HOUSE OF REPRESENTATIVES—*Wednesday, September 23, 1998*

The House met at 2 p.m.

The Reverend Dr. Warren Blakeman, St. Paul's United Methodist Church, Monroe, Louisiana, offered the following prayer:

Creator God, You have given us the precious gift of life. Between our birth and our death, we make many choices. Those who gather here make choices that affect billions beyond our shores, millions across this land, thousands in our districts and communities, and individuals within families.

We are awed when we think that these responsibilities placed upon us affect not only this time and these peoples, but also generations to come. So, humbly, we ask for Your guidance. In our choices, may truth always be combined with love, love with courage, and courage with justice and mercy. Again, we ask for Your guidance. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H. Con. Res. 326. Concurrent resolution permitting the use of the rotunda of the Capitol on September 23, 1998, for the presentation of the Congressional Gold Medal to Nelson Rolihlahla Mandela.

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

S. 1397. An act to establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright brothers.

THE HEAVY HAND OF BIG GOVERNMENT

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

Mr. NORWOOD. Mr. Speaker, first, it was the IRS. Now, if we can believe it, it is the United States Army Corps of Engineers: You are guilty until you prove yourself innocent.

When my constituent, Pamela Ham, thought the worst was over after surviving a deadly tornado on Lake Thurman last May, the Corps reared its ugly head. Even though 4 months passed since this tornado, the Corps, as managers of this lake and the surrounding lands, still had not cleaned up the public property between the lake and Mrs. Ham's house, so Mrs. Ham cleaned the property herself, with her hands.

The Corps did not like this. They retaliated, Mr. Speaker, by revoking Mrs. Ham's dock permit. They didn't even ask for an explanation; they just lowered the boom, the big, heavy hand of big government, on my constituent.

I am tired of the Corps of Engineers bullying my constituents along the Savannah River, and I am putting them on alert. Stay tuned.

CONGRESS DOES NOT NEED FAST TRACK

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

Mr. TRAFICANT. America has a $60 million trade deficit with Japan, $50 billion with China, a $24 billion deficit with Canada, $20 plus billion with Mexico. The bleeding goes on and on, good-paying jobs lost by the thousands every week, every month.

After all this, Congress wants more fast track trade programs. Unbelievable. Congress does not need fast track; Congress needs a swift kick. What is next, our sons and daughters applying for a job in Mexico? Beam me up. Free trade, my ascot. This is a free ride for people overseas being paid for by American workers who are being retrained. Think about it.

URGING MEMBERS TO SUPPORT THE 90–10 PLAN TO PRESERVE SOCIAL SECURITY AND PROVIDE A TAX CUT

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

Mr. JONES. Mr. Speaker, today Americans spend more money on taxes than on food, clothing, and shelter combined. That is an average tax burden of 38 percent. This Congress has introduced a plan to provide hard-working Americans some well-deserved relief. The 90–10 plan would set aside 90 percent of the 10-year, $1.6 trillion budget surplus to preserve Social Security, and would use the remaining 10 percent, or $80 billion, to cut taxes for middle-income Americans.

Under the plan, the marriage penalty and death taxes will be reduced, and tax relief will be available for education, child care, and military personnel who sell their homes. The 90/10 plan offers Americans what they have been asking for, tax relief now and saving Social Security for the future. I hope my colleagues will join us in supporting the 90–10 plan.

WHAT ARE THE CHILDREN IN AMERICA LEARNING TODAY ABOUT TRUTH?

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

Mr. PITTS. Mr. Speaker, there is a famous story told of George Washington when he was but a young boy. Every schoolchild in America is taught this story. It is the story of how, even as a young boy, Washington was a person of honor. When he was asked by his father if he had cut down his father's favorite cherry tree, he responded, I cannot tell a lie, father. I did chop down the cherry tree.

How forthright. You cannot get any more honest than that. Yet, with the rationalization being promoted by many in the media today, Washington could have responded like this and gotten away with it: "Well, father, I did not technically cut down the cherry tree, only the hatchet made contact with the tree. I did not touch the tree. I stand by my story and what I believe the meaning of the word 'cut' is."

How things have changed in America. What are the children in America learning today?

REPUBLICANS AND DEMOCRATS HAVE DIFFERENT VISIONS FOR WORKING AMERICANS

(Mr. GIBBONS asked and was given permission to address the House for 1

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minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, most Democrats think they are thinking, but in reality, they are merely reorganizing and rearranging their own prejudices.

For example, when it comes to working Americans, Republicans and Democrats have major differences in their visions. Democrats believe it is fair for the government to take up to one-half of a family's income to pay for big government. Republicans do not.

Democrats believe it is fair that average Americans have to work until mid-May just to pay their taxes. Republicans do not.

Democrats believe they are doing us a favor by giving us tax breaks. Republicans believe that a tax break is not giving us anything, it is merely allowing us to keep what is already ours.

Democrats believe America is undertaxed. Republicans believe America is overtaxed. The fact is, Democrats talk as if it is their money. Republicans believe that the money belongs to those people who earned it, not the politicians, not the Federal Government or Washington bureaucrats.

Mr. Speaker, it is time that thinking Democrats stop favoring bureaucracy and start giving workers a tax break.

LET'S MAKE A DEAL

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

Mr. STEARNS. Mr. Speaker, the White House today is sending signals that it would like to broker some type of deal in order to avoid a full inquiry via the impeachment process. But Mr. Speaker, Congress cannot shirk from its duty. We are obliged to have a full and open debate on the merits of whether or not we should go forward with a formal inquiry on impeachment.

Let us not be unduly influenced by watching poll numbers. As the gentleman from Illinois (Chairman HENRY HYDE) has said, "Poll-taking is an art, not a science." The Framers of the Constitution knew this would not be an easy or pleasant task, but they did make provisions for such a possibility. We must remember, this is a Nation of laws, not daily opinion polls. Whether or not perjury was committed will be determined in due course, not by opinion polls, but as prescribed under the Constitution.

SAVE SOCIAL SECURITY, CUT TAXES

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

Mr. KNOLLENBERG. Mr. Speaker, the Federal Government should honor the institution of marriage, not penalize it by imposing higher taxes on married couples. I urge my colleagues to support the 90–10 proposal of the gentleman from Texas (Chairman ARCHER). The bill sets aside 90 percent of the budget surplus to save Social Security, and returns the additional 10 percent to hard-working taxpayers.

The centerpiece of the tax cut of the gentleman from Texas (Chairman ARCHER) injects some fairness into the tax code, and strengthens families by providing some much-needed relief from the marriage penalty. It mirrors a provision that I introduced in a 1997 tax cut initiative. The marriage penalty is unfair, and no one should have to pay it.

Mr. Speaker, with 77 million babyboomers nearing retirement age and taxes at an all-time high, we must reject the calls for new spending emanating from the other side. We have an historic opportunity to secure the future of Social Security and provide the American people with the additional tax relief they deserve. Let us seize it now.

NO AMERICAN IS ABOVE THE LAW

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

Mr. HAYWORTH. Mr. Speaker, I would commend to my colleagues and the citizens of this Nation the lead article in today's edition of The Hill entitled "Clinton asks Dole for help on Hill."

The reason I do this, Mr. Speaker, is apparently there is a misconception being propagated by some here in Washington. Some here in Washington have confused their occupancy of a certain office with the institution itself. Let us reaffirm at this time, in this place, that the offices we hold are a reflection of public trust, and our presence in those offices does not reflect the institution one way or the other.

Indeed, Mr. Speaker, let us reaffirm at this place, in this time, that no American is above the law, no matter what office they may hold.

IMPLORING FEMA TO BEGIN PREPARATIONS TO RESPOND TO HURRICANE GEORGES

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

Ms. ROS-LEHTINEN. Mr. Speaker, my community of south Florida is tensly gripping for a possible strike to the region from the dangerous Hurricane Georges, which has already caused great devastation in the neighboring islands of the Carribean, including my native homeland of Cuba, which is bracing for the worst.

Those of us from south Florida still remember the nightmare of Hurricane Andrew that only 5 years ago fiercely destroyed our way of life, and from which many areas in south Florida are yet to fully recover.

I implore the Federal Emergency Management Agency, FEMA, to begin preparations to assure a swift response to this natural disaster in the event that it does make landfall in south Florida. FEMA's assistance is critical to both protect our citizens during this hurricane or fierce storm, and to help the residents of the region in the aftermath of the natural phenomenon in an expeditious manner without much red tape.

My colleagues from south Florida and I are ready to provide FEMA with any assistance on preparations to confront Hurricane Georges.

COMMUNICATION FROM THE HONORABLE RICHARD A. GEPHARDT, DEMOCRAT LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democrat leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, September 22, 1998.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 3162 of Public Law 104–201, I hereby appoint the following individual to the Commission on Maintaining United States Nuclear Weapons Expertise:

Mr. Henry W. Kendall, Ph.D. of Massachusetts.

Yours very truly,
RICHARD A. GEPHARDT.

COMMUNICATION FROM THE HONORABLE RICHARD A. GEPHARDT, DEMOCRAT LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democrat leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 21, 1998.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 2(b)(2) of Public Law 105–186, I hereby appoint the following members to the Presidential Advisory Commission on Holocaust Assets in the United States: Mr. Maloney of Connecticut, and Mr. Sherman.

Yours Very Truly,
RICHARD A. GEPHARDT.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. UPTON). 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 nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

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

TAX CUTS TODAY, BUT AMERICAN WORKERS WILL PAY TOMORROW

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

Mr. MENENDEZ. Mr. Speaker, all across America, parents use the tool of allowance to teach their children the value of money, that they have to pay for what they get. If they do not have the savings, they do not buy the goods.

But over and over, Republicans ignore that basic lesson. They want to get it now and pay later. They want to get tax cuts now and pay for them later.

Mr. Speaker, make no mistake. Someone is going to pay for it. Who? America's working families who are paying into Social Security for those benefits today and for their retirement tomorrow. They will pay for it by forking over even more in payroll taxes. They will pay for it by having to retire later. They will pay for it in reduced Social Security benefits.

Democrats want to prevent this from happening tomorrow by being responsible today, and we have an opportunity to save Social Security, and we seek to seize it.

Republicans want to get political credits for tax cuts today that America's working families will pay for tomorrow, and that, to me, is the very definition of irresponsible government.

PASSENGER VESSEL ACT

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

Mr. SMITH of Michigan. Mr. Speaker, I rise today to discuss the domestic deep-sea passenger cruise industry, or better, the lack of it in the United States.

Currently, there is only one ocean-going cruise ship left in the entire U.S. flag fleet. That means that millions of dollars of American tourist money which are spent on cruises each year are going to our foreign competitors.

The reason there are no cruise ships in our domestic fleet is because of an archaic protectionist law known as the Passenger Services Act. The legislation was passed before the turn of the century and requires all cruise ships in the domestic service to be built in the United States.

U.S. shipyards, however, have no interest in building these types of ships and are not competitive on the international market. In fact, the last one built in this country was the U.S.S. *Independence* in 1956.

Things have gotten so bad that when Disney Corp. solicited over $1 billion in contracts to build cruise ships in this country, not a single U.S. shipyard even bid on the project. Now those ships are being built in Italy, but they will be legally barred from servicing the domestic cruise market because of the Passenger Services Act.

Mr. Speaker, this act no longer serves the interests of this country. It stifles maritime job creation and does nothing to promote domestic shipbuilding. Instead, it gives away the cruise market to our foreign competitors, whose customers are mostly Americans.

To fix this problem I am introducing legislation today that will stimulate increased domestic cruise ship opportunities for the American cruising public. My legislation will allow three foreign-built cruise ships to participate in the U.S. domestic cruising market. These cruising vessels must still hire an American crew, pay U.S. taxes, and obey all U.S. environmental, labor, and safety regulations.

Senator MCCAIN has introduced the companion bill, S. 2507, and he expects the Senate Commerce Committee to take action on the bill this session.

This legislation is absolutely necessary to help create a U.S. domestic ocean-going cruise industry and I would call upon my colleagues to support this bill.

TAX RELIEF

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I think a lot of people forget who is paying the taxes. It is the American citizens. For too long, the Federal Government has increased taxes on our families, our seniors, our farmers and our businesses. The Taxpayer Relief Act returns $80 billion to its rightful owners, the American people, and sets aside $1.4 trillion to protect Social Security. That is 90 percent of the total surplus.

President Clinton calls this, "a gimmick to please people." Mr. Speaker, I urge Americans, do not believe him. The President has already proposed spending billions from the surplus on bigger government. He is the one with the gimmicks. President Clinton keeps forgetting the surplus belongs to the taxpayers of America.

We can protect Social Security and give tax relief. Let us do it.

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.

GREAT LAKES FISH AND WILDLIFE RESTORATION ACT OF 1998

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1481) to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Restoration Study Report, as amended.

The Clerk read as follows:

H.R. 1481

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 "Great Lakes Fish and Wildlife Restoration Act of 1998".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Lakes Fishery Resources Restoration Study, for which a report was submitted to Congress in 1995, was a comprehensive study of the status, and the assessment, management, and restoration needs, of the fishery resources of the Great Lakes Basin, and was conducted through the joint effort of the United States Fish and Wildlife Service, State fish and wildlife resource management agencies, Indian tribes, and the Great Lakes Fishery Commission; and

(2) the study—

(A) found that, although State, Provincial, Native American Tribal, and Federal agencies have made significant progress toward the goal of restoring a healthy fish community to the Great Lakes Basin, additional actions and better coordination are needed to protect and effectively manage the fisheries and related resources in the Great Lakes Basin; and

(B) recommended actions that are not currently funded but are considered essential to meet goals and objectives in managing the resources of the Great Lakes Basin.

SEC. 3. REFERENCE; REPEAL.

(a) REFERENCE.—Each reference in this Act (other than in subsection (b)) to the Great Lakes Fish and Wildlife Restoration Act of 1990 is a reference to the Act enacted by title I of Public Law 101-537 (104 Stat. 2370).

(b) REPEAL OF DUPLICATIVE ENACTMENT.—The Great Lakes Fish and Wildlife Restoration Act of 1990, enacted as title II of Public Law 101-646 (104 Stat. 4773), is repealed.

SEC. 4. PURPOSES.

Section 1003 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941a) is amended—

(1) in the matter preceding paragraph (1), by striking "this Act" and inserting "this title";

(2) by striking paragraph (1);

(3) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(4) by striking paragraph (1) (as so redesignated) and inserting the following:

"(1) to develop and implement proposals for the restoration of fish and wildlife resources in the Great Lakes Basin; and"; and

(5) in paragraph (2) (as redesignated by paragraph (3)), by striking "habitat of" and inserting "habitat in".

SEC. 5. DEFINITIONS.

Section 1004 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941b) is amended—

(1) in the matter preceding paragraph (1), by striking "this Act" and inserting "this title";

(2) by redesignating paragraphs (2), (3), (4), (5), (6), (7), (8), (9), and (10) as paragraphs (3), (4), (5), (6), (7), (14), (9), (12), and (13), respectively;

(3) by moving paragraph (14) (as redesignated by paragraph (2)) to the end of the section;

(4) in paragraph (9) (as redesignated by paragraph (2)), by striking "plant or animal" and inserting "plant, animal, or other organism";

(5) by inserting after paragraph (1) the following:

"(2) the term 'Committee' means the Great Lakes Fish and Wildlife Restoration Proposal Review Committee established by section 1005(c);";

(6) by inserting after paragraph (7) (as redesignated by paragraph (2)) the following:

"(8) the term 'non-Federal source' includes a State government, local government, Indian Tribe, other non-Federal governmental entity, private entity, and individual;";

(7) by inserting after paragraph (9) (as redesignated by paragraph (2)) the following:

"(10) the term 'Report' means the United States Fish and Wildlife Service report entitled 'Great Lakes Fishery Resources Restoration Study', submitted to the President of the Senate and the Speaker of the House of Representatives on September 13, 1995;

"(11) the term 'restoration' means rehabilitation and maintenance of the structure, function, diversity, and dynamics of a biological system, including reestablishment of self-sustaining populations of fish and wildlife;";

(8) in paragraph (12) (as redesignated by paragraph (2)), by striking "and" at the end; and

(9) in paragraph (13) (as redesignated by paragraph (2)), by striking the period at the end and inserting "; and".

SEC. 6. IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS.

Section 1005 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941c) is amended to read as follows:

"SEC. 1005. IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS.

"(a) IN GENERAL.—The Director, in consultation with the Committee, shall encourage the development and, subject to the availability of appropriations, the implementation of proposals based on the results of the Report.

"(b) IDENTIFICATION OF PROPOSALS.—

"(1) REQUEST BY THE DIRECTOR.—The Director shall annually request that State Directors and Indian Tribes, in cooperation or partnership with other interested entities and based on the results of the Report, submit proposals for the restoration of fish and wildlife resources.

"(2) REQUIREMENTS FOR PROPOSALS.—A proposal under paragraph (1) shall be submitted in the manner and form prescribed by the Director and shall be consistent with the goals of the Great Lakes Water Quality Agreement, as revised in 1987, the 1954 Great Lakes Fisheries Convention, the 1980 Joint Strategic Plan for the Management of Great Lakes fishery resources, the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.), and the North American Waterfowl Management Plan and joint ventures established under the plan.

"(3) SEA LAMPREY AUTHORITY.—The Great Lakes Fishery Commission shall retain authority and responsibility for formulation and implementation of a comprehensive program for eradicating or minimizing sea lamprey populations in the Great Lakes Basin.

"(c) REVIEW OF PROPOSALS.—

"(1) ESTABLISHMENT OF COMMITTEE.—There is established the Great Lakes Fish and Wildlife Restoration Proposal Review Committee, which shall operate under the guidance of the Council of Lake Committees of the Great Lakes Fishery Commission.

"(2) MEMBERSHIP AND APPOINTMENT.—

"(A) IN GENERAL.—The Committee shall consist of representatives of all State Directors and Indian Tribes with Great Lakes fish and wildlife management authority in the Great Lakes Basin.

"(B) APPOINTMENTS.—State Directors and Tribal Chairs shall appoint their representatives, who shall serve at the pleasure of the appointing authority.

"(C) OBSERVER.—The Great Lakes Coordinator of the United States Fish and Wildlife Service shall participate as an observer of the Committee.

"(D) RECUSAL.—A member of the Committee shall recuse himself or herself from consideration of proposals that the member, or the entity that the member represents, has submitted.

"(3) FUNCTIONS.—The Committee shall at least annually—

"(A) review proposals developed in accordance with subsection (b) to assess their effectiveness and appropriateness in fulfilling the purposes of this title; and

"(B) recommend to the Director any of those proposals that should be funded and implemented under this section.

"(d) IMPLEMENTATION OF PROPOSALS.—After considering recommendations of the Committee and the goals specified in section 1006, the Director shall select proposals to be implemented and, subject to the availability of appropriations and subsection (e), fund implementation of the proposals. In selecting and funding proposals, the Director shall take into account the effectiveness and appropriateness of the proposals in fulfilling the purposes of other laws applicable to restoration of the fishery resources and habitat of the Great Lakes Basin

"(e) COST-SHARING.—

"(1) IN GENERAL.—Not less than 25 percent of the cost of implementing a proposal selected under subsection (d) (not including the cost of establishing sea lamprey barriers) shall be paid in cash or in-kind contributions by non-Federal sources.

"(2) EXCLUSION OF FEDERAL FUNDS FROM NON-FEDERAL SHARE.—The Director may not consider the expenditure, directly or indirectly, of Federal funds received by a State or local government to be a contribution by a non-Federal source for purposes of this subsection.".

SEC. 7. REPORTS TO CONGRESS.

Section 1008 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941f) is amended to read as follows:

"SEC. 1008. REPORTS TO CONGRESS.

"On December 31, 2002, the Director shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes—

"(1) actions taken to solicit and review proposals under section 1005;

"(2) the results of proposals implemented under section 1005; and

"(3) progress toward the accomplishment of the goals specified in section 1006.".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

Section 1009 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941g) is amended to read as follows:

"SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Director—

"(1) for the activities of the Great Lakes Coordination Office in East Lansing, Michigan, of the Upper Great Lakes Fishery Resources Office, and of the Lower Great Lakes Fishery Resources Office under section 1007, $3,500,000 for each of fiscal years 1999 through 2004; and

"(2) for implementation of fish and wildlife restoration proposals selected by the Director under section 1005(d), $4,500,000 for each of fiscal years 1999 through 2004, of which no funds shall be available for costs incurred in administering the proposals.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

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

Mr. Speaker, I rise in strong support of H.R. 1481, the Great Lakes Fish and Wildlife Restoration Act. I want to compliment the gentleman from Ohio (Mr. LATOURETTE) for his outstanding leadership and tireless commitment to moving this legislation.

This measure arose from the need to coordinate management, protection and restoration of fish and wildlife resources within the Great Lakes Basin. The Great Lakes, which cover approximately 95,000 square miles in surface area, provide unique challenges for resource managers. In many respects, the Great Lakes are more comparable to oceans than lakes and require ocean-type vessels to accomplish management and research tasks.

With respect to our fishery laws, we must remember that fish do not understand or recognize geographical boundaries. It is critical, therefore, that regulatory schemes are developed throughout their ranges. H.R. 1481 establishes necessary cooperative agreements between States and Federal agencies to ensure that fish passing through jurisdictions of many management regions get the proper attention they need to sustain viable populations in the future.

The Great Lakes Fish and Wildlife Restoration Act uses cooperative agreements between States, Native American tribes, and the Federal Government to manage Great Lakes resources. The act encourages all interested parties to participate in the implementation of recommendations in the comprehensive study. These management and restoration activities were deemed necessary to restore Great Lakes fish and wildlife resources.

Finally, this bill was designed to evaluate and, where appropriate, implement the recommendations of the Great Lakes Fishery Resources Restoration Study. This 5-year study identified 32 recommendations which should be undertaken to restore the fishery resources of the Great Lakes Basin to sustainable levels.

Mr. Speaker, while I will let my Great Lakes colleagues discuss some or

all of the 32 recommendations, I will point out that one of the suggestions was to conduct a cormorant fishery predation study. Since this issue has been of interest to several Members of the House, I would hope that this study would occur.

Mr. Speaker, this legislation authorizes the Department of the Interior to spend $8 million per year to carry out fish and wildlife restoration in the Great Lakes Basin. This is a sound investment in a very important region of the country.

Mr. Speaker, I urge an "aye" vote on H.R. 1481, and I look forward to early positive action by the other body on this bill.

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

Mr. MILLER of California. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. KILDEE) a member of our committee.

Mr. KILDEE. Mr. Speaker, I thank the gentleman from California (Mr. MILLER) for yielding me this time.

Mr. Speaker, I want to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. MILLER), ranking member, for their hard work on this bill.

The Great Lakes Basin is a vibrant and diverse environment. Ecosystems of the Great Lakes support a wide array of economic and recreational activities. The long-term health of those ecosystems is fundamental to ensuring the quality of life that Americans from the Great Lakes region have come to enjoy. Protecting these precious bodies of water is of the utmost importance, since they are the largest body of fresh surface water in the United States.

While I am pleased that this bill is coming to the floor, I am disappointed to see that the language to institute a new model for a Michigan fisheries Cooperative Unit was not included.

