amount, insert the following: "(increased by $3,000,000)".

H.R. 4276

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 43: Page 52, line 19, after the dollar amount insert "(increased by $1,900,000)".

Page 52, line 25, after the dollar amount insert "(increased by $1,900,000)".

Page 53, line 2, after the dollar amount insert "(increased by $1,900,000)".

Page 53, line 5, after the dollar amount insert "(increased by $1,900,000)".

H.R. 4276

OFFERED BY: MR. PALLONE

AMENDMENT NO. 44: Page 52, line 13, after the dollar amount, insert the following: "(increased by $8,000,000)".

Page 52, line 25, after the dollar amount, insert the following: "(increased by $8,000,000)".

Page 53, line 1, after the dollar amount, insert the following: "(increased by $8,000,000)".

Page 53, line 5, after the dollar amount, insert the following: "(increased by $8,000,000)".

Page 54, line 18, after the dollar amount, insert the following: "(reduced by $15,000,000)".

H.R. 4276

OFFERED BY: MR. SANDERS

AMENDMENT NO. 45: Page 40, line 8 insert "(decreased by $1,000,000)" after the dollar amount.

Page 40, line 12 insert "(decreased by $1,000,000)" after the dollar amount.

Page 40, line 13 insert "(decreased by $1,000,000)" after the dollar amount.

Page 40, line 16 insert "(decreased by $1,000,000)" after the dollar amount.

Page 76, line 3 insert "(decreased by $1,000,000)" after the dollar amount.

Page 101, line 12 insert "(increased by $2,000,000)" after the dollar amount.