Michigan is home to some of the finest fisheries institutions in this country, and yet it does not have the Cooperative Unit designation given to 37 States. Despite working for more than a decade to redress this issue, it has repeatedly been blocked by some who see the benefits of a Michigan fisheries designation as a threat to their own funding.

I believe the people of the United States want us to work through these fears to ensure that their best interests are of the utmost concern. This is not just about fairness. It is about capitalizing on Michigan's fisheries expertise.

Michigan State University and the University of Michigan have proposed an alternative that will cost the Federal Government next to nothing. In return for providing staff from these universities, the State of Michigan would finally receive this important fisheries research designation. This is a very creative approach that I hope we will explore in the future.

Mr. Speaker, for that purpose, I would like to engage in a colloquy with the gentleman from Maryland (Mr. GILCHREST).

Mr. Speaker, I know that the gentleman from New Jersey (Mr. SAXTON) has been more than willing to work on addressing the current inequities in the Cooperative Unit program. I would ask the gentleman, would the subcommittee be interested in exploring this model as a new way to deal with this issue? If necessary, this could be done in the next Congress.

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

Mr. KILDEE. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Speaker, I have spoken with the gentleman from New Jersey (Mr. SAXTON), and he agrees there is a legitimate issue of fairness involved. As the gentleman from Michigan may know, his home State of New Jersey is another State that suffers under the present system. He would be interested in working with the gentleman and other members of the committee to find an alternative in the near future.

Mr. KILDEE. Mr. Speaker, reclaiming my time, I appreciate the interest, and I look forward to working with the gentleman from Maryland and with the gentleman from New Jersey to find a sensible solution to this problem.

Mr. GILCHREST. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. LATOURETTE) to further add to this great piece of legislation.

Mr. LATOURETTE. Mr. Speaker, I want to thank the gentleman from Alaska (Chairman YOUNG) and also the gentleman from California (Mr. MILLER), ranking member, for moving H.R. 1481 to the floor so expeditiously, despite the fact that we have so many other things coming to a conclusion at the end of the 105th Congress. The resources Committee, like others, face a daunting list of requests from Members, and for the fact that this bill has moved so quickly I am grateful on behalf of myself and other Great Lakes Members.

I also express my appreciation for the work of the gentleman from New Jersey (Mr. SAXTON), chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans. He made time in his subcommittee's schedule to hold hearings, and he has been a strong supporter of H.R. 4181 throughout the process.

I would be remiss, Mr. Speaker, if I did not thank the staff that made today's presentation possible. Many times, Members make commitments and while these commitments are honored, it is due primarily and in large part to the hard work of our staffs.

I thank the committee staffs of both the majority and the minority, in particular Harry Burroughs and Mike Oetker. Mike has done yeoman's work on H.R. 1481, putting in long hours and making sure that this bill stayed on track.

Mr. Speaker, I also want to thank Rochelle Sturtevant, who is the coordinator for the Great Lakes task force who has been working on this legislation since 1996.

Mr. Speaker, my district borders Lake Erie, a body of water that was once considered to be "dead." I paraphrase Mark Twain when I say that the reports of the Great Lakes' demise have been greatly exaggerated. This would not be possible, of course, without the efforts of the Fish and Wildlife Service, working with State and local governments, as well as Great Lakes residents.

Now, Lake Erie fishermen can enjoy catching lake trout, walleye, bass, and perch. In fact, Lake Erie is experiencing rebounds in lake whitefish populations that just 10 years ago was thought to be impossible. Last year, the Fish and Wildlife Service report that lake trout populations in Lake Superior are now self-sustaining and need no further stocking.

Basinwide, water-related recreation and tourism are valued at $15 million annually, almost half of which is derived from fishing. Moreover, the Great Lakes contain over 281 square miles of coastal wetlands which provide habitat for endangered species and breeding grounds for waterfowl, migratory birds and fish.

While this is a great success story, the job of restoring the Great Lakes is a work in progress. Yes, we have come a very long way, but considering we still face degraded habitats, reduced fish and wildlife populations and the threat from nonindigenous species, we must press on.

The Great Lakes Fish and Wildlife Restoration Act reauthorizes legislation passed in 1990, with the same title, to continue this important mission.

The original act established the Great Lakes Coordination Office and Fishery Resources Offices in Michigan, Wisconsin and New York. The 1990 act also led to the formation of a Great Lakes ecosystem team, including partners from the States Native American tribes and the Great Lakes Fishery Commission, to coordinate restoration efforts between levels of government and agencies.

Finally, the 1990 act directed that the U.S. Fish and Wildlife Service undertake a comprehensive study of fishing resources in the Great Lakes. The Great Lakes Fishery Resource Study, which the Fish and Wildlife Service completed and reported to Congress in 1995, contained 32 specific recommendations for projects that would successfully restore the Great Lakes fishery resource.

The Great Lakes Fish and Wildlife Restoration Act will reauthorize the

Great Lakes Coordination Office and Fishery Resources Offices of the Fish and Wildlife Service, allowing them to continue coordinating internal Fish and Wildlife Service operations and other Fish and Wildlife Service activities with State, Federal, local and international operations in the Great Lakes Basin.

□ 1430

These coordination efforts are critical to prevent programs from wasting resources and precious funds by working at cross-purposes.

In addition, 1481 sets up a new grant program to enable States and Native American tribal groups to carry out restoration projects that implement the specific recommendations contained in the 1995 study. On the issue of invasive and noninvasive species, the Great Lakes Fish and Wildlife Restoration Act will continue to provide the resources to help stop the influx of these creatures. And in regard to the sea lamprey, the legislation ensures that authority for sea lamprey control is retained by the Great Lakes Fishery Commission.

Additionally, the Secretary of the Army, upon request by the Great Lakes Fishery Commission, may improve water resources projects related to sea lamprey management. However, non-Federal entities will be responsible for 25 percent of the cost of implementing any proposal other than those involved in construction of sea lamprey barriers. For Members who are unfamiliar with the sea lamprey, in addition to looking like something that comes out of a horror movie, the sea lamprey is a parasite and each lamprey can destroy 10 to 40 pounds of fish during its lifetime.

The Great Lakes are an incredible success story. It is one that no one would have believed just a few years ago. The Great Lakes Fish and Wildlife Restoration Act will build upon this success.

This is bipartisan legislation. It has strong support in the other body. In fact, it is my understanding that if H.R. 1481 receives favorable consideration today, the other body will take it up immediately.

Relative to the observations made by our distinguished colleague from Michigan, I am fully aware of the fact that he has championed the cause about which he spoke today on the floor. It is only because of some resistance in the other body that we were not able to address that in this legislation. He would have my pledge that I would do everything in my capacity from Ohio to help him realize his goals and success in that regard.

I would urge all of our colleagues today to support this essential bipartisan measure.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this legislation. This legislation has been adequately described by our colleagues from Michigan and Ohio. It has bipartisan support and the support of the administration. I urge its passage today.

Mr. Speaker, I rise in support of the legislation.

H.R. 1481, which has already been described by the gentleman from New Jersey, would greatly improve the conservation and management of the fisheries and wildlife of the Great Lakes by implementing the recommendations of the Great Lakes Fishery Resources Restoration study.

The Great Lakes provide a vast source of natural resources for the people of the United States. In 1990, Congress authorized the restoration study to assess the status and needs of the fishery and wildlife resources of the Great Lakes and to provide recommendations for better management and conservation of those resources. Now that the study has been completed, it is time to implement those recommendations to ensure the long term sustainability of these valuable resources.

The bill has bipartisan support, as well as the support of the Administration, and I urge its passage today.

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

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

I would like to make a very quick comment to the gentleman from Ohio who said that Mark Twain made a comment that the early demise of the Great Lakes is greatly exaggerated. I think in order to continue to make that statement humorous, those of us in the House must continue to work vigilantly, steadfastly with the gentleman from Ohio (Mr. LATOURETTE), the gentleman from Michigan (Mr. KILDEE) and other Members to ensure that we understand the nature of the mechanics of natural processes so that the Great Lakes cannot only continue to be great but we can restore them to what they were 100 years ago.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I first of all want to commend the sponsor and cosponsors of this bill as well as the committee members. It is an excellent bill. It will serve the Great Lakes well.

I particularly commend the gentleman from Ohio (Mr. LATOURETTE) for continuing in his efforts to be a conservator of the Great Lakes. He has done a tremendous amount of good work here on that score. I hope he continues.

There is one point in the bill I do want to raise because it might create some problems for Michigan. I simply want to get this on the record and perhaps get some assurances from either the gentleman from Ohio (Mr. LATOURETTE) or the gentleman from Maryland (Mr. GILCHREST) regarding the language here. The bill says that there is established the Great Lakes Fish and Wildlife Restoration Proposal Review Committee which shall operate under the guidance of the Council of Lakes Committees. The Review Committee shall consist of representatives of all State directors and Indian tribes with Great Lakes Fish and Wildlife management authority in the Great Lakes Basin.

The language in the report is similar to that in the bill but also adds, "* * * nothing in this bill shall be construed to enlarge or diminish the authority of any Indian tribe with respect to the management of fish and wildlife in the Great Lakes Basin."

There is a problem relating to this that just came to my attention during a call I received from the Governor's office in Michigan. As some of my colleagues may be aware, there have been several court cases on the issue of Indian fishing rights in Michigan, resulting in a substantial number of court decisions. And my concern is that this language in the bill might be interpreted to say that those tribes which have been given certain rights in court cases would be regarded as having management authority. If that were true, then we might well have 5 or 6 times more representatives of Indian tribes than from the State of Michigan on this commission. That would make it somewhat unbalanced.

I assume the intent was not to do that and I want to get that on the record. Perhaps both the chairman and the sponsor of the bill can assure me that that is not the intent, and that in fact we will use and interpret the language as it was originally intended.

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

Mr. EHLERS. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Speaker, we will continue to look at this very closely. That certainly is not our intent. Our intent with this legislation is to ensure that all participating parties improve the quality of the Great Lakes Basin, not to give one any more advantage over another.

Mr. EHLERS. I thank the gentleman for his comments.

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 1481, 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: "To amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States

Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1481, the bill just passed.

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

There was no objection.

KICKAPOO TRIBE OF OKLAHOMA FEDERAL INDIAN SERVICES RESTORATION ACT OF 1998

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2314) to restore Federal Indian services to members of the Kickapoo Tribe of Oklahoma residing in Maverick County, Texas, to clarify United States citizenship status of such members, to provide trust land for the benefit of the Tribe, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2314

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 "Kickapoo Tribe of Oklahoma Federal Indian Services Restoration Act of 1998".

SEC. 2. RESTORATION OF FEDERAL INDIAN SERVICES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the members of the Kickapoo Tribe of Oklahoma residing in Maverick County, Texas, shall be eligible for all Federal services and benefits furnished to members of federally-recognized tribes without regard to the existence of a reservation for the Kickapoo Tribe of Oklahoma in Maverick County, Texas. In the case of Federal services available to members of federally-recognized tribes residing on or near a reservation, the members of the Kickapoo Tribe of Oklahoma residing in Maverick County, Texas, shall be deemed to be residing on or near a reservation.

(b) COOPERATION WITH THE MEXICAN GOVERNMENT.—In providing services pursuant to subsection (a), the Secretary of the Interior (referred to hereafter in this Act as the "Secretary") and the head of each department and agency shall consult and cooperate with appropriate officials or agencies of the Mexican Government to the greatest extent possible to ensure that such services meet the special tricultural needs of the members of the Kickapoo Tribe of Oklahoma residing in Texas. Such consultation and cooperation may include joint funding agreements between such agency or department of the United States and the appropriate agencies and officials of the Mexican Government.

(c) DISCLAIMER ON NEW APPROPRIATIONS.—(1) Nothing in this section shall be interpreted to—

(A) constitute an independent authorization for the appropriation of funds for benefit of the Kickapoo Tribe of Oklahoma, or

(B) result in the diminution of funding to any other federally recognized Indian tribe.

(2) The Secretary shall, upon request of the Kickapoo Tribe of Oklahoma and subject to the availability of appropriations, provide technical assistance to prevent duplication of services for members of any federally recognized tribe in Maverick County, Texas.

SEC. 3. LAND ACQUISITION.

(a) 45 ACRES.—Pursuant to section 5 of the Act of June 18, 1934 (25 U.S.C. 465), the Secretary may accept at least 45 acres of land held in fee by the Kickapoo Tribe of Oklahoma in Maverick County, Texas, to be held in trust for the benefit of the Kickapoo Tribe of Oklahoma.

(b) ADDITIONAL LAND.—Pursuant to land acquisition authority under the Act of June 18, 1934 (25 U.S.C. 461 et seq.), the Secretary may accept in trust for the benefit of the Kickapoo Tribe of Oklahoma any additional land in Maverick County, Texas, acquired by the Kickapoo Tribe of Oklahoma.

(c) NO LIMITATION OF AUTHORITY.—Nothing in this section shall be construed as limiting the authority of the Secretary under section 5 of the Act of June 18, 1934 (48 Stat. 985).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from California (Mr. MILLER), each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

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

H.R. 2314, the proposed Kickapoo Tribe of Oklahoma Federal Indian Services Restoration Act of 1998 would restore Federal Indian services to members of the Kickapoo Tribe of Oklahoma who reside in Texas.

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

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, September 18, 1998.

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

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2314, a bill to provide certain benefits to the Kickapoo Tribe of Oklahoma. I understand that the Committee on the Judiciary, which has Rule X jurisdiction over section 3 of H.R. 2314 providing certain immigration benefits to the tribe, requires more time to address properly the issues raised by that section.

However, I understand that the Committee on the Judiciary will not object if the Committee on Resources proceeds to the Floor with the bill with an amendment to strike section 3. This arrangement is acceptable to the Committee on Resources and the author of the bill and we will act accordingly.

Thank you for your cooperation and that of your staff, especially Daniel Freeman and Jim Wilon, in this effort.

Sincerely,

DON YOUNG,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 11, 1998.

Re H.R. 2314—Kickapoo Tribe of Oklahoma.

Hon. DON YOUNG,
Chairman, Committee on Resources, Washington, DC.

DEAR CHAIRMAN YOUNG: I understand that the Committee on Resources wishes to proceed expeditiously to the floor with H.R. 2314, a bill to provide certain benefits to the Kickapoo Tribe of Oklahoma. The Committee on the Judiciary has jurisdiction over Section 3 of the bill, which would provide certain immigration benefits to the tribe.

A number of important immigration issues are raised by Section 3 of the bill, and the Judiciary Committee has been working toward a global legislative solution of those issues for the Kickapoo Tribe and many other similarly situated Indian tribes. To that end, the Committee requested relevant information from the Justice Department's Office of Tribal Justice, the Immigration and Naturalization Service, and the Bureau of Indian Affairs on February 11, 1998. Unfortunately, much of the requested information has still not been provided, so the Committee is not yet prepared to craft an optimal legislative solution.

However, the Judiciary Committee would have no objection if the Resources Committee proceeded to the floor, on the suspension calendar, with a manager's amendment to H.R. 2314 with the Section 3 immigration provisions removed. Please let me know if this is acceptable.

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. WATKINS) for an explanation of the bill.

Mr. WATKINS. Mr. Speaker, I rise to support and ask my colleagues on both sides to support this. I believe it has bipartisan bill support and understands the administration supports it.

In fact, H.R. 2314 rectifies disputes that have arisen over housing, medical and other social services for Kickapoos that are residing in Texas down in Maverick County. This will allow the services to be provided in many areas, and it is very much needed. These disputes have been discussed for a number of years.

The proposed legislation has been agreed upon by all parties involved. I know I have worked with several of them. I would just like to encourage the Members to support this bill under suspensions at this time.

Mr. MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, this is a bill which points out how differences in cultures make it difficult to legislate on a national level.

The Kickapoo tribe is a noted tribe which inhabited lands in the States of Oklahoma, Texas and Mexico. This free lifestyle has led to questions concerning the citizenship of tribal members and the eligibility of tribal members for Federal and State health, housing and social welfare programs.

While I question the necessity of having members of the Kickapoo tribe of Oklahoma who reside in Texas apply for U.S. citizenship, it seems to me there could have been a more expedient way to handle this issue.

I strongly support the efforts being made to clarify the citizenship issue

and the eligibility of these Native American Indians for Federal and State benefits. I also support the authorization for the Department of the Interior to take into trust 25 acres of land in Maverick County, Texas for the Kickapoo tribe.

This is the third of three American Indian bills being considered by the House today, and again I want to thank the gentleman from Alaska (Mr. YOUNG) of our committee and the senior Democratic member, the gentleman from California (Mr. MILLER) for their efforts in bringing this legislation to the floor. I urge my colleagues to support this bill.

I thank the gentleman from Oklahoma for his sponsorship of this legislation.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

As the gentleman from American Samoa has noted and the gentleman from Oklahoma, this restores the provision of BIA and IHS services to members of the Kickapoo tribe in Oklahoma. This bill has strong bipartisan support. I urge its passage.

Mr. Speaker, this bill as has already been noted, restores the provision of BIA and IHS services to members of the Kickapoo Tribe of Oklahoma, a largely migratory band of Indians, who often reside for part of the year in Maverick County, Texas.

Although Congress took steps in 1983 to ensure that all Kickapoos living in Texas would be eligible for federal services, there was internal political friction among the Kickapoos residing in Texas that resulted in the formation of the federally-recognized Kickapoo Traditional Tribe of Texas in 1989.

Some of the Texas Kickapoos, namely those who refused to acknowledge the leadership of the Traditional Tribe, chose instead to remain affiliated with the Kickapoo Tribe of Oklahoma.

The problem that we are addressing today is how to ensure that the Kickapoos in Texas who remain affiliated with the Oklahoma Tribe retain the full rights and benefits of the trust relationship with the United States. In other words, we want to ensure that they receive appropriate IHS and BIA services, even when they are residing in Texas.

The trick, of course, is to make sure that we don't diminish the limited resources of the Traditional Tribe of Texas. If there are Texas Kickapoos who chose to remain affiliated with the Oklahoma Kickapoos, then the costs of such services should be charged to the Oklahoma Kickapoos. That is why I am pleased that we are adding today a provision that clarifies that nothing in the bill will result in a diminishing of services to the Traditional Tribe or count as an independent authorization of funds for the Oklahoma Kickapoos.

I understand that the Traditional Tribe of Texas has concerns about the trust status acquisition of lands for the Oklahoma Kickapoos so close to their own reservation, and again I am pleased that we are making a change today that clarifies that the Secretary is not mandated to take a 45-acre parcel of land into trust for the Oklahoma Kickapoos. Leaving the Secretary with discretionary authority will insure that the Traditional Tribe is appropriately consulted in the land acquisition process.

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

Mr. GILCHREST. 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 Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 2314, 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: "To restore Federal Indian services to members of the Kickapoo Tribe of Oklahoma residing in Maverick County, Texas, to provide trust land for the benefit of the Tribe, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2314, the bill just passed.

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

There was no objection.

GALLATIN LAND CONSOLIDATION ACT OF 1998

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3381) to direct the Secretary of Agriculture and the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co., as amended.

The Clerk read as follows:

H.R. 3381

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 "Gallatin Land Consolidation Act of 1998".

SEC. 2. FINDINGS.

Congress finds that—

(1) the land north of Yellowstone National Park possesses outstanding natural characteristics and wildlife habitats that make the land a valuable addition to the National Forest System;

(2) it is in the interest of the United States to establish a logical and effective ownership pattern for the Gallatin National Forest, reducing long-term costs for taxpayers and increasing and improving public access to the forest;

(3) it is in the interest of the United States for the Secretary of Agriculture to enter into an Option Agreement for the acquisition of land owned by Big Sky Lumber Co. to accomplish the purposes of this Act; and

(4) other private property owners are willing to enter into exchanges that further improve the ownership pattern of the Gallatin National Forest.

SEC. 3. DEFINITIONS.

In this Act:

(1) BLM LAND.—The term "BLM land" means approximately 2,000 acres of Bureau of Land Management land (including all appurtenances to the land) that is proposed to be acquired by BSL, as depicted in Exhibit B to the Option Agreement.

(2) BSL.—The term "BSL" means Big Sky Lumber Co., an Oregon joint venture, and its successors and assigns, and any other entities having a property interest in the BSL land.

(3) BSL LAND.—The term "BSL land" means approximately 54,000 acres of land (including all appurtenances to the land except as provided in section 4(e)(1)(D)(i)) owned by BSL that is proposed to be acquired by the Secretary of Agriculture, as depicted in Exhibit A to the Option Agreement.

(4) EASTSIDE NATIONAL FORESTS.—The term "Eastside National Forests" means national forests east of the Continental Divide in the State of Montana, including the Beaverhead National Forest, Deerlodge National Forest, Helena National Forest, Custer National Forest, and Lewis and Clark National Forest.

(5) NATIONAL FOREST SYSTEM LAND.—The term "National Forest System land" means approximately 29,000 acres of land (including all appurtenances to the land) owned by the United States in the Gallatin National Forest, Flathead National Forest, Deerlodge National Forest, Helena National Forest, Lolo National Forest, and Lewis and Clark National Forest that is proposed to be acquired by BSL, as depicted in Exhibit B to the Option Agreement.

(6) OPTION AGREEMENT.—The term "Option Agreement" means—

(A) the document signed by BSL, dated July 29, 1998, and entitled "Option Agreement for the Acquisition of Big Sky Lumber Co. Lands Pursuant to the Gallatin Range Consolidation and Protection Act of 1993";

(B) the exhibits and maps attached to the document described in subparagraph (A); and

(C) an exchange agreement to be entered into between the Secretary and BSL and made part of the document described in subparagraph (A).

(7) SECRETARY.—The "Secretary" means the Secretary of Agriculture.

SEC. 4. GALLATIN LAND CONSOLIDATION COMPLETION.

(a) IN GENERAL.—Notwithstanding any other provision of law, and subject to the terms and conditions of the Option Agreement—

(1) if BSL offers title acceptable to the Secretary to the BSL land—

(A) the Secretary shall accept a warranty deed to the BSL land and a quit claim deed to agreed to mineral interests in the BSL land;

(B) the Secretary shall convey to BSL, subject to valid existing rights and to other terms, conditions, reservations, and exceptions as may be agreed to by the Secretary and BSL, fee title to the National Forest System land; and

(C) the Secretary of the Interior shall convey to BSL, by patent or otherwise, subject to valid existing rights and other terms, conditions, reservations, and exceptions as may be agreed to by the Secretary of the Interior and BSL, fee title to the BLM land;

(2) if BSL places title in escrow acceptable to the Secretary to 11½ sections of the BSL land in the Taylor Fork area as set forth in the Option Agreement—

(A) the Secretary shall place Federal land in the Bangtail and Doe Creek areas of the Gallatin National Forest, as identified in the Option Agreement, in escrow pending conveyance to the Secretary of the Taylor Fork land, as identified in the Option Agreement in escrow;

(B) the Secretary, subject to the availability of funds, shall purchase 7½ sections of BSL land in the Taylor Fork area held in escrow and identified in the Option Agreement at a purchase price of $4,150,000; and

(C) the Secretary shall acquire the 4 Taylor Fork sections identified in the Option Agreement remaining in escrow, and any of the 6 sections referred to in subparagraph (B) for which funds are not available, by providing BSL with timber sale receipts from timber sales on the Gallatin National Forest and other eastside national forests in the State of Montana in accordance with subsection (c); and

(3)(A) as funds or timber sale receipts are received by BSL—

(i) the deeds to an equivalent value of BSL Taylor Fork land held in escrow shall be released and conveyed to the Secretary; and

(ii) the escrow of deeds to an equivalent value of Federal land shall be released to the Secretary in accordance with the terms of the Option Agreement; or

(B) if funds or timber sale receipts are not provided to BSL as provided in the Option Agreement, BSL shall be entitled to receive patents and deeds to an equivalent value of the Federal land held in escrow.

(b) VALUATION.—

(1) IN GENERAL.—The property and other assets exchanged or conveyed by BSL and the United States under subsection (a) shall be approximately equal in value, as determined by the Secretary.

(2) DIFFERENCE IN VALUE.—To the extent that the property and other assets exchanged or conveyed by BSL or the United States under subsection (a) are not approximately equal in value, as determined by the Secretary, the values shall be equalized in accordance with methods identified in the Option Agreement.

(c) TIMBER SALE PROGRAM.—

(1) IN GENERAL.—The Secretary shall implement a timber sale program, according to the terms and conditions identified in the Option Agreement and subject to compliance with applicable environmental laws (including regulations), judicial decisions, memoranda of understanding, small business set-aside rules, and acts beyond the control of the Secretary, to generate sufficient timber receipts to purchase the portions of the BSL land in Taylor Fork identified in the Option Agreement.

(2) IMPLEMENTATION.—In implementing the timber sale program—

(A) the Secretary shall provide BSL with a proposed annual schedule of timber sales;

(B) as set forth in the Option Agreement, receipts generated from the timber sale program shall be deposited by the Secretary in a special account established by the Secretary and paid by the Secretary to BSL;

(C) receipts from the Gallatin National Forest shall not be subject to the Act of May 23, 1908 (16 U.S.C. 500); and

(D) the Secretary shall fund the timber sale program at levels determined by the Secretary to be commensurate with the preparation and administration of the identified timber sale program.

(d) RIGHTS-OF-WAY.—As specified in the Option Agreement—

(1) the Secretary, under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), shall convey to BSL such easements in or other rights-of-way over National Forest System land for access to the land acquired by BSL under this Act for all lawful purposes; and

(2) BSL shall convey to the United States such easements in or other rights-of-way over land owned by BSL for all lawful purposes, as may be agreed to by the Secretary and BSL.

(e) QUALITY OF TITLE.—

(1) DETERMINATION.—The Secretary shall review the title for the BSL land described in subsection (a) and, within 45 days after receipt of all applicable title documents from BSL, determine whether—

(A) the applicable title standards for Federal land acquisition have been satisfied and the quality of the title is otherwise acceptable to the Secretary of Agriculture;

(B) all draft conveyances and closing documents have been received and approved;

(C) a current title commitment verifying compliance with applicable title standards has been issued to the Secretary; and

(D) the title includes both the surface and subsurface estates without reservation or exception (except as specifically provided in this Act), including—

(i) minerals, mineral rights, and mineral interests (including severed oil and gas surface rights), subject to and excepting other outstanding or reserved oil and gas rights;

(ii) timber, timber rights, and timber interests (except those reserved subject to section 251.14 of title 36, Code of Federal Regulations, by BSL and agreed to by the Secretary);

(iii) water, water rights, ditch, and ditch rights;

(iv) geothermal rights; and

(v) any other interest in the property.

(2) CONVEYANCE OF TITLE.—

(A) IN GENERAL.—If the quality of title does not meet Federal standards or is otherwise determined to be unacceptable to the Secretary of Agriculture, the Secretary shall advise BSL regarding corrective actions necessary to make an affirmative determination under paragraph (1).

(B) TITLE TO SUBSURFACE ESTATE.—Title to the subsurface estate shall be conveyed by BSL to the Secretary in the same form and content as that estate is received by BSL from Burlington Resources Oil & Gas Company Inc. and Glacier Park Company.

(f) TIMING OF IMPLEMENTATION.—

(1) LAND-FOR-LAND EXCHANGE.—The Secretary shall accept the conveyance of land described in subsection (a) not later than 45 days after the Secretary has made an affirmative determination of quality of title.

(2) LAND-FOR-TIMBER SALE RECEIPT EXCHANGE.—As provided in subsection (c) and the Option Agreement, the Secretary shall make timber receipts described in subsection (a)(3) available not later than December 31 of the fifth full calendar year that begins after the date of enactment of this Act.

(3) PURCHASE.—The Secretary shall complete the purchase of BSL land under subsection (a)(2)(B) not later than 30 days after the date on which funds are made available for such purchase and an affirmative determination of quality of title is made with respect to the BSL land.

SEC. 5. OTHER FACILITATED EXCHANGES.

(a) AUTHORIZED EXCHANGES.—

(1) IN GENERAL.—The Secretary shall enter into the following land exchanges if the landowners are willing:

(A) Wapiti land exchange, as outlined in the documents entitled "Non-Federal Lands in Facilitated Exchanges" and "Federal Lands in Facilitated Exchanges" and dated July 1998.

(B) Eightmile/West Pine land exchange as outlined in the documents entitled "Non-Federal Lands in Facilitated Exchanges" and "Federal Lands in Facilitated Exchanges" and dated July 1998.

(2) EQUAL VALUE.—Before entering into an exchange under paragraph (1), the Secretary shall determine that the parcels of land to be exchanged are of approximately equal value, based on an appraisal.

(b) SECTION 1 OF THE TAYLOR FORK LAND.—

(1) IN GENERAL.—The Secretary is encouraged to pursue a land exchange with the owner of section 1 of the Taylor Fork land after completing a full public process and an appraisal.

(2) REPORT.—The Secretary shall report to Congress on the implementation of paragraph (1) not later than 180 days after the date of enactment of this Act.

SEC. 6. GENERAL PROVISIONS.

(a) MINOR CORRECTIONS.—

(1) IN GENERAL.—The Option Agreement shall be subject to such minor corrections and supplemental provisions as may be agreed to by the Secretary and BSL.

(2) NOTIFICATION.—The Secretary shall notify the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and each member of the Montana congressional delegation of any changes made under this subsection.

(3) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Gallatin National Forest is adjusted in the Wineglass and North Bridger area, as described on maps dated July 1998, upon completion of the conveyances.

(B) NO LIMITATION.—Nothing in this subsection limits the authority of the Secretary to adjust the boundary pursuant to section 11 of the Act of March 1, 1911 (commonly known as the "Weeks Act") (16 U.S.C. 521).

(C) ALLOCATION OF LAND AND WATER CONSERVATION FUND MONEYS.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9), boundaries of the Gallatin National Forest shall be considered to be the boundaries of the National Forest as of January 1, 1965.

(b) PUBLIC AVAILABILITY.—The Option Agreement—

(1) shall be on file and available for public inspection in the office of the Supervisor of the Gallatin National Forest; and

(2) shall be filed with the county clerk of each of Gallatin County, Park County, Madison County, Granite County, Broadwater County, Meagher County, Flathead County, and Missoula County, Montana.

(c) COMPLIANCE WITH OPTION AGREEMENT.—The Secretary, the Secretary of the Interior, and BSL shall comply with the terms and conditions of the Option Agreement except to the extent that any provision of the Option Agreement conflicts with this Act.

(d) STATUS OF LAND.—All land conveyed to the United States under this Act shall be added to and administered as part of the Gallatin National Forest and Deerlodge National Forest, as appropriate, in accordance with the Act of March 1, 1911 (5 U.S.C. 515 et seq.), and other laws (including regulations) pertaining to the National Forest System.

(e) MANAGEMENT.—

(1) PUBLIC PROCESS.—Not later than 30 days after the date of completion of the land-for-land exchange under section 4(f)(1), the Secretary shall initiate a public process to

amend the Gallatin National Forest Plan and the Deerlodge National Forest Plan to integrate the acquired land into the plans.

(2) PROCESS TIME.—The amendment process under paragraph (1) shall be completed as soon as practicable, and in no event later than 540 days after the date on which the amendment process is initiated.

(3) LIMITATION.—An amended management plan shall not permit surface occupancy on the acquired land for access to reserved or outstanding oil and gas rights or for exploration or development of oil and gas.

(4) INTERIM MANAGEMENT.—Pending completion of the forest plan amendment process under paragraph (1), the Secretary shall—

(A) manage the acquired land under the standards and guidelines in the applicable land and resource management plans for adjacent land managed by the Forest Service; and

(B) maintain all existing public access to the acquired land.

(f) RESTORATION.—

(1) IN GENERAL.—The Secretary shall implement a restoration program including reforestation and watershed enhancements to bring the acquired land and surrounding national forest land into compliance with Forest Service standards and guidelines.

(2) STATE AND LOCAL CONSERVATION CORPS.—In implementing the restoration program, the Secretary shall, when practicable, use partnerships with State and local conservation corps, including the Montana Conservation Corps, under the Public Lands Corps Act of 1993 (16 U.S.C. 1721 et seq.).

(g) IMPLEMENTATION.—The Secretary of Agriculture shall ensure that sufficient funds are made available to the Gallatin National Forest to carry out this Act.

(h) REVOCATIONS.—Notwithstanding any other provision of law, any public orders withdrawing lands identified in the Option Agreement from all forms of appropriation under the public land laws are revoked upon conveyance of the lands by the Secretary.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho (Mrs. CHENOWETH) and the gentleman from California (Mr. MILLER), each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho (Mrs. CHENOWETH).

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

H.R. 3381, the Gallatin Land Consolidation Act of 1998, was introduced by my colleague, the gentleman from Montana (Mr. HILL) on March 5 of this year. The gentleman from Montana (Mr. HILL) deserves great credit for bringing a decade of negotiations to a successful conclusion in the form of this bill.

Anyone who has worked on complicated land exchange problems of this magnitude knows the daunting task of trying to forge an agreement between the environmental community, landowners, the Federal and State government, the communities and interested parties. It is usually an impossible task. I congratulate the gentleman from Montana (Mr. HILL) for this accomplishment.

Mr. Speaker, I yield such time as he may consume to the gentleman from Montana (Mr. HILL).

Mr. HILL. Mr. Speaker, I thank the gentlewoman from Idaho for yielding me this time.

This bill represents the culmination of over a decade's work to consolidate the public and private land holdings in the Gallatin National Forest. It proposes to authorize the exchange of 54,000 private acres of privately held lands for approximately 29,000 acres of U.S. Forest Service lands.

It creatively provides also for the use of timber sale receipts to bring these values into balance. The consolidation of these holdings is a win-win proposition. Taxpayers win by consolidating lands to allow for improved and more efficient management of the public lands. It means also that sportsmen and women and recreationalists will have access to more of their land.

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It also consolidates private land holdings that can accommodate the better management of those lands. It allows for orderly and responsible resource management, and that means that we will be able to retain important natural resource jobs that are also vital to Montana communities. And this bill specifically protects critical wildlife habitat from subdivision.

These lands lie just north of Yellowstone National Park, Mr. Speaker. They will provide migration and winter range for deer and elk populations. This is a very popular hunting and fishing and recreation area. For this reason, this bill has the support of a broad range of citizen groups, including resource interest groups, conservation and sportsman organizations and environmentalists as well. It is also supported by private land owners and the U.S. Forest Service and the administration.

A companion measure is before the Senate and has the bipartisan support of both of Montana's senators.

Mr. Speaker, this bill provides flexibility in the implementing of this exchange option so that all the interested parties can include the agreement that is embodied in the exchange option.

I would like to just take a moment to thank all those who have worked to try to create this consensus-based solution. The Gallatin National Forest Supervisor, Big Sky Lumber Company, Governor Marc Racicot, the Montana Fish, Wildlife & Parks Organization, the Greater Yellowstone Coalition, Rocky Mountain Elk Foundation, the Headwaters Fish & Game Association, the Wilderness Society, the Montana Land Alliance, the Upper Gallatin Community, the Bridger Canyon Property Owners Association, the Battleridge/Bangtail Coalition, the Gallatin Valley Snowmobile Association, the Independent Forest Products Association, and members of the Montana Delegation staff, Peggy Trenk of my staff and Sue Brook and Brian Kay of the senator's staff.

I urge all my colleagues to support this bill. It has broad bipartisan support both here in Washington and in Montana.

Mrs. CHENOWETH. Mr. Speaker, I have no other requests for time, and I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this legislation.

Mr. Speaker, at the outset, I want to commend the gentleman from Montana (Mr. HILL) for his efforts to bring this matter before the committee and to the floor of the House.

I also want to acknowledge the leadership role of Senator Bachus in developing this agreement, which contained both H.R. 3381 and a companion bill in the Senate.

As the gentleman from Montana (Mr. HILL) pointed out, this is the second phase of the congressionally authorized acquisition of checkerboard railroad grant lands in the Gallatin Range and other areas in western Montana near Yellowstone National Park.

The first phase was authorized back in 1993, at which time we acquired 37,000 acres; and this would provide for 55,000 acres of really some of the most magnificent wildlife range and scenic areas in the western United States.

In the second phase as set forth in the current bill, the Forest Service would gain an additional 55,000 acres in the Taylor Fork and other important fish and wildlife areas within the Gallatin National Forest.

Recently, Forest Service exchanges have come under the scrutiny of the Department's Inspector General and generated controversy in Nevada, Washington, and other western states. In response, Chief Mike Dombeck has adopted new procedures which include review of appraisals and approval of land exchanges by the Washington office. I welcome this heightened scrutiny of land exchanges. I have long-standing concerns about abuses of land exchanges and prefer instead that the administration give greater emphasis to land purchases using the amply endowed Land and Water Conservation Fund.

In this case, however, we are assured by the Forest Service that the exchange fosters the public interest by acquiring critical habitat for elk, moose, grizzly bear, and other fish and wildlife. These lands have significant economic value for public recreation. The agency considers the asset swap to be a fair deal for the taxpayers, based on appraisals which have been reviewed by the Chief Appraiser. And the agency has engaged in a thorough public process in developing this exchange and has submitted a detailed report to Congress.

Mr. Speaker, we should recognize that it is very difficult to develop anything close to a consensus on many western public land use issues. To the credit of the Montana delegation, they have brought to us in this legislation

an agreement which has been negotiated to the satisfaction of the Forest Service and Big Sky Lumber and which is supported by an array of diverse interests in Montana, including the Governor and environmental groups such as the Greater Yellowstone Coalition and The Wilderness Society.

I urge adoption of the bill.

I want to again thank all of the parties who worked so hard on this legislation and urge its passage.

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

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentlewoman from Idaho (Mrs. CHENOWETH) that the House suspend the rules and pass the bill, H.R. 3381, 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 direct the Secretary of Agriculture and the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co. and other entities.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CHENOWETH. 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. 3381, as amended.

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

There was no objection.

MOUNT ST. HELENS NATIONAL VOLCANIC MONUMENT COMPLETION ACT

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1659) to provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the Monument, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1659

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 "Mount St. Helens National Volcanic Monument Completion Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The Act entitled "An Act to designate the Mount St. Helens National Volcanic Monument in the State of Washington, and for other purposes", approved August 26, 1982 (96 Stat. 301; 16 U.S.C. 431 note), required the United States to acquire all land and interests in land in the Mount St. Helens National Volcanic Monument.

(2) The Act directed the Secretary of Agriculture to acquire the surface interests and the mineral and geothermal interests by separate exchanges and expressed the sense of Congress that the exchanges be completed by November 24, 1982, and August 26, 1983, respectively.

(3) The surface interests exchange was consummated timely, but the exchange of all mineral and geothermal interests has not yet been completed a decade and a half after the enactment of the Act.

(b) PURPOSE.—The purpose of this Act is to facilitate and otherwise provide for the expeditious completion of the previously mandated Federal acquisition of private mineral and geothermal interests within the Mount St. Helens National Volcanic Monument.

SEC. 3. ACQUISITION OF MINERAL AND GEOTHERMAL INTERESTS WITHIN MOUNT ST. HELENS NATIONAL VOLCANIC MONUMENT.

Section 3 of the Act entitled "An Act to designate the Mount St. Helens National Volcanic Monument in the State of Washington, and for other purposes", approved August 26, 1982 (Public Law 97-243; 96 Stat. 302; 16 U.S.C. 431 note), is amended by adding at the end the following new subsections:

"(g) EXCHANGES FOR MINERAL AND GEOTHERMAL INTERESTS HELD BY CERTAIN COMPANIES.—

"(1) DEFINITION OF COMPANY.—In this subsection, the term 'company' means a company referred to in subsection (c) or its assigns or successors.

"(2) EXCHANGE REQUIRED.—Within 60 days after the date of enactment of this subsection, the Secretary of the Interior shall acquire by exchange the mineral and geothermal interests in the Monument of each company.

"(3) MONETARY CREDITS.—

"(A) ISSUANCE.—In exchange for all mineral and geothermal interests acquired by the Secretary of the Interior from each company under paragraph (2), the Secretary of the Interior shall issue to each such company monetary credits with a value of $2,100,000 that may be used for the payment of—

"(i) not more than 50 percent of the bonus or other payments made by successful bidders in any sales of mineral, oil, gas, or geothermal leases under the Mineral Leasing Act (30 U.S.C. 181 et seq.), the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), or the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) in the contiguous 48 States;

"(ii) not more than 10 percent of the bonus or other payments made by successful bidders in any sales of mineral, oil, gas, or geothermal leases in Alaska under the laws specified in clause (i);

"(iii) not more than 50 percent of any royalty, rental, or advance royalty payment made to the United States to maintain any mineral, oil or gas, or geothermal lease in the contiguous 48 States issued under the laws specified in clause (i); or

"(iv) not more than 10 percent of any royalty, rental, or advance royalty payment made to the United States to maintain any mineral, oil or gas, or geothermal lease in Alaska issued under the laws specified in clause (i).

"(B) VALUE OF CREDITS.—The total credits of $4,200,000 in value issued under subparagraph (A) are deemed to equal the fair market value of all mineral and geothermal interests to be conveyed by exchange under paragraph (2).

"(4) ACCEPTANCE OF CREDITS.—The Secretary of the Interior shall accept credits issued under paragraph (3)(A) in the same manner as cash for the payments described in such paragraph. The use of the credits shall be subject to the laws (including regulations) governing such payments, to the extent the laws are consistent with this subsection.

"(5) TREATMENT OF CREDITS FOR DISTRIBUTION TO STATES.—All amounts in the form of credits accepted by the Secretary of the Interior under paragraph (4) for the payments described in paragraph (3)(A) shall be considered to be money received for the purpose of section 35 of the Mineral Leasing Act (30 U.S.C. 191) and section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019).

"(6) EXCHANGE ACCOUNT.—

"(A) ESTABLISHMENT.—Notwithstanding any other provision of law, not later than 30 days after the completion of the exchange with a company required by paragraph (2), the Secretary of the Interior shall establish an exchange account for that company for the monetary credits issued to that company under paragraph (3). The account for a company shall be established with the Minerals Management Service of the Department of the Interior and have an initial balance of credits equal to $2,100,000.

"(B) USE OF CREDITS.—The credits in a company's account shall be available to the company for the purposes specified in paragraph (3)(A). The Secretary of the Interior shall adjust the balance of credits in the account to reflect credits accepted by the Secretary of the Interior pursuant to paragraph (4).

"(C) TRANSFER OR SALE OF CREDITS.—

"(i) TRANSFER OR SALE AUTHORIZED.—A company may transfer or sell any credits in the company's account to another person.

"(ii) USE OF TRANSFERRED CREDITS.—Credits transferred or sold under clause (i) may be used in accordance with this subsection only by a person that is qualified to bid on, or that holds, a mineral, oil, or gas lease under the Mineral Leasing Act (30 U.S.C. 181 et seq.), the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), or the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

"(iii) NOTIFICATION.—Within 30 days after the transfer or sale of any credits by a company, that company shall notify the Secretary of the Interior of the transfer or sale. The transfer or sale of any credit shall not be considered valid until the Secretary of the Interior has received the notification required under this clause.

"(D) TIME LIMIT ON USE OF CREDITS.—On the date that is 5 years after the date on which an account is created under subparagraph (A) for a company, the Secretary of the Interior shall terminate that company's account. Any credits that originated in the terminated account and have not been used as of the termination date, including any credits transferred or sold under subparagraph (C), shall become unusable.

"(7) TITLE TO INTERESTS.—On the date of the establishment of an exchange account for a company under paragraph (6)(A), title to any mineral and geothermal interests that are held by the company and are to be acquired by the Secretary of the Interior under paragraph (2) shall transfer to the United States.

"(h) OTHER MINERAL AND GEOTHERMAL INTERESTS.—Within 180 days after the date of

the enactment of this subsection, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report—

"(1) identifying all remaining privately held mineral interests within the boundaries of the Monument referred to in section 1(a); and

"(2) setting forth a plan and a timetable by which the Secretary would propose to complete the acquisition of such interests.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho (Mrs. CHENOWETH) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho (Mrs. CHENOWETH).

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

Mr. Speaker, H.R. 1659, introduced by the gentlewoman from Washington (Mrs. SMITH) directs the Secretary of the Interior to fulfill a 1982 statutory requirement that the Federal Government acquire private lands and minerals within the Mount St. Helens National Volcanic Monument.

Eighteen years ago, this tragedy happened. Mr. Speaker, 16 years after creation of the monument and 15 years after the statutory deadline for the exchange, it will finally bring this issue to a close, finally.

This legislation has the bipartisan support of members of the Washington Delegation and the administration. It equitably and finally completes the exchange previously mandated by Congress when the monument was created.

I congratulate my colleague, the gentlewoman from Washington (Mrs. SMITH), and all parties involved for their excellent work, and I urge all of my colleagues to support this very common-sense legislation.

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

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Mount Saint Helen's National Volcanic Monument Completion Act requires the Secretary of the Interior to acquire, by exchange, the mineral and geothermal interests of the Burlington Northern, Incorporated and the Weyerhaeuser Companies in the Mount Saint Helen's National Volcanic Monument in the State of Washington.

We appreciate the interest of the Washington delegation to see this exchange executed as soon as possible, as the matter has been unsettled for too long. Therefore, we were pleased to learn that an appraisal agreement had been reached between the federal government and the private landowners involved.

The negotiations have concluded with the Forest Service and Weyerhaeuser agreeing upon a value of $4.2 million.

The Administration has indicated that they have no objection to the substitute bill which incorporates this agreement and is being offered today.

Clearly, Burlington and Weyerhaeuser should be compensated for their mineral rights within Mount Saint Helen's National Volcanic Monument. Now that the Administration is no longer opposed to the bill because an agreed-upon value for the property has been accomplished and will be included in the bill, we see no reason to oppose the bill.

We are in strong support of this legislation. The previous problems that they had with respect to value for the property have been worked out. We urge the passage of this legislation.

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

Mrs. CHENOWETH. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Washington (Mrs. LINDA SMITH).

Mrs. LINDA SMITH of Washington. Mr. Speaker, I want to thank the gentlewoman from Idaho (Mrs. CHENOWETH) for yielding. She has been a great chairman. And I want to thank her staff. This has not been one of the easier bills, and I know that they did a lot of work in trying to negotiate the final principles and values in this bill.

I want to talk about what happened in 1980 for a moment so we understand what brings us to this day. Mount St. Helens erupted in what was one of nature's most beautiful events and also most devastating. It caused a 250-mile-per-hour avalanche and high winds that destroyed over 150 square miles of forests, and it sent a plume of ash over to the eastern side of the State that was like nothing we have ever seen. In fact, it took quite a while to clean it up.

But, after that, it took until 1982 to establish a monument. And in that process, we decided to protect 110,000 acres around the volcano for future recreation and education and research. This monument actually preserves this area, but it also has become a living classroom.

Underneath this new beautiful park and living classroom, though, has been captured the mineral rights that were supposed to be exchanged in the original agreement in 1982 so that those that owned the mineral rights got mineral rights somewhere else or some compensation.

Today, after all of this time, and this started in 1980, we are finally keeping our commitment to those that own the mineral rights to make reasonable exchanges for what is their property. So I again want to thank the chairman, I want to thank the staff and all of the members of our delegation who unanimously support this legislation in bringing us to this day; a long time, but finally fairness has prevailed and we, the government, are keeping our commitment to those various landowners.

Mr. HASTINGS of Washington. Mr. Speaker, I would like to begin by applauding my colleague from Washington State, Mrs. SMITH, for bringing this matter to the attention of the House. I also commend the hard work of Mr. YOUNG, the Chairman of the Resources Committee and Mrs. CHENOWETH, the Chairman of the Subcommittee, for their excellent work in moving this legislation forward.

I encourage my colleagues to support H.R. 1659, the Mt. St. Helens National Volcanic Monument Completion Act. This legislation completes the work begun with the creation of the monument in 1982 by bringing the remaining privately owned mineral rights within the monument into federal ownership.

Mr. Speaker, as a lifetime resident of Washington State, I remember the awesome spectacle of Mt. St. Helens' eruption and the tragic loss of lives and property it caused. The federal government created the St. Helens National Monument to preserve the unique volcanic landscape that resulted. However, it was never the intent of Congress that the creation of this monument should result in an uncompensated loss of private property. In fact, the enacting legislation required all land and mineral rights to be acquired by exchange within one year. Fifteen years later, this statutory requirement has not been met.

Mr. Speaker, the completion of the original terms of the Mt. St. Helens National Volcanic Monument is long overdue. H.R. 1659 will fulfill the commitment made by the United States in a manner which is fair to both the private landowners and the American taxpayers. This is a good bill that I urge my colleagues to support.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho (Mrs. CHENOWETH) that the House suspend the rules and pass the bill, H.R. 1659, 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

Mrs. CHENOWETH. 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. 1659, the bill just passed.

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

There was no objection.

EXPRESSING SUPPORT FOR BICENTENNIAL OF LEWIS AND CLARK EXPEDITION

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 144) to express support for the bicentennial of the Lewis and Clark Expedition, as amended.

The Clerk read as follows:

H. RES. 144

Whereas the Expedition commanded by Meriwether Lewis and William Clark, which

came to be called "The Corps of Discovery", was one of the most remarkable and productive scientific and military exploring expeditions in all American history;

Whereas President Thomas Jefferson gave Lewis and Clark the mission to "explore the Missouri River & such principal stream of it, as, by its course and communication with the waters of the Pacific ocean, whether the Columbia, Oregon, Colorado or any other river may offer the most direct & practicable water communication across this continent for the purposes of commerce";

Whereas the Expedition, in response to President Jefferson's directive, greatly advanced our geographical knowledge of the continent and prepared the way for the extension of the American fur trade with American Indian tribes throughout the area;

Whereas President Jefferson directed the explorers to take note of and carefully record the natural resources of the newly acquired territory known as Louisiana, as well as diligently report on the native inhabitants of the land;

Whereas Lewis and Clark and their companions began their historic journey to explore the uncharted wilderness west of the Mississippi River at Wood River, Illinois, on May 14, 1804, and followed the Missouri River westward from its mouth on the Mississippi to its headwaters in the Rocky Mountains;

Whereas the Expedition held its first meeting with American Indians at Council Bluff near present-day Fort Calhoun, Nebraska, in August 1804, spent its first winter at Fort Mandan, North Dakota, crossed the Rocky Mountains by horseback in August 1805, reached the Pacific Ocean at the mouth of the Columbia River in mid-November of that year, and wintered at Fort Clatsop, near the present city of Astoria, Oregon;

Whereas the Expedition returned to St. Louis, Missouri, on September 23, 1806, after a 28-month journey covering 8,000 miles during which it traversed 11 future States: Illinois, Missouri, Kansas, Nebraska, Iowa, North Dakota, South Dakota, Montana, Idaho, Washington, and Oregon;

Whereas the explorers faithfully followed the President's directives and dutifully recorded their observations in their detailed journals;

Whereas these journals describe many plant and animal species, some completely unknown to the world of science or never before encountered in North America, and added greatly to scientific knowledge about the flora and fauna of the United States;

Whereas accounts from the journals of Lewis and Clark and the detailed maps that were prepared by the Expedition enhanced knowledge of the western continent and routes for commerce;

Whereas the journals of Lewis and Clark documented diverse American Indian languages, customs, religious beliefs, and ceremonies; as Lewis and Clark are important figures in American history, so too are Black Buffalo, Cameahwait, Sacajawea, Sheheke and Watkueis;

Whereas the Expedition significantly enhanced amicable relations between the United States and the autonomous American Indian nations, and the friendship and respect fostered between the American Indian tribes and the Expedition represents the best of diplomacy and relationships between divergent nations and cultures;

Whereas the American Indian tribes of the Northern Plains and the Pacific Northwest played an essential role in the survival and the success of the Expedition;

Whereas the Lewis and Clark Expedition has been called the most perfect expedition of its kind in the history of the world and paved the way for the United States to become a great world power;

Whereas the President and the Congress have previously recognized the importance of the Expedition by establishing a 5-year commission in 1964 to study its history and the route it followed, and again in 1978 by designating the route as the Lewis and Clark National Historic Trail administered by the Secretary of the Interior through the National Park Service; and

Whereas the National Park Service, along with other Federal, State, and local agencies and many other interested groups, are preparing commemorative activities to celebrate the bicentennial of the Expedition beginning in 2003: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its support for the work of the National Lewis and Clark Bicentennial Council and all the Federal, State, and local entities and other interested groups that are preparing bicentennial activities to celebrate the 200th anniversary of the Lewis and Clark Expedition;

(2) expresses its support for the events to be held in observance of the Expedition at Council Bluff near present-day Fort Calhoun, Nebraska, at St. Louis, Missouri, *at Portland and Fort Clatsop, Oregon*, and at Bismarck, North Dakota, and many other cities during the bicentennial observance; and

(3) calls upon the President, the Secretary of the Interior, the Director of the National Park Service, American Indian tribes, other public officials, and the citizens of the United States to support, promote, and participate in the many bicentennial activities being planned to commemorate the Lewis and Clark Expedition.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho (Mrs. CHENOWETH) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho (Mrs. CHENOWETH).

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

Mr. Speaker, I am very happy to rise in support of House Resolution 144 submitted by my colleague, the gentleman from Nebraska (Mr. BEREUTER). This resolution would express congressional support for the bicentennial of the Louis and Clark Expedition, which is without a doubt one of the most remarkable and productive expeditions in American history.

In fact, not only did this extraordinary expedition find plants and animals which were virtually unknown but also discovered new peoples and resources, all of which prepared the way for the pioneers to move westward and open up the large expanse of territory known as the American West.

The spirit that was embodied in the people who were part of this westward movement lives on with us, and all of us in the West and in America, to this very day. This resolution, therefore, offers a fitting and appropriate tribute to the great achievements of the Louis and Clark Expedition.

Among other things, the resolution declares that the House of Representatives will support the work of all the Federal, State and local entities who are celebrating the Louis and Clark Bicentennial, supports the events held in observance of that anniversary of the expedition and calls upon the President and the Secretary of Interior, the National Park Service and all Americans to support and participate in honoring the great accomplishments known as the Louis and Clark Expedition.

I urge my colleagues to strongly support H. Res. 144.

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

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to state at the outset, I agree with everything the gentlewoman from Idaho (Mrs. CHENOWETH) has said. This is an historic moment, not as historic as Louis and Clark but an historic moment.

Mr. Speaker, I rise in strong support of H. Res. 144, which is essentially a noncontroversial measure to express the support of this House of Representatives commemoration of the Louis and Clark Expedition. The expedition, under the leadership of Meriwether Lewis and William Clark was one of the great exploratory and scientific achievements of the 19th century. The upcoming bicentennial of this expedition and the recent Ken Burns film have renewed interest among the American public in the accomplishments of this expedition, and it is wholly appropriate that we commemorate the Louis and Clark Expedition, which nearly 200 years later still remains a notable event in the achievement of our country.

For those who have, because of the renewed interest, those who have gone out to the West and tried to follow their journey, although the landscape of the West to some extent has changed, they are able to retrace great portions of the journey, and they start to appreciate what kind of monumental accomplishment this expedition was when one considers what knowledge they had in hand when they started at the outset of their journey, how little they actually knew and then what they accomplished and how they persevered and the hardships that they endured and, of course, what this expedition meant for the expansion of the United States and the opening of the West.

It certainly is deserving of this kind of commendation from the House of Representatives but also renewed recognition by modern-day America of what these explorers were able to accomplish and what they encountered along the way and the extent of the journey that they accomplished.

Mr. Speaker, therefore, I rise in strong support of this legislation and urge its passage and hope that the Congress will vote overwhelmingly for this matter.

Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from California (Mr. MILLER) for the opportunity to speak on behalf of this legislation, and I do commend the gentlewoman from Idaho (Mrs. CHENOWETH) for bringing this legislation to the floor.

Mr. Speaker, I rise in support of House Resolution 144, which expresses the support of the House of Representatives for the National Louis and Clark Bicentennial Council and the commemorative activities that it is planning for the bicentennial of this famous expedition.

The resolution also asks others to support and participate in the bicentennial celebration activities.

Mr. Speaker, this legislation was referred to the Subcommittee on National Parks and Public Lands, but neither the subcommittee nor the Committee on Resources formally considered the legislation. The bill is, however, straightforward, and I am aware of no opposition. It commemorates and supports the efforts of two Americans who helped convince the rest of the country of the benefit of, and I do not know about this word, acquiring new lands to the West, of the then existing borders, and we have all benefited from these efforts. I support the legislation, and I ask my colleagues to do the same.

□ 1500

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for his comments and say how fortunate we are that so much of this historic journey is preserved in public lands where people can go and view and try to relive this experience.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank my friend for yielding time. This resolution is very important to those of us in the Pacific Northwest. I must say as the only Member of Congress to be an alumnus of the Lewis and Clark College, as somebody who was born and raised in the Northwest and steeped in the culture of that expedition, I am very pleased and proud that this is coming forward at this time.

One hundred years ago in our community, the centennial of the Lewis and Clark Expedition was celebrated with a world's fair that had a tremendous impact on our community, on the Pacific Northwest and the West Coast. I am optimistic that we can have the same sort of national celebration along the 8,000-mile expedition route. I am pleased to commend the leadership of the gentleman from Nebraska (Mr. BEREUTER) for the hard work that he has invested on the front end of the journey, and we are hopeful that we will be able to have as much energy and activity in the Northwest to complement that effort.

The acquisition of the Louisiana Purchase was more than something that simply doubled the size of the United States. It was a purchase that helped us change our perceptions of our country and how we related to the rest of the world. It was a first step towards the United States becoming a truly global power with its bicoastal borders and the critical mass it had acquired. It also triggered some activities that are not part of perhaps some of our proudest moments in terms of our attitudes towards Native American citizens that frankly haunt us to this day. Tied up in that struggle as well was the question of slavery and how we added different chapters with each State being added to the union. And it was an activity that expanded our concept of the science of the time, the exploration adding to the geology, the botany, the geographical knowledge of the United States.

It is with the spirit of discovery, in fact, the expedition itself was labeled the Corps of Discovery, that I am hopeful over the next five years that this planning process will be something that enables people from around the country to admire, to be involved with themselves. I look forward to the work that all of us in Congress can do, taking advantage of the cultural and geologic resources along this route to make it worthy of the historic journey that took place almost two centuries ago.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. I thank my friend from California for yielding time.

Mr. Speaker, I just want to very briefly associate myself with this commemorative toward our great leaders Lewis and Clark. I do not know that there could be any kind of qualification for getting up to speak on a matter before Congress. Nothing seems to make us better informed than reading a book. However, if you have read the book, it does not mean that you are knowledgeable enough to get up and speak on a particular issue. I, however, take great pride in having read Stephen Ambrose's "Undaunted Courage" about Lewis and Clark's great adventure across the United States in the 1803–1804 period, of intrepid and courageous exploration, of discovery as scientists, of documenting new kinds of plant life and animal life. It is a fascinating journey that Thomas Jefferson helped argue for funding from Congress and who believed in this exploration and this courageous, intrepid, adventuresome spirit that Americans have always had. They had it then in the 1800s, they had it when we started this country, they have it today in 1998 in so many different ways. I have taken great pride and excitement in reading this book by Stephen Ambrose, "Undaunted Courage," and just want to salute my colleagues for their hard work on this bill before us today.

I have also had the pleasure of being on the Lewis and Clark trail in Montana, in following some of their path along the Madison River, in going up to some of the passes that they went through, and in really admiring what they were not only able to endure but what they were able to discover and document and take down as history for us. I think it is proof, Mr. Speaker, that providence and God have been with America for a long time. Not only were Lewis and Clark lucky and blessed in their efforts, they were skilled and talented in these efforts, to plod their way and explore their way and invent their way across America. I am very excited about this bill and this Lewis and Clark trail.

Mrs. CHENOWETH. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska (Mr. BEREUTER), the author of this resolution.

Mr. BEREUTER. Mr. Speaker, I thank my colleague for yielding me this time. I rise in strong support of H. Res. 144. This resolution which I introduced with the support of many of my friends and colleagues on both sides of the aisle expresses support for the bicentennial of the Lewis and Clark Expedition. It helps put a spotlight on the important activities which are planned to observe the 200th anniversary of Lewis and Clark's remarkable journey. I thank the Committee on Resources for permitting this resolution to come to the House floor. I particularly want to thank the distinguished majority leader the gentleman from Texas for his special assistance to this Member in bringing it to the House floor.

The resolution specifically expresses support for events which will be held in observance of the expedition at St. Louis, Missouri; at Portland and Fort Clatsop, Oregon; at Bismarck, North Dakota, where the Mandans helped the expedition survive a very difficult first winter on the journey; and at Council Bluff near present day Fort Calhoun, Nebraska, and at other potential locations. Council Bluff in Nebraska was the site, for example, of the first meeting between the Lewis and Clark Expedition and the leaders of American Indian tribes during the journey. This meeting was clearly one of the most noteworthy occasions of the expedition. The events during that council and the description of it undoubtedly influenced the U.S. military to later establish something called Cantonment, Missouri, near the site and later Fort Atkinson, the first U.S. military fort west of the Missouri River.

The resolution also expresses support for the work of the Lewis and Clark Bicentennial Council and governmental

entities. In addition, it encourages participation in the bicentennial activities.

The story of this incredible expedition has appeal for Americans of all ages and backgrounds and presents an opportunity for a unifying experience for our country. In the coming months and years, the public will undoubtedly increase its demands for more information about Lewis and Clark and their bold and courageous adventures. Although the bicentennial activities will not officially start until 2003, it is important to lay the groundwork now. This resolution complements another Lewis and Clark measure passed by the House on September 9 when we approved H.R. 1560, a bill introduced by this Member with over 290 cosponsors which authorizes the minting of one-dollar and half-dollar coins to commemorate the bicentennial. These measures will play an important part not only recognizing the significance of the journey and its role it played in the Nation's development but also providing some financing to the bicentennial commission and the Interior Department.

When Thomas Jefferson took office in 1801, the United States had only 5.5 million people, all concentrated in the eastern third of the continent, primarily along the coast. As a result of the Louisiana Purchase in 1803, the size of the country nearly doubled and the stage was set for a period of unparalleled development and progress. But first the new acquisition had to be explored. President Jefferson chose Meriwether Lewis and William Clark to, quote, explore the Missouri River and such principal streams of it, as, by its course and communications with the waters of the Pacific Ocean, whether the Columbia, Oregon, Colorado, or any other river may offer the most direct and practicable water communication across this continent for the purposes of commerce.

Lewis and Clark departed St. Louis on May 14, 1804, and returned to St. Louis 28 months later, on September 23, 1806. They crossed 8,000 miles, many States. Along the way they encountered formidable challenges that could easily have thwarted their mission. However, they continued to keep their focus firmly on the ultimate goal.

This Member believes that passage of H.Res. 144 will draw increased attention to the planning and celebration of the upcoming important bicentennial activities in these States. As someone with a long-standing interest in the expedition and a member of the newly formed Lewis and Clark Caucus, this Member is pleased to have this resolution considered on the floor, thanking his colleagues on both sides of the aisle, particularly the gentleman from Oregon who helped me in securing the movement of this legislation, and to the Committee on Resources.

Mr. MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oregon (Ms. FURSE).

Ms. FURSE. Mr. Speaker, I rise today in support of House Resolution 144. It expresses the support of Congress for the celebrations that will take place all across America during the Lewis and Clark Expedition bicentennial. Celebratory preparations are under way throughout my district in anticipation of the bicentennial, particularly in Astoria and all of Clatsop County. As many people know, the Lewis and Clark Expedition spent the winter of 1805 at Fort Clatsop, Oregon, which is in my district. In 1958, Congress established the Fort Clatsop National Memorial to preserve and protect this unique place in America's history. The present memorial marks the spot where Meriwether Lewis, William Clark and the entire Corps of Discovery spent 106 days during the winter of 1805, difficult days. It is interesting to note that the decision to winter at Fort Clatsop was decided by a majority vote of the Corps of Discovery. That vote included the voices of an African-American and a Native American. Long before America would grapple with the right to vote for minorities, Lewis and Clark were exercising that purist form of democracy, proving once again that we get better decisions when all are at the table.

It has been estimated that more than half a million people will visit Clatsop County and the Fort Clatsop National Memorial during the two bicentennial summers of 2004 and 2005. I was proud to help secure funding in TEA-21 to help our region plan for the upcoming celebration. In addition, I am working with our county commissioners, with the gentleman from Alaska (Mr. YOUNG) and with the gentleman from California (Mr. MILLER) on my legislation, H.R. 3378, which will allow the last piece of the Lewis and Clark trail known today as Sunset Beach to become part of the memorial itself. It is my hope we will be able to pass this bill before Congress adjourns for the year. The Lewis and Clark bicentennial will be a tremendous opportunity to reflect upon this unique and extraordinary achievement in American history.

I commend the gentleman from Nebraska (Mr. BEREUTER) for taking the time to highlight the upcoming bicentennial celebration with this important resolution, and I urge its passage.

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

Mrs. CHENOWETH. Mr. Speaker, I yield myself such time as I may consume. I just want to say that this has been a distinct privilege for me to be able to help manage this bill through the floor. This Member lived on the Clearwater River close to Ahsahka, Idaho, where Lewis and Clark traveled on that waterway right after one of the most difficult periods of time in their trip, when they nearly lost their life going over the Lolo Pass because of a lack of food supply and having to suffer through the elements. Yet, undaunted courage certainly was pulled out of those people in very difficult circumstances.

□ 1515

In the 14 years that I spent living on that Clearwater River, living next to Ahsahka, where Lewis and Clark finally made their way to this spit of land that came out where the Clearwater joined the North Fork River of the Clearwater River, Lewis and Clark spent the winter there and carved out new canoes and reconstituted their food supply. So it has been a place of honor in my way of thinking; and, certainly, as a western woman, this has indeed been a privilege to be able to carry the bill of the gentleman from Nebraska (Mr. BEREUTER) through. I must say that the bill is constructed, the resolution is constructed and written, in a very clear and concise way and that I know and I pray that in the future it will be interpreted just as the clear meaning of the wording of the resolution simply states.

Mr. POMEROY. Mr. Speaker, I rise in strong support of House Resolution 144 expressing the support of Congress in the celebration of the bicentennial of the historic Lewis and Clark Expedition. Nearly two hundred years ago, Congress played a role in this historic journey by financing a small part of the expedition which was charged with finding an all water route to the Pacific. Today, Congress can again play a role in one of the most remarkable and productive scientific and military exploring expeditions in all of American history by signaling its support for the bicentennial celebration activities and events.

The Corps of Discovery contributed greatly to our knowledge of the West, not only with respect to geography but also of the natural resources, flora, fauna and animals present. Recognizing the pivotal role the journey played in our Nation's history and the inevitable movement westward, the National Lewis and Clark Bicentennial Council is playing a leading role in coordinating and planning a variety of activities and events to commemorate the bicentennial. In addition, many committees and advisory boards have been formed across the country and are diligently working to ensure that the Lewis and Clark expedition is highlighted not only in the States in which the Corps of Discovery transversed, but throughout the Nation.

Nearly two hundred years after the Corps of Discovery, Americans of all ages have begun a national pilgrimage to follow the steps of Meriwether Lewis and William Clark. The success of the bicentennial commemorative activities planned all along the route will require the cooperation of all Federal agencies, American Indian Tribes, public officials and citizens alike. I believe it is important for all Americans to join in the celebration of this important

American journey. We, as Members of Congress, must do all we can to support, promote and participate in the commemorative activities of the expedition, and I urge my colleagues to support the resolution.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentlewoman from Idaho (Mrs. CHENOWETH) that the House suspend the rules and agree to the resolution, H.Res. 144, as amended.

The question was taken.

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

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mrs. CHENOWETH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.Res. 144, as amended.

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

There was no objection.

ANCSA LAND BANK PROTECTION ACT OF 1998

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2000) to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2000

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

SECTION 1. AUTOMATIC LAND BANK PROTECTION.

(a) LANDS RECEIVED IN EXCHANGE FROM CERTAIN FEDERAL AGENCIES.—The matter preceding clause (i) of section 907(d)(1)(A) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1636(d)(1)(A)) is amended by inserting "or conveyed to a Native Corporation pursuant to an exchange authorized by section 22(f) of Alaska Native Claims Settlement Act or section 1302(h) of this Act or other applicable law" after "Settlement Trust".

(b) LANDS EXCHANGED AMONG NATIVE CORPORATIONS.—Section 907(d)(2)(B) of such Act (43 U.S.C. 1636(d)(2)(B)) is amended—

(1) by striking "and" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; and"; and

(3) by adding at the end the following:

"(iv) lands or interest in lands shall not be considered developed or leased or sold to a third party as a result of an exchange or conveyance of such land or interest in land between or among Native Corporations and trusts, partnerships, corporations, or joint ventures, whose beneficiaries, partners, shareholders, or joint venturers are Native Corporations.".

(c) ACTIONS BY TRUSTEE SERVING PURSUANT TO AGREEMENT OF NATIVE CORPORATIONS.—Section 907(d)(3)(B) of such Act (43 U.S.C. 1636(d)(3)(B)) is amended—

(1) by striking "or" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting "; or"; and

(3) by adding at the end the following:

"(iii) to actions by any trustee whose right, title, or interest in land or interests in land arises pursuant to an agreement between or among Native Corporations and trusts, partnerships, or joint ventures whose beneficiaries, partners, shareholders, or joint venturers are Native Corporations.".

SEC. 2. DEVELOPMENT BY THIRD-PARTY TRESPASSERS.

Section 907(d)(2)(A)(i) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1636(d)(2)(A)(i)) is amended—

(1) by inserting "Any such modification shall be performed by the Native individual or Native Corporation." after "substantial modification.";

(2) by inserting a period after "developed state" the second place it appears; and

(3) by adding "Any lands previously developed by third-party trespassers shall not be considered to have been developed.".

SEC. 3. RETAINED MINERAL ESTATE.

(a) IN GENERAL.—Section 12(c)(4) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(c)(4)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (E) and (F), respectively, and by inserting after subparagraph (B) the following new subparagraphs:

"(C) Where such public lands are surrounded by or contiguous to subsurface lands obtained by a Regional Corporation under subsections (a) or (b), the Corporation may, upon request, have such public land conveyed to it.

"(D)(i) A Regional Corporation which elects to obtain public lands under subparagraph (C) shall be limited to a total of not more than 12,000 acres. Selection by a Regional Corporation of in lieu surface acres under subparagraph (E) pursuant to an election under subparagraph (C) shall not be made from any lands within a conservation system unit (as that term is defined by section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4)).

"(ii) An election to obtain the public lands described in subparagraph (A), (B), or (C) shall include all available parcels within the township in which the public lands are located.

"(iii) For purposes of this subparagraph and subparagraph (C), the term 'Regional Corporation' shall refer only to Doyon, Limited."; and

(2) in subparagraph (E) (as so redesignated), by striking "(A) or (B)" and inserting "(A), (B), or (C)".

(b) FAILURE TO APPEAL NOT PROHIBITIVE.—Section 12(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(c)) is amended by adding at the end the following:

"(5) Subparagraphs (A), (B), and (C) of paragraph (4) shall apply, notwithstanding the failure of the Regional Corporation to have appealed the rejection of a selection during the conveyance of the relevant surface estate.".

SEC. 4. AMENDMENT TO PUBLIC LAW 102–415.

Section 20 of the Alaska Land Status Technical Corrections Act of 1992 (106 Stat. 2129), is amended by adding at the end the following new subsection:

"(h) Establishment of the account under subsection (b) and conveyance of land under subsection (c), if any, shall be treated as though 3,520 acres of land had been conveyed to Gold Creek under section 14(h)(2) of the Alaska Native Claims Settlement Act for which rights to subsurface estate are hereby provided to CIRI. Within 1 year from the date of the enactment of this subsection, CIRI shall select 3,520 acres of subsurface estate in land from the area designated for selection by paragraph I.B.(2)(b) of the document identified in section 12(b) (referring to the Talkeetna Mountains) of the Act of January 2, 1976 (43 U.S.C. 1611 note). Not more than five selections shall be made under this subsection, each of which shall be reasonably compact and in whole sections, except when separated by unavailable land or when the remaining entitlement is less than a whole section.".

SEC. 5. CLARIFICATION ON TREATMENT OF BONDS FROM A NATIVE CORPORATION.

Section 29(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c)) is amended—

(1) in paragraph (3)(A), by inserting "and on bonds received from a Native Corporation" after "from a Native Corporation"; and

(2) in paragraph (3)(B), by inserting "or bonds issued by a Native Corporation which bonds shall be subject to the protection of section 7(h) until voluntarily and expressly sold or pledged by the shareholder subsequent to the date of distribution" before the semicolon.

SEC. 6. CALISTA NATIVE CORPORATION LAND EXCHANGE.

(a) CONGRESSIONAL FINDINGS.—Congress finds and declares that—

(1) the land exchange authorized by section 8126 of Public Law 102–172 should be implemented without further delay;

(2) the Calista Corporation, the Native Regional Corporation organized under the authority of the Alaska Native Claims Settlement Act for the Yupik Eskimos of Southwestern Alaska, which includes the majority of the Yukon Delta National Wildlife Refuge—

(A) has responsibilities provided for by the Alaska Native Claims Settlement Act to help address social, cultural, economic, health, subsistence, and related issues within the region and among its villages, including the viability of the villages themselves, many of which are remote and isolated; and

(B) has been unable to fully carry out such responsibilities;

(3) the implementation of the exchange referenced in this subsection is essential to helping Calista utilize its assets to carry out those responsibilities and to realize the benefits of the Alaska Native Claims Settlement Act;

(4) the parties to the exchange have been unable to reach agreement on the valuation of the lands and interests in lands to be conveyed to the United States under section 8126 of Public Law 102–172; and

(5) in light of the foregoing, it is appropriate and necessary in this unique situation that Congress authorize and direct the implementation of this exchange as set forth in this section in furtherance of the purposes and underlying goals of the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act.

(b) LAND EXCHANGE IMPLEMENTATION.—Section 8126 of Public Law 102–172 (105 Stat. 1206) is amended to read as follows:

"SEC. 8126. (a)(1) In exchange for lands, partial estates, and land selection rights identified in the document entitled 'The Calista Conveyance and Relinquishment Document', dated October 28, 1991, as amended September 22, 1998 (hereinafter referred to as 'CCRD'), the United States will establish a property account for the Calista Corporation, a corporation organized under the laws of the State of Alaska, in the amount identified in the CCRD, and in accordance with the provisions of this Act.

"(2) The CCRD contains the land descriptions of the lands and interests in lands to be conveyed, the selections to be relinquished, the charges to entitlement, the quantity and class of entitlement to be transferred to the United States, the terms of the Kuskokwim Corporation Conservation Easement, and the amount that is authorized for the property account.

"(3) The covenants, terms, and conditions to be used in any transfers to the United States described in the CCRD shall be binding on the United States and the participating Native corporations and shall be a matter of Federal law.

"(b)(1) The aggregate values of such lands and interests in lands, together with compensation for the considerations set forth in congressional findings concerning the Calista Region and its villages, shall be the sum provided in section IX of the CCRD. The amounts credited to the property account described in this subsection shall not be subject to adjustment for minor changes in acreage resulting from preparation or correction of the land descriptions in the CCRD or the exclusion of any small tracts of land as a result of hazardous material surveys. The Secretary of the Interior shall maintain an accounting of the lands and interests in lands remaining to be conveyed or relinquished by Calista Corporation and the participating village corporations pursuant to this section. The Secretary of the Treasury on October 1, 1998, shall establish a property account on behalf of Calista Corporation.

"(2) The account shall be credited and available for use as provided in paragraph (4), according to the following schedule of percentages of the amount in section IX of the CCRD:

"(A) On October 1, 1999, and on October 1 of each year thereafter through October 1, 2005, the amount equal to 12.69 percent.

"(B) On October 1, 2007, the amount equal to 11.17 percent.

"(3)(A) Unless otherwise authorized by law, the aggregate amount of all credits to the account, pursuant to the schedule set forth in paragraph (2), shall be equal to the amount in section IX of the CCRD.

"(B) All amounts credited to the account shall be from amounts in the Treasury not otherwise appropriated and shall be available for expenditure without further appropriation and without fiscal year limitation.

"(4) The property account may not be used until all conveyances, relinquishments of selections, and adjustments to entitlements described in the CCRD have been made to and accepted by the United States. The Secretary of the Interior shall notify the Secretary of the Treasury when all requirements of the preceding sentence have been met. Immediately thereafter the Secretary of the Treasury shall comply with his duties under this paragraph including the computations of the amount in the account, the amount that may be expended in any particular Federal fiscal year, and the balance of the account after any transaction. The property account may be used in the same manner as any other property account held by any other Alaska Native Corporation.

"(5) Notwithstanding any other provision of law, Calista Corporation on its own behalf or on behalf of the village corporations identified in the CCRD, may assign any or all of the account upon written notification to the Secretary of the Treasury and the Secretary of the Interior.

"(6) The Secretary of the Treasury shall notify the Secretary of the Interior and Calista whenever there is a reduction in the property account, the purpose for such reduction and the remaining balance in the account. The Alaska State Office of the Bureau of Land Management shall be the official repository of such notices.

"(7) For the purpose of the determination of the applicability of section 7(i) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)) to revenues generated pursuant to that section, such revenues shall be calculated in accordance with section IX of the CCRD.

"(8) The United States shall not be liable for the redistribution of benefits by the Calista Corporation to the participating Alaska Native village corporations pursuant to this section.

"(9) These transactions are not based on appraised property values and therefore shall not be used as a precedent for establishing property values.

"(10) Prior to the issuance of any conveyance documents or relinquishments and acceptance, the Secretary of the Interior and the participating Native corporations may, by mutual agreement, modify the legal descriptions included in the CCRD to correct clerical errors.

"(11) Property located in the State of Alaska that is purchased by use of the property account shall be considered and treated as conveyances of land selections under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

"(12) The conveyance of lands, partial estates and land selection rights and relinquishment or adjustments to entitlement made by the Alaska Native Corporations pursuant to this section and the use of the property account in the Treasury shall be treated as the receipt of land or any interest therein or cash in order to equalize the values of properties exchanged pursuant to section 22(f) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(f)) as provided in the first sentence in section 21(c) of that Act (43 U.S.C. 1620(c)).

"(13) With respect to the content of the CCRD, the Secretary of the Interior, the Calista Regional Corporation, and the participating village corporations agree upon the lands, interests in lands, relinquishments and adjustments to entitlement described therein that may be offered to the United States pursuant to this section. These parties also agree with the amounts to be made available in the property account once all conveyances and relinquishments are completed, and the parties agree with the needs set forth in the congressional findings in section 6(a) of the ANCSA Land Bank Protection Act of 1998. The parties do not necessarily agree on the hortatory statements, descriptions, and attributions of resource values which are included in the CCRD as drafted by Calista. But such disagreements will not affect the implementation of this section.

"(14) Descriptions of resource values provided for surface lands which are not offered in the exchange and will remain privately owned by village corporations form no part of the consideration for the exchange.".

SEC. 7. MINING CLAIMS.

Paragraph (3) of section 22(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(c)) is amended—

(1) by striking out "regional corporation" each place it appears and inserting in lieu thereof "Regional Corporation"; and

(2) by adding at the end the following: "The provisions of this section shall apply to Haida Corporation and the Haida Traditional Use Sites, which shall be treated as a Regional Corporation for the purposes of this paragraph, except that any revenues remitted to Haida Corporation under this section shall not be subject to distribution pursuant to section 7(i) of this Act.".

SEC. 8. SALE, DISPOSITION, OR OTHER USE OF COMMON VARIETIES OF SAND, GRAVEL, STONE, PUMICE, PEAT, CLAY, OR CINDER RESOURCES.

Subsection (i) of section 7 of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)) is amended—

(1) by striking "Seventy per centum" and inserting "(A) Except as provided by subparagraph (B), seventy percent"; and

(2) by adding at the end the following:

"(B) In the case of the sale, disposition, or other use of common varieties of sand, gravel, stone, pumice, peat, clay, or cinder resources made during a fiscal year ending after the date of enactment of this subparagraph, the revenues received by a Regional Corporation shall not be subject to division under subparagraph (A). Nothing in this subparagraph is intended to or shall be construed to alter the ownership of such sand, gravel, stone, pumice, peat, clay, or cinder resources.".

SEC. 9. ALASKA NATIVE ALLOTMENT APPLICATIONS.

Section 905(a) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1634(a)) is amended by adding at the end the following:

"(7) Paragraph (1) of this subsection and subsection (d) shall apply, and paragraph (5) of this subsection shall cease to apply, to an application—

"(A) that is open and pending on the date of enactment of this paragraph,

"(B) if the lands described in the application are in Federal ownership other than as a result of reacquisition by the United States after January 3, 1959, and

"(C) if any protest which is filed by the State of Alaska pursuant to paragraph (5)(B) with respect to the application is withdrawn or dismissed either before, on, or after the date of the enactment of this paragraph.

"(8)(A) Any allotment application which is open and pending and which is legislatively approved by enactment of paragraph (7) shall, when allotted, be made subject to any easement, trail, or right-of-way in existence on the date of the Native allotment applicant's commencement of use and occupancy.

"(B) The jurisdiction of the Secretary is extended to make any factual determinations required to carry out this paragraph.".

SEC. 10. VISITOR SERVICES.

Paragraph (1) of section 1307(b) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197(b)) is amended—

(1) by striking "Native Corporation" and inserting "Native Corporations"; and

(2) by striking "is most directly affected" and inserting "are most directly affected".

SEC. 11. LOCAL HIRE REPORT.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the

Secretary of the Interior shall transmit to Congress a report.

(b) LOCAL HIRE.—The report required by subsection (a) shall—

(1) indicate the actions taken in carrying out subsection (b) of section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198);

(2) address the recruitment processes that may restrict employees hired under subsection (a) of such section from successfully obtaining positions in the competitive service; and

(3) describe the actions of the Secretary of the Interior in contracting with Alaska Native Corporations to provide services with respect to public lands in Alaska.

(c) COOPERATION.—The Secretary of Agriculture shall cooperate with the Secretary of the Interior in carrying out this section with respect to the Forest Service.

SEC. 12. SHAREHOLDER BENEFITS.

Section 7 of the Alaskan Native Claims Settlement Act (43 U.S.C. 1606) is amended by adding at the end the following:

"(r) BENEFITS FOR SHAREHOLDERS OR IMMEDIATE FAMILIES.—The authority of a Native Corporation to provide benefits to its shareholders who are Natives or descendants of Natives or to its shareholders' immediate family members who are Natives or descendants of Natives to promote the health, education, or welfare of such shareholders or family members is expressly authorized and confirmed. Eligibility for such benefits need not be based on share ownership in the Native Corporation and such benefits may be provided on a basis other than pro rata based on share ownership.".

SEC. 13. SHAREHOLDER HOMESITE PROGRAM.

Section 39(b)(1)(B) of the Alaskan Native Claims Settlement Act (43 U.S.C. 1629e(b)(1)(B)) is amended by inserting after "settlor corporation" the following: "or the land is conveyed for a homesite by the Trust to a beneficiary of the Trust who is also a legal resident under Alaska law of the Native village of the settlor corporation and the conveyance does not exceed 1.5 acres".

SEC. 14. SHORT TITLE.

This Act may be cited as the "ANCSA Land Bank Protection Act of 1998".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2000 is legislation I have introduced in consultation with the Alaskan Federation of Natives. Considerable time has been spent to resolve the Calista land exchange issue, and I want to thank all parties involved for their commitment to resolve this important land exchange for Calista.

This land exchange was authorized to provide Calista with a means of economic self-sufficiency pursuant to the purposes of ANCSA. Under Section 8126 of the Defense appropriations Bill, the Secretary of the Interior and Calista were to determine a mutual agreement value for Calista's land. However, the two parties have been unable to arrive at a mutually agreeable value. Section 6 of this bill will eliminate this impasse by establishing a total value to be credited to Calista's lands and interests, as Congress has had to do in numerous other instances in 1976. In doing so Congress, will simply be providing the figure with Calista and the Secretary of the Interior were unable to determine.

I have two letters of support for section 6, the Calista land exchange, from six conservation organizations. Mr. Speaker, these organizations stated their support for the Calista land exchange when the lands offered by Calista was 28,000 acres of surface lands and 182,000 acres of subsurface lands. Calista has gone further in their commitment to address conservation issues within the region by increasing their surface acres to 56,577 and subsurface to 161,938 acres. The land package includes an overall of 218,515 acres of land, one-third the size of Rhode Island. These five conservation organizations recognize the fish and wildlife habitat of lands offered for exchange by the Calista Corporation. All of these lands, interests in land and subsurface estates in the exchange are located within the Yukon Delta National Wildlife Refuge.

I would like to point out to the gentleman from California (Mr. MILLER), my esteemed colleague, that the white-fronted geese and pacific brant are only a couple of the species which migrate to California from the Yukon Delta National Wildlife Refuge. It appears to me that Mr. MILLER and I have birds of a feather which hold strong ties between our respective States. Let us hope this will carry over to the agreement of this important wildlife refuge land exchange.

Lastly, the language contained in Section 6 of the Calista land exchange was coauthored by the Department of Interior, and the Calista Corporation reached a consensus with this important land exchange in America. At the request of the Department, Calista Corporation provided legal descriptions of lands being exchanged, a conservation easement agreement and added more surface lands. This was accomplished after intense discussion and negotiation of the Department of Interior. The language is also a product of efforts by Calista and the Department of Interior to address issues which were raised by that Department, the Office of Management and Budget, the General Services Administration, the House Committee on the Budget and the Congressional Budget Office. I urge my colleagues to support this important exchange for the good of the environment on the terms which are very extensive and lengthy negotiations to address all parties concerned. I urge my colleagues again to support the passage of this legislation.

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

THE CALISTA CONVEYANCE AND RELINQUISHMENT DOCUMENT (CCRD)

October 28, 1991

[Revised September 22, 1998]

(Revised September 22, 1998 to reflect changes to previously included Calista parcels, additions of the NIMA and The Kuskokwim Corporation (TKC) tracts to the lands being offered, The TKC Conservation Easement, and other relevant edits.)

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CALISTA CONVEYANCE AND RELINQUISHMENT DOCUMENT (CCRD)

I. PURPOSE

The purpose of this document is to identify the lands, interests in lands, and entitlements to lands owned by Calista Corporation and three Native Village Corporations which are to be exchanged for property held by the U.S. Government or otherwise conveyed to the United States, pursuant to an agreement with the Calista Corporation and the participating Native Village Corporations. The Calista Corporation represents the largest rural Native population in Alaska and includes some of the poorest economic conditions in the States. Yet, under the Alaska Native Claims Settlement Act formula, Calista received less land per capita than any other regional corporation.

The underlying purposes of the Calista land exchange, authorized by Section 8126 of P.L. 102-172, include—

(1) assisting Calista to convert its principal tangible asset, its lands, to property that can be used to help the Corporation remain viable, develop economically, and continue to carry out its responsibilities as envisioned in ANCSA to the people of the Calista Region; and

(2) helping to ensure and enhance the long-term conservation of Native-owned fish and wildlife habitat located within the boundaries of Yukon Delta National Wildlife Refuge.

The Calista land exchange authorizes the exchange of interests in land largely located within the boundaries of the Yukon Delta National Wildlife Refuge owned by Calista Corporation, NIMA Corporation, Nunapigliuraq Corporation, and The Kuskokwim Corporation (Alaska native Village Corporations) for other property owned

by the federal government. The Calista exchange has been modeled on other post-ANCSA property settlements.

With respect to the content of the exchange, the Secretary of the Interior, the Calista Regional Corporation and the participating Native village corporations agree upon the lands, interests in lands, relinquishments, and adjustments to entitlement that may be offered to the United States pursuant to this document and enacting legislation consistent with its terms. The parties also agree with the amounts to be made available in the property account once all conveyances and relinquishments are completed and the needs which form the basis for such amounts. The parties do not necessarily agree on the hortatory statements and descriptions which are included in this document, but such disagreements will not affect the implementation of this exchange.

Descriptions of wildlife values are provided herein for some surface lands which are not offered in the exchange and which will remain privately owned by Native village corporations. Such surface lands and any wildlife values or other surface values of these lands form no part of the consideration for the exchange.

II. THE ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

The Calista land exchange involves interest in land which are largely located within the boundaries of a National conservation system unit established in 1980 by the Alaska National Interest Lands Conservation Act (ANILCA) (P.L. 96-487). Among other things, ANICLA significantly expanded the National Wildlife Refuge System in Alaska.

Among the purpose of ANILCA are these—

"to preserve unrivaled scenic and geological values associated with natural landscapes;

to provide for the maintenance of sound populations of, and habitat for, wildlife species of inestimable value to the citizens of Alaska and the Nation, including those species dependent on vast relatively undeveloped areas;

to preserve in their natural state extensive unaltered Arctic tundra, boreal forest, and coastal rainforest ecosystems;

to protect the resources related to subsistence needs. . . ."

Section 103(c) of ANILCA provides that if ". . . a Native Corporation . . . desires to convey any such lands, the Secretary may acquire such lands . . . and any such lands shall become part of the unit, and be administered accordingly."

ANILCA also provides that the purposes "for which the Yukon Delta National Wildlife Refuge is established and shall be managed include—

(i) to conserve fish and wildlife populations and habitats in their natural diversity including, but no limit to, shorebirds, seabirds, whistling swans, emperor, white-fronted and Canada geese, black brant and other migratory birds, salmon, muskox and marine mammals; . . .

(iii to provide . . . the opportunity for continued subsistence uses by local residents . . ."

consistent with the purposes of ANICLA and the Yukon Delta National Wildlife Refuge, the lands in this exchange package will become part of the Refuge upon completion of the transactions authorized in the Calista land package.

III. THE CALISTA LAND EXCHANGE

The Calista Corporation is an Alaska Native Regional Corporation organized under authority of the Alaska Native Claims Settlement Act (ANCSA) whose lands are located in Southwestern Alaska. It includes more than 50 Yupik Villages in the Yukon-Kuskokwim Delta.

The Calista land exchange involves a total of approximately 218,515 acres of land or interests in land, including 46,577 acres of surface fee and conservation easements protecting the surface resources and habitat, and approximately 208,515 acres of subsurface estate, all within the YDNWR as well as 10,000 acres of entitlement to surface fee which may be selected adjacent to the YDNWR. The actual acreage in the conveyances is substantially larger than this because the computation of acreage deletes lakes more than 50 acres in size and rivers more than 198 feet in width. Title to these water bodies will also be transferred to the United States if the water bodies are not navigable. The subsurface lands in this lands package are in a very deep sedimentary basin whose geology indicates the potential for hydrocarbon deposits. Thus far, exploration on Calista subsurface lands has been minimal and at relatively shallow depths. If significant hydrocarbon deposits are discovered, however, it would be unlikely that such lands would be available for exchange or acquisition in the future.

IV. FISH AND WILDLIFE HABITAT VALUES

All of the lands, interests in lands and subsurface estates in the exchange located are within the Yukon Delta National Wildlife Refuge in southwestern Alaska. Additionally, Calista Corporation is offering an entitlement to 10,000 acres of land. The Calista Region is a sedimentary basin created over the millennia by the flow of the Yukon and Kuskokwim Rivers.

The region is composed of extensive wetlands, marshes, some highlands and mountains, estuaries, streams and riverine areas. Because of the character of the land, it has been for centuries, and is today, a highly productive and principal nesting area for countless thousands of shorebirds, waterfowl, passerines and other wildlife. (See maps following page 4)

Some of the waterfowl and other birds inhabiting this region are: Spectacled Eider, Gyrfalcon, Tundra Swans, White-fronted Goose, Steller's Eider, Bristle thighed Curlew, Northern Goshawk, Swainson's Thrush, Golden Eagle, Snow Geese, Peregrine Falcon, Gray Cheeked Thrush, King Eider, Black Brant, Great Horned Owl, Blackpoll Warbler, Northern Pintail, Cackling Canada Goose, Emperor Goose, Canvasback, Wilson's Warbler, Arctic Tern, and Harlequin Duck.

Additionally, the Calista region is also home to wolves, brown and black bear, moose, caribou, otter, fox and many other species of wildlife, as well as all major species of salmon, grayling, sheefish, rainbow trout, dolly varden, blackfish, pike and four species of white fish.

According to the U.S.F.W.S. the following are a few of the superlatives describing the Yukon Kuskokwim Delta/Calista Region:

Up to 80% of the world population of Pacific black brant breed or nest on the coastal fringe of the Yukon Koskokwim Delta Region;

Virtually the entire breeding population of cackling Canada geese nest in the Region;

Approximately 90% of the world's population of emperor geese nest in the Region;

Almost all of the world's population of white-fronted geese nest in the Region;

Sixty percent of the world's breeding bristle-thighed curlew nest in the Region;

100% of the world's black turntone population inhabit the Region;

Nesting by a majority of world's populations of Western Sandpipers and Pacific dunlins;

Highest diversity of the world's large shorebirds;

Over 800,000 ducklings, or approximately 50% of the statewide total, were produced from the region;

Eight species of raptors breed in this region.

Disclaimer: The information in this section regarding fish and wildlife habitat values of the Yukon Delta National Wildlife Refuge is intended to provide the reader with an overview of the values attendant to the Refuge itself and is not intended to relate those values to subsurface interests offered in this proposal. Also, the fish and wildlife values discussed in connection with subsurface parcels clearly relate and are intended to relate to the overlying surface estate regardless of whether the surface estate is included in this proposal. For detailed information regarding the birds which inhabit or have been identified as using the lands in specific parcels in this lands package, please refer to the document prepared by Calista, entitled "Background Information on Fish and Wildlife Habitat Resources of the Yukon-Kuskokwim Delta Region and the Calista Native Regional Corporation Land Exchange Parcels" as revised 1997, which is based on information gathered over the years from the Yupik Eskimos who inhabit the Region and other sources.

V. CALISTA LAND PACKAGE

The following chart lists the land parcels in the package.

Parcel name and interest to be conveyed	Acreage
Dall Lake: Fee—Surface	12,486
Hamilton: Fee—Surface	7,135
Section 14(h)(8) Entitlement: Fee—Surface & Subsurface	10,000
Hooper Bay: Subsurface	21,190
Scammon Bay: Subsurface	77,512
Kusilvak: Subsurface	63,236
Calista Subsurface on TKC Surface: Subsurface	16,998
Calista Subsurface on NIMA Surface: Subsurface	9,958
TKC: Conservation Easement	16,998
NIMA: Surface	9,958
Calista Subsurface on Hamilton Surface: Subsurface	7,135
Calista Subsurface on Dall Lake Surface: Subsurface	12,486

VI. SUMMARY

Parcel name and interest to be conveyed	Acreage
NIMA Lands: Fee—Surface & Subsurface	9,958
Hamilton Lands: Fee—Surface & Subsurface	7,135
TKC Lands: Conservation Easement & subsurface	16,998
Dall Lake: Fee—Surface & Subsurface	12,486
Calista Section 14(h)(8) Entitlement: Entitlement to Surface Fee & Subsurface	10,000
Total Fee and Conservation Easement+Subsurface	56, 577
Hooper Bay: Subsurface	21,190
Scammon Bay: Subsurface	77,512
Kusilvak: Subsurface	63,236
Total Subsurface Only	161,938

VII. CURRENT SOCIAL CONDITIONS

The state of living conditions for most of the Native people of the Calista Region can be difficult for outsiders to comprehend. Many of the basics of life which the rest of America takes for granted—running water, flush toilets, trash collection, paved roads, neighborhood schools, a doctor in the community, an ambulance in time of medical emergency, the fire department, a regular paycheck from a job, a public library—barely exist within the region. The following disturbing statistics reflect both causes and symptoms of the problems endemic to the region. The Calista Region has:

The highest infant mortality rate in the Nation;

A concentration of the population under the age of five, approximately 14.5%, among the highest in the Nation;

Rates of hepatitis, meningitis and tuberculosis that are among the highest in the Nation;

Higher invasive cervical cancer rates than the rest of the population, growing 335% at a time when rates for U.S. whites and blacks decreased over 40%;

High rates of alcoholism, drug abuse and domestic violence;

Extraordinarily high suicide rates: 10% of all young men will commit or attempt suicide by the age of 25;

Unemployment rates of between 60% and 90%;

Inadequate sanitation with limited running water or indoor plumbing facilities;

The second highest rate of multigenerational housing in Alaska, with 16.4% of the households containing three or more generations per household;

The highest rate of household overcrowding in Alaska, with nearly 81% of the houses in the Calista Region containing less than 300 square feet;

The lowest level of education of all Americans, Alaska Natives complete only an average of 9.3 years, compared to 12.5 years for all Americans; and

Teen pregnancy rates of more than twice the national average.

The Calista land exchange is being pursued by the Calista Corporation as a key element in its efforts to remain a viable Native Regional corporation with the capacity to help effectively address these social and health issues. The exchange will help the Calista Corporation work for improvements in basic community infrastructure and facilities in the region. In the Calista Region, there are, at present, few economic resources other than the fish and wildlife upon which to base the economy. In addition, the exchange has the potential to create business opportunities and expand employment for the Region, thereby providing individuals with greater means to help themselves and their communities.

The Calista Region has never experienced economic booms like other areas of the state. The Calista Region and its residents were left out of the Trans-Alaska pipeline construction boom. The Region was too far away to provide services and village residents had neither the skills nor the trade union membership necessary to get the jobs available during construction of the pipeline. As local economies in other areas of the state grew throughout the 1970's and 1980's, the Calista Region's economy, with the exception of construction, actually declined and local residents became even more dependent on state and federal monies for survival.

Government spending is the single most important component of the Regional economy, as is the case in much of rural Alaska. The stability of the Calista Region's economy has been largely dependent upon outside public funding; consequently the economy is very vulnerable to state or federal budgetary and program adjustments. In 1990, it was estimated that state and federal expenditures accounted for approximately 65% of the total wages earned by the residents of the Calista Region.

The growth of government, trade and services sectors has resulted in more white collar/professional jobs in the Region. However, most men living in the villages are trained as blue collar workers and laborers so the Region has a disproportionately high amount of blue collar labor available for the few labor related jobs available. As a result, new white collar jobs are often filled by outsiders coming into the Region with the necessary skills.

VIII. PREHISTORY OF YUKON DELTA REGION

The lands of this Region were probably inhabited from at least 10,000 years ago to about 7,000 years ago by people of the Paleo-Arctic Tradition. From about 7,000 years ago to about 4,000 years ago people of the Northern Archaic Tradition lived in the area. This tradition was followed by the Arctic Small Tool Tradition, 4,000 to 3,000 years ago, and by the Norton Tradition, from 3,000 to 1,000 years ago. The archaeological record documents the lengthy human habitation of the area and more importantly, the cultural roots of the Region's contemporary Yupik inhabitation. The cultural ancestors of present-day Western Region Yupik Eskimos were living in and utilizing the subsistence resources of the Region since about A.D. 1000.

While the Refuge has moderate populations of mammals, including small furbearers, moose, caribou, and recently re-established musk-ox, the primary wildlife resource is the enormous populations of ducks, geese, swans, shorebirds, and water birds that nest on the Delta. An estimated 100 million waterfowl, shorebirds, and sea birds representing over 50 species use the Delta for nesting and for resting and feeding during migration. A large percentage of the migrating birds of the Pacific Flyway originate from the Yukon Delta. (See maps in Appendix C).

The importance of the Delta as nesting grounds for North American waterfowl increases yearly as productive prairie pothole nesting habitats in the United States and Canada are drained for agriculture or are lost to drought.

IX. LAND TRANSACTION ACCOUNTING

The accounting, and, to the extent necessary, the establishment of a property account required by subsection (c) of Section 8126 of P.L. 102–172, upon relinquishment and conveyance by Calista (and where relevant, The Hamilton Corporation, The Kuskokwim Corporation, or NIMA Corporation) of the lands and interest in lands in this document shall be based on and credited with, respectively, a total amount of $39.4 million for the lands interests in lands and other considerations referenced in this document. For purposes of Section 7(i) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(i)), "Revenues" are only those realized in excess of $20 million from the compensation received by Calista under Section 8126 subsection (b)(1) as amended for subsurface estate listed in the Calista Conveyance and Relinquishment Document.

X. DESCRIPTION OF THE LANDS, INTEREST IN LANDS AND ENTITLEMENTS TO LAND TO BE CONVEYED

HAMILTON/YUKON DELTA AREA—7,135 ACRES

Location. The Hamilton parcel is located near the delta complex at the mouth of the Yukon River between Apoon Pass and Nanvaranak Slough. It is approximately 20 miles south of Norton Sound.

General Description. The Hamilton parcel consists of 7135 acres of combined surface and subsurface estate. The lands are part of the wet muskeg coastal plain with slough, lake and pond habitats. Several small sloughs head in the parcel and dozens of small lakes and ponds and their adjacent marshes and wetlands are scattered throughout the parcel. Most of the land is less than 20 feet above sea level and the dwarf tundra vegetation is underlain by sand and silty flood plain material. The southern part of the parcel contains some areas of deciduous shrub land and has more extensive grassy marshlands and riverine habitats. The parcel is five miles south of the Yukon River Delta unit of the historic Clarence Rhode Wildlife Range and the abandoned Village of Hamilton.

Refuge Values of the Surface. The chief habitat and wildlife value of the parcel is waterfowl nesting. The parcel is contiguous to coastal plain habitat to the north and west, and is used by geese, swans, sandhill cranes, ducks, loons, and numerous shorebirds, including curlews, sandpipers, and plovers. Maps of species distribution by density blocks, produced by U.S. Fish and Wildlife, show the area to have medium range densities for pintail ducks, scaup, and tundra swans: one to four birds per square mile, and up to one per square mile densities for Canada geese, Arctic loons, and sandhill cranes. Other nesting birds include white-fronted geese, scoters, shovellers, and mallards. Shorebirds of several species are common to abundant. Whitefish, sheefish (inconnu), and northern pike are common in the sloughs and larger lakes. Furbearers such as mink, otter, muskrat, beaver, Arctic and red fox are abundant, but large mammals are rare due to the lack of protective cover. The land has been assigned a medium priority rank in the Alaska Priority System.

Hamilton Subsurface. The subsurface beneath the Hamilton surface lands is part of the Yukon Delta/Norton Sound Sedimentary Basin. Calista leased the Yukon Delta subsurface lands to Amoco Exploration in 1978. These lands have also had several generations of seismic survey work since the early 1970's and the area continues to receive oil industry attention.

HAMILTON PARCEL (NUNAPIGLLURAQ CORPORATION AND CALISTA CORPORATION LANDS)

Nunapigluraq Corporation (for the village of Hamilton) will convey to the United States of America the surface estate for the following described lands that it received in Interim Conveyance No. 562, dated October 28, 1982. Calista Corporation will convey to the United States of America the subsurface estate for the following described lands that it received in Interim Conveyance No. 563, dated October 28, 1982. Nunapigluraq Corporation entitlement to lands under Section 12 (a) and Calista Corporation rights under Section 14(f) of ANCSA will be reduced by the acreage specified in the below described legal description.

Hamilton Parcel Land Description

Seward Meridian, Alaska, (Unsurveyed)

T. 31 N., R. 77 W.
Secs. 29 and 30.
Containing approximately 735 acres.
T. 31 N., R. 78 W.
Secs. 1 and 2;
Secs. 11 through 14;
Secs. 23, 24, and 25.
Containing approximately 5,440 acres.
T. 32 N., R. 78 W.
Sec. 35, S½.
Sec. 36.
Containing approximately 960 acres.
Aggregating approximately 7,135 acres.

DALL LAKE AREA—12,486 ACRES

Location. The Dall Lake parcel is located along the southeastern border of Dall Lake southeast of Bethel, Alaska, about 30 miles from the Bering Sea waters of Etolin Strait. It borders the eastern boundary of the Nelson Island unit of the Clarence Rhode National Wildlife Range.

General Description. The Dall Lake parcel is a surface and subsurface selection of approximately 12,486 acres. This parcel consists of low elevation wetlands dotted with innumerable lakes and ponds along the southeastern border of Dall Lake, an extremely large inland lake covering more than 150 square miles. Wet muskeg tundra vegetation and lake margins characterize the habitat at Dall Lake.

Refuge Values of the Surface. The Dall Lake parcel lies within the Yukon-Kuskokwim lowlands unit of the Yukon Delta NWR. This unit is largely wetlands, habitat for a diversity of fish and wildlife including geese, ducks, swans, shorebirds, moose, caribou, many species of fur bearers, ptarmigan, and many other bird and mammal species.

The area is an important producer of ducks and is significant as a staging area for thousands of snow geese migrating to and from their nesting grounds on Wrangell Island in the Soviet Far East. US Fish & Wildlife Service has indicated high scaup nesting densities of four to 12 birds per square mile, and pintail and scoter densities of one to four per square mile in the area. Also occurring at densities of one to four birds per square mile are tundra swans, Canada geese, Arctic loons, and sandhill cranes. Other species noted in aerial surveys within the parcel area were red-throated loons, white-fronted geese, old squaw ducks, and mallards. Both shorebirds and ptarmigan are common in the area.

Approximately 30 musk oxen use the Dall Lake area year around. These musk oxen are part of the growing 100-head mainland herd established on Nelson Island which is currently expanding its range to inland parts of the refuge. Fur bearers such as mink, otter, muskrat, and red fox are common in the Dall Lake area and are important subsistence resources. The lakes and waterways contain resident Arctic char, whitefish, northern pike, cisco, and burbot, all used by villagers for subsistence. The land has been assigned a high priority in the Alaska Priority System.

Subsurface Values. The subsurface beneath the Dall Lake surface lands is in the central portion of the Bethel/Kuskokwim Delta Sedimentary Basin. Calista leased the Bethel Basin lands to Shell Exploration in 1974. Like the Yukon Delta area, these lands have had several generations of seismic survey work since the early 1970's and the area continues to receive oil industry attention. In 1962 a single test well was placed on the flank of what is now defined as the Bethel Basin. In the future it is likely that this sedimentary basin, which is nearly the size of Oklahoma, will receive more exploration.

DALL LAKE PARCEL (NIMA CORPORATION AND CALISTA CORPORATION LANDS)

The legal description below describes lands validly selected by NIMA Corporation (for the village of Mekoryuk) under Section 12(a) of ANCSA. NIMA Corporation will file an irrevocable prioritization with the Bureau of Land Management for all the lands described below. NIMA Corporation will relinquish any and all selections pursuant to Section 12(a) and 12(b) of ANCSA for the below described lands. NIMA Corporation entitlement to lands under Section 12(a) of ANCSA will be reduced by the acreage specified in the below described legal description. Upon filing of the irrevocable prioritization and relinquishment by NIMA Corporation, rights to the subsurface estate in the lands described below, which would accrue to Calista Corporation pursuant to Section 14(f) of ANCSA, are extinguished and Calista Corporation will not be entitled to substitute lands elsewhere by virtue of the extinguishment. Additionally Calista Corporation shall file a relinquishment to the in-lieu selections under Serial Number AA-8099-1 top filed on any lands described below that are identified for sale to the United States of America. Calista Corporation rights under Section 14(f) of ANCSA will be reduced by the acreage specified in the below described legal description.

Dall Lake Parcel Land Description

Steward Meridian, Alaska Unsurveyed

T. 1 N., R. 82 W.
Secs. 23 through 36.
Containing approximately 7,716 acres.
T. 1 N., R. 83 W.
Sec. 25;
Secs. 26 and 27, excluding U.S. Survey 10449;
Sec. 28;
Secs. 33 through 36.
Containing approximately 4,770 acres.
Aggregating approximately 12,486 acres.

NIMA AREA—9,958 ACRES

Location. The NIMA parcel adjoins the Dall Lake parcel on its northern border. It is located near the southeastern shore of Dall Lake, southeast of Bethel, Alaska, about 30 miles from the Bering Sea waters of Etolin Strait.

General Description. The NIMA parcel is a surface and subsurface conveyance of approximately 9,958 acres. This parcel consists of low elevation wetlands and lakes and ponds near the southeastern shore of Dall Lake, an extremely large inland lake covering more than 150 square miles. Wet muskeg tundra vegetation and lake margins characterize the habitat at Dall Lake.

Refuge Values of the Surface. The NIMA parcel has the same habitat and subsurface attributes as the Dall Lake parcel, with which it is contiguous. Therefore, the Refuge and Subsurface values are the same as for the adjoining Dall Lake parcel.

NIMA PRACEL (NIMA CORPORATION AND CALISTA CORPORATION LANDS)

NIMA Corporation (for the village of Mekoryuk) will convey to the United States of America the surface estate for the following described lands it received in Interim Conveyance No. 453, dated November 20, 1981. Calista Corporation will convey the subsurface estate to the United States of America for the following described lands that it received in Interim Conveyance No. 454, dated November 20, 1981. Additionally Calista Corporation shall file a relinquishment to the in-lieu selections under Serial Number AA-8099-1 top filed on any lands described below that are identified for sale to the United States of America. NIMA Corporation entitlement to lands under Section 12(a) and Calista Corporation rights under Section 14(f) of ANCSA will be reduced by the acreage specified in the below described legal description.

NIMA Parcel Land Description

Seward Meridian, Alaska, (Unsurveyed)

T. 1 N., R., 82 W.
Secs. 1 through 22.
Containing approximately 9,958 acres.
Aggregating approximately 9,958 acres.

HOOPER BAY AREA—21,190 ACRES

Location. The Hooper Bay parcel is located on Dall Point; Kokechik Bay is on the north, Hooper Bay on the south, and the Bering Sea to the west. It is adjacent to the Clarence Rhode National Wildlife Range unit of the Yukon Delta National Wildlife Refuge on its eastern border.

General Description. The Hooper Bay parcel consists of subsurface estate. The surface is owned by Sea Lion Corporation and is not offered as a part of this proposal. The surface estate is coastal plain with innumerable small ponds and lakes and several small sloughs. Most of the parcel is below 50 feet in elevation. Long shore sand spits form northern and southern extensions of the land, and dunes form Dall Point itself. The village of Hooper Bay is located at the mouth of Napareayak Slough on Hooper Bay.

Habitat Values of the Surface. Village corporation lands overlying the offered subsurface estate include Kokechik Bay frontage with some of the highest value habitat rankings on the Yukon Wildlife Delta Refuge. Although acquisition of the subsurface estate will prevent development of subsurface resources and any related disruption of the surface, the village corporation may develop the surface estate. These lands are biologically productive, tide-influenced marshlands critical to the Arctic nesting geese species. High densities of nesting emperor, white fronted, and cackling Canada geese utilize this rich marshland, and it is also important for nesting swans, cranes, ducks, loons and abundant numbers of several species of shorebirds. Northern pintails in the coastal zone occur at three times the density that they occur in the interior delta, averaging four to 12 per square mile in F&WS aerial surveys. Scaup also occur at these densities and other ducks such as old squaw, spectacled and common eider, scoters, shovellers, and mallards also utilize the habitat. The mudflats and sand spits in both bays are vital feeding and staging areas for vast numbers of migrating waterfowl and shorebirds.

Subsurface Values. These lands have been subject to oil and gas leases twice in the recent past. The geology is permissive of several mineral deposit types; however, there are no known occurrences of minerals in this poorly explored Region.

HOOPER BAY PARCEL (CALISTA CORPORATION LANDS)

Calista Corporation will convey the subsurface estate to the United States of America for the following described lands that it received in Interim Conveyances Nos. 511, dated May 28, 1982, and 579, dated December 22, 1982. The surface estate of these lands is being retained by Sea Lion Corporation (for the village of Hooper Bay). Calista Corporation rights under Section 14(f) of ANCSA will be reduced by the acreage specified in the below described legal description. The surface acreage charged against Sea Lion Corporation 12(a) entitlement will not be affected.

Hooper Bay Parcel Land Description

Seward Meridian, Alaska (Unsurveyed)

T. 17 N., R. 93 W.
Secs. 1 through 4;
Secs. 5 and 8;
Secs. 9 through 12;
Sec. 13 excluding F-14703 Parcel C;
Secs. 14 through 18;
Secs. 20 through 23;
Sec. 24, excluding F-14703 Parcel C.
Containing approximately 12,155 acres.
T. 18 N., R. 93 W.
Secs. 4 and 9;
Secs. 11 through 16;
Secs. 21 and 22;
Secs. 23 through 28;
Secs. 33 through 36.
Containing approximately 9,035 acres.
Aggregating approximately 21,190 acres.

SCAMMON BAY AREA—77,512 ACRES

Location. The Scammon Bay parcel is located on the Bering Sea coast at Scammon Bay on the Yukon-Kuskokwim Delta.

General Description. The Scammon Bay parcel is a large tract (25 miles long by up to 12 miles across) of subsurface estate, whose surface estate is privately owned by Askinuk Corporation, the Native corporation of Scammon Bay village, is not involved in this conveyance. The parcel includes 77,512 acres of conveyed subsurface estate and remaining subsurface entitlements at Scammon Bay. The parcel includes about 20 miles of Bering Sea coastline.

The surface overlying this subsurface parcel consists of several distinct habitats. There is a prominent, rocky, mountainous upland to the south which is used by upland ground-nesting birds such as ptarmigan, rock sandpipers, golden and semi-palmated plovers, short-eared owls, and jaegers. Steep rocky bluffs, fast, clear streams, and small sheltered bays characterize the parcel's 14 miles of Bering Sea shoreline on the southern shore of the bay. The mountains rise to an elevation of 1,465 feet within the parcel. The intrusive volcanic rock that forms the mountains is useful as quarry material and is currently being extracted for an airport improvement project at the village of Scammon Bay. The southern border of the parcel is adjacent to the Kokechik Bay/Paimuit unit of the Clarence Rhode Unit of the YDNWR which has some of the most significant habitat values on the Yukon-Kuskokwim Delta National Wildlife Refuge due to its intensive use by Arctic nesting geese species.

To the north, the overlying habitat is a flat coastal plain utilized by Arctic nesting geese such as the endangered white-fronted geese, emperor geese and cackling Canada geese. The coastal plain is dissected by the large, shallow meanders of the Kun River and several smaller tributaries including the Kikneak and Ear Rivers. Habitat includes tidal sloughs and estuaries, beach ridges and swales, lake and pond shores, and sedge meadows important to nesting and brood-rearing.

Habitat Values of the Surface. The offered Scammon Bay surface parcel underlies Native land in the delta coastal plain unit of the Yukon Delta NWR. Although acquisition of the subsurface estate will prevent development of subsurface resources and any related disruption of the surface, the village corporation may develop the surface estate. The dominant feature of this unit is vast wetlands characterized by thousands of thaw lakes and ponds underlain by permafrost. The freeze-thaw cycle coupled with regular tidal and riverine flooding maintain a herbaceous wetland that is excellent waterfowl habitat. It is considered the best goose-brant nesting area in North America. Historically, one half of the continental populations of brant nested on the coastal fringe, as do nearly the entire populations of cackling Canada and emperor geese. Most of the Pacific flyway population of white-fronted geese also nest here. In addition to cackling Canada geese, two other subspecies of Canada geese—both Taverner's and lesser Canada geese—are also found within this unit. The three subspecies appear to favor slightly different zones with cacklers nesting in a ten mile wide band closest to the sea, Taverner's moving inland slightly, and lesser Canada's somewhat more inland.

These zones, however, do overlap. The area is also considered part of the largest and most important shorebird habitat in the Pacific Flyway. It is the largest single expanse of intertidal habitat in North or South America, and provides the major breeding grounds for North American populations of black turnstone, dunlin, western sandpiper, rock sandpiper, and bar-tailed godwit, as well as being an important staging area for bristle-thighed curlews.

The periodic flooding of the tidal marshes of the coastal plain creates a rich food source for nesting and rearing young and contributes to goose, swan, and crane densities of one to 12 per square mile with heaviest nesting densities along the coast (US Fish & Wildlife aerial surveys). Pintail and scaup (four to 12 per square mile), scoter (one to four per square mile), old squaw, spectacled eiders, loons (up to 12 per square mile), and shorebirds also nest on the coastal plain. Mink, otter, muskrat, beaver, and Arctic and red fox are common to abundant.

Subsurface Values. These lands have been subject to oil and gas leases twice in the recent past. The geology is permissive of several mineral deposit types; however, little is known of the occurrence of minerals in this poorly explored Region. The known current value of the subsurface estate in the Scammon Bay area is based to a large extent on the ready supply of sand, gravel and rock. This area is the only local source for these materials in a Region where such materials are scarce and costly.

SCAMMON BAY PARCEL (CALISTA CORPORATION LANDS)

Calista Corporation will convey the subsurface estate to the United States of America for the following described lands that it received in Interim Conveyances Nos. 573, dated November 19, 1982, and 959, dated September 28, 1984. The surface estate of these lands is being retained by Askinuk Corporation (for the village of Scammon Bay). Calista Corporation rights to lands under Section 14(f) of ANCSA will be reduced by the acreage specified in the below described legal description. The surface acreage charged against Askinuk Corporation 12(a) entitlements will not be affected.

Scammon Bay Parcel Land Description

Seward Meridian, Alaska (Unsurveyed)

T. 20 N., R. 88 W.
Secs. 5 through 8;
Sec. 18, excluding F-19228 Parcel A and F-19234;
Sec. 19, excluding F-19234;
Sec. 20;
Secs. 26 and 27;
Sec. 28, excluding F-15947;
Sec. 29, excluding F-15947;
Sec. 30;
Sec. 35.
Containing approximately 6,685 acres.
T. 21 N., R. 88 W.
Secs. 9 through 16;
Secs. 21 through 31;
Sec. 32, excluding F-19043 Parcel B;
Sec. 33, excluding F-19229 Parcel A;
Secs. 34, 35, and 36.
Containing approximately 14,757 acres.
T. 20 N., R. 89 W.
Secs. 1 and 2;
Sec. 3, excluding F-18977 Parcel B;
Sec. 4, excluding F-18977 Parcel B and F-19229 Parcel A;
Secs. 5 and 6;
Secs. 7 and 8, excluding F-19233;
Sec. 9;
Sec. 10, excluding F-19045;
Secs. 11 and 12;
Sec. 13, excluding F-19234;
Sec. 14, excluding F-19043 Parcel A and F-19241;
Sec. 15, excluding F-19043 Parcel A, F-19045, and F-19241;
Sec. 16;
Secs. 17 and 18, excluding F-19233;
Secs. 19, 20, and 21;
Secs. 22 and 23, excluding F-19241;
Sec. 24, excluding F-19234;
Secs. 25 through 28;
Sec. 29, excluding F-19231 Parcel B;
Secs. 30, 31, and 32.
Containing approximately 17,259 acres.
T. 21 N., R. 89 W.
Secs. 5 through 10;
Secs. 15 through 23;
Secs. 25 through 30;
Secs. 32 through 36.
Containing approximately 14,616 acres.
T. 20 N., R. 90 W.
Secs. 1 through 4;
Secs. 11 through 30;
Sec. 31, excluding F-14759 Parce C;
Secs. 32 through 36.
Containing approximately 18,232 acres.
T. 20 N., R. 91 W
Sec. 11, excluding F-19041 and F-19223 Parcel B;
Secs. 12 and 13;
Sec. 14, excluding F-19041 and F-19223 Parcel B;
Sec. 15, excluding F-19223 Parcel B;
Sec. 16, excluding F-19039 Parcel B;
Secs. 17 through 20;
Sec. 21, excluding F-15023 Parcel A and F-19224;
Sec. 22, excluding F-19224.
Containing approximately 4,573 acres.
T. 20 N., R. 92 W.
Sec. 13, excluding F-19033 Parcel A, F-19044 Parcel B;
Sec. 14, excluding F-19039 Parcel A, F-19056 Parcel A, and F-19221 Parcel B;
Secs. 23 and 24.
Containing approximately 1,390 acres.
Aggregating approximately 77,512 acres.

Any and all remaining rights that would accrue to Calista Corporation pursuant to Section 14(f) of ANCSA beneath land conveyed to Askinuk Corporation pursuant to Section 12(a) of ANCSA are hereby extinguished and no substitute subsurface will be conveyed to Calista Corporation. Any rights pursuant to Section 12(a)(1) of ANCSA accruing to Calista Corporation by virtue of any conveyance to Askinuk Corporation within the boundaries of the Clarence Rhode Unit of the Yukon Delta National Wildlife Refuge are unaffected.

KUSILVAK AREA—62,236 ACRES

Location. The Kusilvak parcel is located on the Black River several miles west of the Kusilvak Mountains and approximately twenty miles from the Bering Sea.

General Description. This parcel is a subsurface estate and subsurface entitlement of 63,236 acres. It includes 41,688 acres of conveyed subsurface estate and 21,548 acres of remaining subsurface entitlements. The surface estate is owned by Sea Lion Corporation and is not part of the lands to be conveyed. The Black River, a major waterway, runs for about 15 miles through the parcel. The parcel is characterized by coastal lowlands and river flood plains with many large lakes and innumerable small lakes and ponds. The Black River has formed numerous sloughs, oxbows, and cutoff channels.

Habitat Values of the Surface. The offered Kusilvak subsurface parcel underlies Native lands whose chief habitat and wildlife value is waterfowl nesting. Although acquisition of the subsurface estate will prevent development of subsurface resources and any related disruption of the surface, the village corporation may develop the surface estate. The Native lands are used by Canada geese, swans, loons, cranes, and many species of ducks, as well as shorebirds. Population densities of northern pintails and tundra swans

have been mapped at 4 to 12 per square mile based on USF&W aerial surveys. Canada geese, scaup, scoter, cranes, and loons are common. Whitefish, sheefish (inconnu), and northern pike are important resources of the Black River and are heavily used for subsistence by nearby villages. Fur bearers such as mink, otter, Arctic and red fox are abundant in the parcel. There is moderate potential for summer and winter range for the expanding mainland musk-ox herd, which is occasionally seen in the southern part of the parcel.

Subsurface Values. These lands have been subject to oil and gas leases twice in the recent past. The geology is permissive of several mineral deposit types however there is little known about mineralization in this poorly explored Region. The current known value of the subsurface in the Kusilvak area is based to a large extent on the ready supply of sand, gravel and rock.

KUSILVAK PARCEL (CALISTA CORPORATION LANDS)

Calista Corporation will convey the subsurface estate to the United States of America for the following described lands that it received in Interim Conveyance No. 511, dated May 28, 1982. The surface estate of these lands is being retained by Sea Lion Corporation (for the village of Hooper Bay). Calista Corporation rights under Section 14(f) of ANCSA will be reduced by the acreage specified in the below described legal description. The surface acreage charged against Sea Lion Corporation 12(a) entitlement will not be affected.

Kusilvak Parcel Land Description

Seward Meridian, Alaska (Unsurveyed)

T. 21 N., R. 84 W.
Sec. 6.
Containing approximately 525 acres.
T. 22 N., R. 84 W.
Sec. 31.
Containing approximately 508 acres.
T. 21 N., R. 85 W.
Secs. 2 through 7.
Sec. 18.
Containing approximately 4,231 acres.
Secs. 3 through 10;
Secs. 15 through 22;
Secs. 27 through 36.
Containing approximately 14,577 acres.
T. 23 N., R. 85 W.
Secs. 30, 31, and 32.
Containing approximately 1,623 acres.
T. 21 N., R. 86 W.
Sec. 4;
Sec. 5, excluding F-19237;
Sec. 6, excluding F-19238 Parcel A;
Secs. 13 and 14.
Containing approximately 2,185 acres.
T. 22 N., R. 86 W.
Secs. 19 through 25;
Secs. 28 through 31;
Sec. 32 excluding F-19237;
Secs. 33 and 36.
Containing approximately 7,574 acres.
T. 13 N., R. 86 W.
Secs. 11 through 15;
Secs. 21 through 26;
Sec. 27, excluding F-18428 Parcel A;
Sec. 28, excluding F-18428 Parcel A;
Sec. 29;
Secs. 32 through 36.
Containing approximately 10,465 acres.
Aggregating approximately 41,688 acres.

The following described lands include approximately 73,524 acres which have been validly selected by Sea Lion Corporation (for the village of Hooper Bay) under Section 12(a) of ANCSA. Sea Lion Corporation has a remaining Section 12(a) entitlement of approximately 32,289 acres. Using a portion of its remaining Section 12(a) entitlement, Sea Lion Corporation will file an irrevocable prioritization with the Bureau of Land Management for approximately 21,548 acres consistent with ANCSA selection limitations at 43 C.F.R. 2651.4 from the lands described below. Upon filing of the irrevocable prioritization, rights to the subsurface estate which would accrue to Calista Corporation pursuant to Section 14(f) of the ANCSA are extinguished and no conveyance of the subsurface estate will occur. Calista Corporation rights under Section 14(f) of ANCSA will be reduced by the 21,548 acres specified above. At such time as the prioritized surface is patented to Sea Lion Corporation, the surveyed acreage will be charged against Sea Lion Corporation section 12(a) ANCSA entitlement.

Seward Meridian, Alaska (Unsurveyed)

T. 21 N., R. 83 W.
Sec. 3;
Secs. 6 through 10;
Secs. 15 through 18.
Containing approximately 5,616 acres.
T. 22 N., R.83 W.
Secs. 6 and 7.
Containing approximately 1,240 acres.
T. 21 N., R. 84 W.
Sec. 1;
Sec. 2, excluding F-18345 Parcel B;
Sec. 3, excluding F-16760 Parcel B and F-18345 Parcel A;
Sec. 4, excluding F-16760 parcel B;
Sec. 5;
Secs. 7, 8, and 9;
Sec. 10, excluding F-18394 parcel C and F-18345 parce A;
Secs. 11 through 15;
Sec. 24.
Containing approximately 8,142 acres.
T. 22 N., R. 84 W.
Secs. 1 and 2;
Secs. 11 and 12;
Sec. 14;
Sec. 19;
Sec. 23;
Sec. 26, excluding F-18566 Parcel B;
Secs. 27 through 30;
Sec. 32;
Secs. 33 and 34, excluding F-16760 Parcel B;
Sec. 35;
Sec. 36, excluding F-16922 Parcel B.
Containing approximately 9,681 acres.
T. 20 N., R. 85 W.
Secs. 5 through 9;
Secs. 16 and 17;
Secs. 20 and 21.
Containing approximately 4,873 acres.
T. 21 N., R. 85 W.
Sec. 1;
Secs. 8 through 12;
Sec. 16;
Sec. 17, excluding F-18394 Parcel B;
Secs. 20 and 21;
Secs. 27, 28, and 29;
Secs. 33, 34, and 35.
Containing approximately 9,035 acres.
T. 22 N., R. 85 W.
Secs. 23 through 26.
Containing approximately 1,715 acres.
T. 20 N., R. 86 W.
Sec. 1, excluding F-16922 Parcel A;
Sec. 2;
Sec. 12.
Containing approximately 1,845 acres.
T. 21 N., R. 86 W.
Secs. 1, 2, and 3;
Secs. 7 through 12;
Secs. 15 through 23;
Secs. 26, 27, and 28;
Sec. 29, excluding F-18798 Parcel A;
Secs. 30 and 31;
Sec. 32, excluding F-18976 Parcel B;
Secs. 33, 34, and 35.
Containing approximately 14,172 acres.
T. 20 N., R. 87 W.
Secs. 2 through 11;
Secs. 14, 15, and 16;
Secs. 17 and 18, excluding F-14705 Parcel B;
Secs. 19 through 23;
Sec. 25;
Sec. 26, excluding F-19226;
Sec. 27, excluding F-19226 and F-19227;
Sec. 28, excluding F-19227;
Secs. 29 through 32;
Sec. 33, excluding F-19227;
Sec. 34, excluding F-19226 and F-19227;
Sec. 35, excluding F-19226;
Sec. 36.
Containing approximately 17,205 acres.
Aggregating approximately 73,524 acres.

KUSKOKWIM AREA—16,998 ACRES

Location. This tract is located west and southwest of Whitefish Lake, which is west of Aniak, Alaska.

General Description. This tract consists of open tundra with abundant lakes and ponds. The tract includes a conservation easement on the surface estate, which is owned by the Kuskokwim Corporation, a village corporation, and Calista Corporation's subsurface estate in the corresponding acreage.

Refuge Values of the Surface. The Whitefish Lake area is generally upland tundra with some associated wetland habitat. This is a staging area for waterfowl in the spring and fall. Unlike much of the delta, black spruce stands grow on this parcel, which harbors passerines, raptors, owls, and eagles. The area provides habitat for populations of moose and brown and black bear. The Mulchatna caribou herd winters near Whitefish Lake. White fronted and Canada geese visit the area, as well as several species of puddle and diving ducks, including canvas back, scoter, and scaup. Fur-bearers including mink, fox, and wolves utilize the area. The land has been assigned a medium to low priority rank in the U.S.F.W.S. Refuge Priority System.

Subsurface Values. Whitefish Lake is at the eastern end of the Bethel Basin, which is prospective for hydrocarbons. There are reports of gas seeps at Whitefish Lake. The area lies just west of the mouth of the gold placer bearing Ophir Creek, where active mining claims exist.

KUSKOKWIM TRACT
(THE KUSKOKWIM CORPORATION AND CALISTA CORPORATION LANDS)

The Kuskokwim Corporation (successor in interest to Lower Kalskag, Incorporated) will convey a conservation easement to the United States of America (Appendix A hereto) on the surface estate of the following described lands that it received in Interim Conveyance No. 745, dated September 30, 1983. Calista Corporation will convey to the United States of America the subsurface estate to the following described lands that it received in Interim Conveyance No. 746, dated September 30, 1983. The Kuskokwim Corporation entitlement to lands under Section 12(a) and Calista Corporation rights under Section 14(f) of ANCSA will be reduced by the acreage specified in the below described legal description.

Kuskokwim Parcel Land Descripton

Seward Meridian, Alaska (Unsurveyed)

T. 14 N., R. 60 W.
Sec. 7;
Secs. 8 and 9, excluding USS 10010;
Secs. 16 through 21.
Containing approximately 5,130 acres.

Seward Meridian, Alaska (Surveyed)

T. 14 N., R. 61 W.

Secs. 1 and 2;
Sec. 11, excluding Lots 1 and 2 of USS 10063;
Sec. 12, excluding Lot 2 of USS 10063;
Sec. 13:
Sec. 14, excluding Lot 3 of USS 10063;
Sec. 23, excluding Lot 4 of USS 10063;
Sec. 24.

Containing approximately 4,473 acres.

T. 15 N., R. 61 W.
Secs. 1 and 2, excluding USS 10002;
Sec. 3;
Secs. 11 and 12, excluding USS 10002;
Sec. 13, excluding Lot 2 of USS 10013;
Sec. 14;
Sec. 23;
Sec. 24, excluding Lot 2 of USS 10013;
Secs. 25 and 26;
Secs. 35 and 36.

Containing approximately 5,625.01 acres.

T. 16 N., R. 61 W.
Secs. 33, 34, and 35.

Containing approximately 1,770 acres.

Aggregating approximately 16,998.01 acres.

SECTION 14(h)(8) ENTITLEMENT—10,000 ACRES

This entitlement is to surface and subsurface estate and can be selected from Federal lands within the Calista Region. Calista Corporation is currently under-selected under subsection 14(h)(8). It is Calista's position that because this entitlement predates expansion of the Yukon Delta National Wildlife Refuge by ANILCA, Calista retains the right to select in those portions of the Refuge which were not withdrawn prior to ANILCA. The U.S.F.W.S. disagrees and asserts that Section 304 of ANILCA bars the exercise of selection rights within the refuge. Even if the U.S.F.W.S. position is correct, the entitlement could be used to select lands adjacent to the Refuge.

The 14(h)(8) entitlement will be used to select Federal lands which contain prospective oil and gas horizons, potential mineral deposits, or surface estate development potential, such as real estate projects, hydroelectric power, and commercial uses such as fish processing.

Calista is currently leasing several 14(h)(8) tracts to various mineral exploration companies. Federal acceptance of this entitlement will help limit potential adverse impacts on the Refuge.

CALISTA CORPORATION 14(h)(8) ENTITLEMENT

Calista Corporation agrees to the extinguishment of 10,000 acres of its Section 14(h)(8) entitlement under ANCSA.

Recognizing that the various parcels being conveyed by Nunapigliuraq, NIMA, Kuskokwim, and Calista Corporation, which are described above, have not been surveyed, the Corporations affected shall neither receive any gain nor bear any loss, as a result of any future survey of these lands.

In those instances in which Calista Corporation is conveying the subsurface estate under retained or selected village Corporations surface lands, Calista Corporation agrees that it shall neither receive any gain nor bear any loss, as a result of any future survey of the surface of these lands.

Pursuant to Section 901 of ANILCA, 43 U.S.C. 1631 as amended, the submerged beds of meanderable lakes, rivers, or streams have been estimated using Bureau of Land Management Master Title Plats and will not be charged against the acreage entitlement of ANCSA corporations participating in this legislation. Upon aquisition of uplands which abut or surround non-navigable lakes, rivers, or streams, title to the lands under said water bodies attributable to the uplands conveyed to the United States shall vest in the United States.

The term in-lieu refers to the right of the Regional Corporation established under Section 123(a)(1) to select the subsurface estate in an equal acreage from outside the boundaries of refuges established prior to ANCSA.

Any lands hereafter conveyed by the United States to any person pursuant to the Alaska Native Allotment Act or Section 905 of ANILCA or any amendment or supplement to either such statute from the lands conveyed or relinquished to the United States pursuant to this contract shall not cause any adjustment in the acreage charged to the entitlement of any of the corporations participating in this contract nor shall any additional entitlement accrue to any of the foregoing corporations by virtue of any such conveyance by the United States.

THE CONSERVATION FUND,
Shepherdstown, WV, September 22, 1995.

Hon. TED STEVENS,
U.S. Senate, Washington, DC.

DEAR SENATOR STEVENS: As I understand it, you are considering legislative steps to implement the land exchange authorized in P.L. 102–172 for the benefit of the Calista Corporation and of the Yukon Delta National Wildlife Refuge. I am writing to you to voice my support for efforts in Congress to complete this exchange, which I believe would be of substantial benefit to the conservation of wildlife refuge resources in the Yukon Delta region.

By way of background, as you may know, I was with the U.S. Fish and Wildlife Service (USFWS) for 24 years. Three of those years were spent as the Alaska Regional Director of the USFWS from 1983 until 1987 and two years as the Associate Director in Washington, D.C. Since my retirement from government, I have served as the Director of Science for the Conservation Fund, a publicly supported non-profit organization dedicated to advancing land and water conservation.

From studying the Calista land exchange, it appears that approximately 28,000 acres of fee or fee entitlement would be involved and 182,000 acres of subsurface estate. Given the nature of the lands in the Yukon Delta region, acquiring the subsurface estate as proposed will go a long way toward conserving the resources of the surface estate which contains critical fish and wildlife habitat in the northern sector of the Pacific Flyway. This is a wildlife refuge of tremendous resources clearly worthy of special conservation efforts.

The exchange would make productive and creative use of certain excess or surplus government property in exchange for lands and interests in lands to be conserved. This seems to be a sensible approach to assist conservation while at the same time providing a means to enable an Alaska Native Corporation to serve the most populous, undeveloped and the poorest Native region in the state. This is especially true considering the few dimes on the excess or surplus property dollar often associated with the sale of such lands in the Federal portfolio.

I know that it has been difficult bringing this exchange to a successful conclusion. I believe, as you apparently do, that the time has come to resolve this in an expeditious way that is fair and reasonable for the landowner and for the government. As in the past, when a process gets so bogged down for whatever reason, that is it unable to deal fairly and effectively with an issue, it is likely that the Congress will need to step in to help achieve an equitable resolution. It appears that is the case here.

Thank you again for your consideration of my views on this matter and I strongly urge you and your colleagues to take action soon to implement this land exchange.

Sincerely,

ROBERT E. PUTZ, PH.D.

NATIONAL AUDUBON SOCIETY,
Anchorage, AK, July 10, 1996.

Hon. DON YOUNG,
House Resources Committee,
Longworth House Office Building,
Washington, DC.

DEAR MR. YOUNG: I'm writing on behalf of the National Audubon Society including its 2,200 Alaska members to support your legislative efforts to achieve a land exchange authorized in P.L. 102–172 for the benefit of the Calista Corporation on the Yukon Delta National Wildlife Refuge.

Audubon recognizes the Yukon Delta National Wildlife Refuge as among the premier waterfowl production areas on the continent. Its wetland habitats produce an annual fall flight of geese, ducks and swans that benefit thousands of hunters and other wildlife enthusiasts throughout the Pacific Flyway. Most importantly, these waterfowl along with millions of other migratory birds, fish and game animals constitute the mainstay of the region's subsistence economy.

After having worked with Calista and other partners for some 10 years on the Yukon-Kuskokwim Delta Goose Management Plan, we are convinced that the majority of their stockholders fully realize how essential the protection of fish and wildlife habitat through flyway-wide cooperation is to the future of their people and the wildlife that grace their lives. Through the goose management plan, and with Calista's cooperation, we are achieving great success in restoring seriously depleted goose populations to healthy levels. The proposed land exchange will further enhance these and other joint efforts to conserve refuge fish and wildlife.

We know that Calista has worked long and hard to negotiate a fair and equitable administrative land exchange with the Department of the Interior, but to no avail. Thus it appears congressional action is required to resolve the matter in a way that is most fair to Calista stockholders while providing greater protection to refuge resources of great state and national significance. We believe this can be accomplished by exchanging approximately 28,000 acres of surface and 182,000 acres of subsurface estate for certain excess or surplus government properties as P.L. 102–172 provides. With federal acquisition monies becoming increasingly scarce, this seems an innovative and practical approach to better conserve our nation's wildlife heritage while helping the Calista Corporation and its stockholders better secure their economic future. In other words, this should be a win-win solution for all concerned.

Thank you for your leadership on this important issue, Congressman Young, and for your consideration of our views.

Sincerely,

DAVID R. CLINE,
Senior Wildlife Counselor.

THE COASTAL COALITION,
Anchorage, AK, June 24, 1996.

Speaker NEWT GINGRICH,
Rayburn House Office Building,
Washington, DC.

DEAR SPEAKER GINGRICH: I am writing to you in strong support of the Calista land exchange in H.R. 2506 and urge that you act on

this measure as quickly as possible. As a long time resident of Alaska and someone concerned with conservation and sustainable economic development, I cannot overstate to you how important this exchange is—both to the people and the resources of the Calista region.

The Calista land exchange involves outstanding fish and wildlife habitat located within the Yukon Delta National Wildlife Refuge (YDNWR). The Yukon Delta is one of the most unique and productive delta ecosystems in the world. And, it is a place of my heart.

Twenty years ago, I first experienced the Yukon Delta as my brother and I paddled by canoe over two thousand miles from the Great Slave Lake in the Northwest Territories of Canada across the old fur-trade route to the Yukon river, and then down to the Bering Sea. To us, the Yukon Delta had become an almost mythical destination. But, by the time we had reached the delta, we had become excited about "ending" our expedition, sponsored by Old Town Canoe Company, and we were eager to fly out. What we found there surprised and delighted both of us—a gentle and calm beauty and abundance neither of us had anticipated. This was, in our two-thousand mile journey, one of the most special places we had encountered. We decided to stay awhile.

Later, as the University of Alaska's marine extension agent for western Alaska for several years based in Kotzebue. I returned to the area many times attempting to help the local people develop a commercial economy. I came to realize then what I learned at the end of our canoe expedition—that the highest and best use of this delta was in preserving it intact, just as it was.

This is something that I think the local people came to realize long ago. Thousands of geese, ducks, loons, cranes, and swans, as well as seabirds and shorebirds migrate to this spectacular refuge every summer to breed and raise their young. The wetlands that exist on the Calista inholdings with the refuge provide critical habitat for many species of birds, fish, and mammals, making these areas an integral part of the ecosystem. Because wildlife do not often subscribe to politically constructed boundaries, any consideration for conserving this extraordinary ecosystem as a national wildlife refuge must include the Calista lands. It is crucial that Calista lands be protected in a manner consistent with the management objectives of the refuge.

Unlike some Alaska Native corporations, it has been very difficult for the native people of the Calista region to translate their land endowment into financial capital that can be used to provide shareholder dividends and to develop real, long-term cash economies.

Thus, the exchange proposed in H.R. 2505 is somewhat sublime—surplus federal property for conservation. It could well become the U.S. version of the debt-for-nature exchanges now underway between international lending institutions and third-world countries to preserve dwindling habitat.

This exchange, if approved, will help to protect ancestral lands and wildlife habitat, and it will provide Calista the money with which to hopefully jumpstart profitable ventures elsewhere. I hope your action might also help alleviate other social problems in the region, such as the alarmingly high rates of suicide, infant morality, hepatitis, meningitis, tuberculosis, alcoholism and unemployment.

This is a chance to do something right, that will be remembered as such in history. Seldom do we get such a chance. it is my sincere hope that this exchange will be the first of many, bringing conservation, social, cultural, and economic benefits to rural Alaska.

I urge that you take immediate action to ensure that this, and many other similar exchanges, are enacted.

Sincerely,

RICK STEINER.

DUCKS UNLIMITED INC.,
Washington, DC, June 21, 1996.

Hon. DON YOUNG,
Hon. GEORGE MILLER,
Committee on Resources, House of Representatives, Washington, DC.

DEAR MR. YOUNG and MR. MILLER: We are aware of a pending land trade between the federal government and Calista Native Corporation. The area that would be acquired by the U.S. Fish and Wildlife Service in this swap is land that serves as a very important waterfowl breeding area for the Pacific and Central flyways of North America. Substantial portions of the populations of several waterfowl and other bird species use the Yukon-Kuskokwim river delta for breeding and as staging and stopover habitat in their annual migratory cycle.

I understand that you have legislation under consideration that will facilitate a situation that allows the Fish and Wildlife Service to acquire these lands. Ducks Unlimited is in favor of assuring that these lands will be kept in a condition that will allow these birds maximum opportunity to complete their life cycle needs.

Sincerely,

SCOTT SUTHERLAND,
Director of Governmental Affairs.

HERNDON, VA,
September 18, 1995.

Hon. DON YOUNG, Chairman,
House Resources Committee, Washington, DC.

DEAR MR. CHAIRMAN: It has been brought to my attention that you are considering early actions to further the land exchange involving the Calista Regional Corporation (Calista) originally authorized by P.L. 102-172. As an individual with lengthy involvement in the implementation of the Alaska Native Claims Settlement Act, passage of the Alaska National Interest Lands Conservation Act, and numerous related Alaska issues including efforts to achieve completion of the Calista land exchange, I am writing this brief letter to express my support for actions that will further a fair and equitable exchange that benefits both the shareholders of Calista and the conservation interests of the Federal Government. You may recall that for nearly eight years I was in charge of the Fish and Wildlife Service efforts to support the Administration's proposals under Section 17(d)(2) of the ANCSA. In that capacity, I was directly involved with many discussions in the Calista Region regarding long-term cooperation on land and resource issues between the government and the Native leaders in the region and villages. Since leaving that FWS position, I continued having periodic involvement in Alaska matters. I am thoroughly familiar with the exchange provision in law and the efforts made by Calista to reach accord with the Department of the Interior.

It has been my intent to write you a more detailed analysis of the difficulties that have afflicted the Calista exchange and to offer my support for your efforts to remove major impediments. The suddenness of the potential actions in your committee necessitate sending this shorter communication on the subject.

The Calista Corporation has invested substantial resources and time in their efforts to resolve concerns within the Department of the Interior and to move forward with an exchange that represents fairness to the corporation and reasonable benefits to the government. Unfortunately, even with those tangible and resolute overtures by Calista, the exchange process never achieved the level of meaningful two-way communications necessary to resolve serious differences in approach. Thus, although I had sincerely hoped that a beneficial and just reconciliation of differences would be negotiated, there has been no real progress in this matter for more than a year.

Mr. Chairman, even while we have had differences through the years, each of us has worked in his own way for self-determination, fairness and equity for the Native peoples of your great state. I believe that Calista has made an honorable offer of lands and interests in lands that would benefit the long-term conservation and management of the Yukon Delta National Wildlife Refuge. They have sought fairness in the terms of the exchange, but they have been unable to engage the Interior Department representatives in meaningful negotiations. It appears necessary and important for you to assist Calista toward a just exchange arrangement that also provides the refuge with benefits at a fair cost. I will strongly support actions to accomplish those worthy goals.

Sincerely yours,

WILLIAM C. REFFALT.

CALIFORNIA STATE DIVISION, THE IZAAK WALTON LEAGUE OF AMERICA,
June 11, 1996.

Hon. DON YOUNG, Chairman,
House Resources Committee, Washington, DC.

DEAR MR. CHAIRMAN: The California Division of the Izaak Walton of America is a nonprofit grassroots organization who's members are dedicated to outdoor recreation and the conservation and the preservation of our natural resources. On behalf of the 500 members statewide. I am writing to offer my support of legislation that would facilitate the Calista Land transfers authorized by Congress in 1991 and urge that this important measure be enacted expeditiously.

This measure would help conserve and protect critical wildlife habitat located within the Yukon Delta National Wildlife Refuge (YDNWR) in the Calista region of Alaska. Much of the terrain involved provides a low lying coastal habitat for waterfowl, fish and other wildlife typical of the Calista Region and the YDNWR. The YDNWR was established in 1980, pursuant to the Alaska National Interest Lands Act, to protect nesting and breeding habitats for large numbers of migratory birds. Millions of geese, duck, loons, cranes, and swans, as well as shorebirds and seabirds migrate to the spectacular refuge every summer to breed and raise their young. The wetlands that exist on these in holdings are world class and serve as unparalleled habitat for many species of birds and other wildlife.

The specific wildlife that would be protected by this exchange is outstanding. For example, Pacific Bract, White Fronted Geese, Cackling Canada Geese and Emperor Geese nest on the parcels in the exchange. These birds are all "species of Concern" under the Migratory Bird Treaty Act. Their numbers have been declining precipitously. All waterfowl in the refuge, except for the Emperor Geese, sue the Pacific flyway, wintering over at various locations along the

U.S. West Coast and Mexico. In addition, most shorebirds nesting in the refuge also migrate along this flyway, wintering as far away as South America. Wintering overgrounds are where birds spend at least half of their lives. Securing the stability of these waterfowl populations' nesting and overwintering grounds must remain a priority if these populations are to thrive. The Calista land exchanges would greatly enhance this overall protection.

The Calista exchange involves both surface and sub-surface estates. Given the access and other rights of the subsurface estate owner to use and otherwise disturb the surface estate, in order to adequately protect the wildlife and associated habitats, it is imperative that the subsurface estate be protected as well. Consequently, acquisition of subsurface estates is crucial to carrying out the overall purposes of the refuge.

In closing, if adequately protected, the wilderness lands offered by the Calista inholdings will create a legacy of the world class natural resources in the Yukon Delta National Wildlife Refuge that can be shared by anglers, hunters, boaters, ecotourists, wildlife viewers and subsistence users alike.

Sincerely,

SAMUEL A. CARR JR.,
National Director.

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

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge strong support of this legislation, and I want to commend the gentleman from Alaska (Mr. YOUNG) for his long and difficult negotiations and successful negotiations to work out this legislation, and I want to recognize the contribution of Deborah Williams and many others at the Department of Interior who have worked hard to develop this consensus legislation.

Again, I thank the gentleman for all his efforts in developing this consensus legislation, and I urge the passage of this legislation.

Mr. Speaker, H.R. 2000 is the third generation of Alaska Native technical amendment bills. The fundamental premise is that these bills are developed on a consensus basis between the Alaska Federation of Natives, the Department of the Interior, the State of Alaska, and other affected parties. The notion is to avoid controversy, leaving those battles to other bills and other forums.

And while there have been bumps in the road, the two previous Alaska Native technical amendment bills have become law and it appears that H.R. 2000 is now also acceptable to the Administration.

One of the more difficult issues in this bill involves the acquisition of lands owned by Calista corporation and Native village corporations which lie within the boundaries of the Yukon Delta National Wildlife Refuge. This acquisition was first authorized on a rider added by the Senate to the FY 1990 Defense Appropriations Act, and the process of reaching agreement between Calista and the Department of the Interior has been far from smooth.

But we now have before us an agreement which has been carefully negotiated and is acceptable to both parties. Calista and the villages will receive federal property worth $39.4 million and in exchange the U.S. Fish and Wildlife Service will acquire refuge inholdings totaling over 200,000 acres of subsurface and over 46,000 acres of surface lands and easements. The Yukon Delta Wildlife Refuge provides critical habitat for migratory waterfowl and birds on the Pacific Flyway.

The value of the Native lands is established in this legislation at $39.4 million, but does not reflect fair market value as established by Fish and Wildlife Service appraisals. Instead, in the judgment of the Department of the Interior, this is the price tag that is necessary to make this a willing seller transaction. The payments in excess of fair market value are considered to be a grant of federal assets which are needed to recapitalize Native corporations in the most economically deprived region of Alaska.

As noted in the description of current social conditions set forth in the land conveyance document, the state of living conditions for most of the Native people of the Calista region can be difficult for outsiders to comprehend. Most of the basics of life which the rest of America takes for granted—such as running water and flush toilets—barely exist within the region. Among many serious problems, this area has the highest infant mortality rate in the Nation. It is for these reasons that the Administration is willing to exchange more economically valuable assets for the Calista properties within the wildlife refuge boundaries.

Mr. Speaker, I want to especially recognize the contributions of Deborah Williams and many others at the Department of the Interior who have worked very hard to develop this consensus legislation. I thank the Chairman for bringing H.R. 2000 before the House and I urge support for the bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 2000, 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. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2000, as amended, the bill just passed.

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

There was no objection.

TECHNICAL CORRECTIONS IN LAWS RELATING TO NATIVE AMERICANS

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4068) to make certain technical corrections in laws relating to Native Americans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4068

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

SECTION 1. AUTHORIZATION FOR 99-YEAR LEASES.

The second sentence of subsection (a) of the first section of the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955 (25 U.S.C. 415(a)), is amended—

(1) by inserting "lands held in trust for the Confederated Tribes of the Grand Ronde Community of Oregon," after "lands held in trust for the Cahuilla Band of Indians of California,"; and

(2) by inserting "the Cabazon Indian Reservation," after "the Navajo Reservation,".

SEC. 2. GRAND RONDE RESERVATION ACT.

Section 1(c) of the Act entitled "An Act to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes", approved September 9, 1988 (25 U.S.C. 713f note; 102 Stat. 1594), is amended—

(1) by striking "10,120.68 acres of land" and inserting "10,311.60 acres of land"; and

(2) by striking all in the table after:

"4	7	30	Lots 3, 4, SW¼NW¼, SE¼NE¼, E½SW¼	240;"

and inserting the following:

"6	8	1	N½SW¼	29.59
6	8	12	W½SW¼NE¼, SE¼SW¼NE¼NW¼, N½SE¼NW¼, N½SW¼SW¼SE¼	21.70
6	8	13	W½E½NW¼NW¼	5.31
6	7	7	E½E½	57.60
6	7	8	SW¼SW¼NW¼, W½SW¼	22.46
6	7	17	NW¼NW¼, N½SW¼NW¼	10.84
6	7	18	E½NE¼	43.42
			Total	10,311.60".

SEC. 3. NAVAJO-HOPI LAND DISPUTE SETTLEMENT ACT.

Section 12 of the Navajo-Hopi Land Dispute Settlement Act of 1996 (110 Stat. 3653) is amended—

(1) in subsection (a)(1)(C), by inserting "of surface water" after "on such lands"; and

(2) in subsection (b), by striking "subsection (a)(3)" each place it appears and inserting "subsection (a)(1)(C)".

SEC. 4. TREATMENT OF CERTAIN DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary of the Interior shall take such action as may be necessary to extend the terms of the projects referred to in section 512 of the Indian Health Care Improvement Act (25 U.S.C. 1660b) so that the term of each such project expires on October 1, 2002.

(b) AMENDMENT TO INDIAN HEALTH CARE IMPROVEMENT ACT.—Section 512 of the Indian

Health Care Improvement Act (25 U.S.C. 1660b) is amended by adding at the end the following:

"(c) In addition to the amounts made available under section 514 to carry out this section through fiscal year 2000, there are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2001 and 2002.".

SEC. 5. CONFEDERATED TRIBES OF COOS, LOWER UMPQUA, AND SIUSLAW INDIANS RESERVATION ACT.

Section 7(b) of the Coos, Lower Umpqua, and Siuslaw Restoration Act (25 U.S.C. 714e(b)) is amended by adding at the end the following:

"(4) In Lane County, Oregon, a parcel described as beginning at the common corner to sections 23, 24, 25, and 26 township 18 south, range 12 west, Willamette Meridian; then west 25 links; then north 2 chains and 50 links; then east 25 links to a point on the section line between sections 23 and 24; then south 2 chains and 50 links to the place of origin, and containing .062 of an acre, more or less, situated and lying in section 23, township 18 south, range 12 west, of Willamette Meridian.".

SEC. 6. HOOPA VALLEY RESERVATION BOUNDARY ADJUSTMENT.

Section 2(b) of the Hoopa Valley Reservation South Boundary Adjustment Act (25 U.S.C. 1300i-1 note) is amended—

(1) by striking "north 72 degrees 30 minutes east" and inserting "north 73 degrees 50 minutes east"; and

(2) by striking "south 15 degrees 59 minutes east" and inserting "south 14 degrees 36 minutes east".

SEC. 7. CLARIFICATION OF SERVICE AREA FOR CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON.

Section 2 of the Act entitled "An Act to establish a reservation for the Confederated Tribes of Siletz Indians of Oregon", approved September 4, 1980 (25 U.S.C. 711e note; 94 Stat. 1073), is amended by adding at the end the following:

"(c) Subject to the express limitations under sections 4 and 5, for purposes of determining eligibility for Federal assistance programs, the service area of the Confederated Tribes of the Siletz Indians of Oregon shall include Benton, Clackamas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties in Oregon.".

SEC. 8. LOWER SIOUX INDIAN COMMUNITY.

Notwithstanding any other provision of law, the Lower Sioux Indian Community in Minnesota is hereby authorized to sell, convey, and warrant to a buyer, without further approval of the United States, all the Community's interest in the following real property located in Redwood County, Minnesota:

A tract of land located in the Northeast Quarter (NE¼) of Section Five (5), Township One Hundred Twelve (112) North, Range Thirty-five (35) West, County of Redwood and State of Minnesota, described as follows: Commencing at the north quarter corner of Section 5 in Township 112 North, Range 35 West of the 5th Principal Meridian; thence east a distance of 678 feet; thence south a distance of 650 feet; thence South 45 degrees West a distance of 367.7 feet; thence west a distance of 418 feet to a point situated on the north and south quarter line of said Section 5; thence north a distance of 910 feet to the place of beginning, subject to highway easements of record, and containing 13.38 acres, more or less.

Nothing in this section is intended to authorize the Lower Sioux Indian Community in Minnesota to sell any of its lands that are held in trust by the United States.

SEC. 9. FEDERAL TRUST EMPLACEMENT OF TRIBAL LANDS.

The Cow Creek Band of Umpqua Tribe of Indians Recognition Act (25 U.S.C. 712 et seq.) is amended by adding at the end the following new section:

"SEC. 7. CERTAIN PROPERTY TAKEN INTO TRUST.

"The Secretary of the Interior shall accept title to 2000 acres of real property and may accept title to any additional number of acres of real property located in Umpqua River watershed upstream from Scottsburg, Oregon, or the northern slope of the Rogue River watershed upstream from Agness, Oregon, if such real property is conveyed or otherwise transferred to the United States by or on behalf of the Tribe. The Secretary shall take into trust for the benefit of the Tribe all real property conveyed or otherwise transferred to the United States pursuant to this section. Real property taken into trust pursuant to this section shall become part of the Tribe's reservation. Real property taken into trust pursuant to this section shall not be considered to have been taken into trust for gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).".

SEC. 10. AMENDMENTS TO THE JICARILLA APACHE TRIBE WATER RIGHTS SETTLEMENT ACT.

(a) Section 8(e)(3) of the Jicarilla Apache Tribe Water Rights Settlement Act, as amended by Public Law 104-261, is further amended by striking "December 31, 1998" and inserting in lieu thereof "December 31, 2000".

(b) The Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102-441) is amended by adding at the end the following new section:

"SEC. 12. APPROVAL OF STIPULATION.

"Notwithstanding any other provision of Federal law, including section 2116 of the Revised Statutes (25 U.S.C. 177), the Stipulation and Settlement Agreement, dated October 7, 1997, between the Jicarilla Apache Tribe and other parties to State of New Mexico v. Aragon, No. CIV-7941 JC, U.S. Dist. Ct., D.N.M., approved by the United States District Court in that proceeding, is hereby approved.".

SEC. 11. SAN LUIS REY INDIAN WATER RIGHTS SETTLEMENT ACT.

Section 105(c) of the San Luis Rey Indian Water Rights Settlement Act (Public Law 100-675; 102 Stat. 4000), as amended by section 117 of the Department of the Interior and Related Agencies Appropriations Act, 1992 (Public Law 102-154; 105 Stat. 1012-1013), is amended—

(1) by inserting "(1)" before "Until"; and

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

"(2) Notwithstanding paragraph (1), prior to completion of the final settlement and as soon as feasible, the Secretary is authorized and directed to disburse a total of $8,000,000, of which $1,600,000 will go to each of the Bands, from the interest income which has accrued to the Fund. The disbursed funds shall be invested or used for economic development of the Bands, the Bands' reservation land, and their members and may not be used for per capita payments to members of any Band. The United States shall not be liable for any claim or causes of action arising from the Bands' use or expenditure of moneys distributed from the Fund.".

SEC. 12. NATIVE HAWAIIAN HEALTH SCHOLARSHIP PROGRAM.

(a) ELIGIBILITY.—Section 10(a)(1) of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11709(a)(1)) is amended by striking "meet the requirements of section 338A of the Public Health Service Act (42 U.S.C. 2541)" and inserting "meet the requirements of paragraphs (1), (3), and (4) of section 338A(b) of the Public Health Service Act (42 U.S.C. 254*l*(b))".

(b) TERMS AND CONDITIONS.—Section 10(b)(1) of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11709(b)(1)) is amended—

(1) in subparagraph (A), by inserting "identified in the Native Hawaiian comprehensive health care master plan implemented under section 4" after "health care professional";

(2) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(3) by inserting after subparagraph (A) the following:

"(B) the primary health services covered under the scholarship assistance program under this section shall be the services included under the definition of that term under section 12(8);";

(4) by striking subparagraph (D), as redesignated, and inserting the following:

"(D) the obligated service requirement for each scholarship recipient shall be fulfilled through the full-time clinical or nonclinical practice of the health profession of the scholarship recipient, in an order of priority that would provide for practice—

"(i) first, in any 1 of the 5 Native Hawaiian health care systems; and

"(ii) second, in—

"(I) a health professional shortage area or medically underserved area located in the State of Hawaii; or

"(II) a geographic area or facility that is—

"(aa) located in the State of Hawaii; and

"(bb) has a designation that is similar to a designation described in subclause (I) made by the Secretary, acting through the Public Health Service;";

(5) in subparagraph (E), as redesignated, by striking the period and inserting a comma; and

(6) by adding at the end the following:

"(F) the obligated service of a scholarship recipient shall not be performed by the recipient through membership in the National Health Service Corps; and

"(G) the requirements of sections 331 through 338 of the Public Health Service Act (42 U.S.C. 254d through 254k), section 338C of that Act (42 U.S.C. 254m), other than subsection (b)(5) of that section, and section 338D of that Act (42 U.S.C. 254n) applicable to scholarship assistance provided under section 338A of that Act (42 U.S.C. 254*l*) shall not apply to the scholarship assistance provided under subsection (a) of this section.".

SEC. 13. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) AUTHORIZATION.—Section 711(h) of the Indian Health Care Improvement Act (25 U.S.C. 1665j(h)) is amended by striking "of the fiscal years" and inserting "of fiscal years".

(b) REFERENCE.—Section 4(12)(B) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(12)(B)) is amended by striking "Indian Self-Determination and Education Assistance Act of 1975" and inserting "Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)".

SEC. 14. REPEAL.

Section 326(d)(1) of Public Law 105-83 is repealed and section 1004(a) of Public Law 104-324 is amended by inserting "sale or" before "use".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Alaska (Mr. YOUNG) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4068 would make certain technical corrections in laws relating to Native Americans. This is an extensive bill, and I will be as brief as possible.

It corrects typographical errors in existing laws. It extends the leasing authority to 99 years for the Confederated Tribes of the Grand Ronde Community of Oregon and the Cabazon Indian Reservation. It adds 0.062 acres of land, the driveway to an Indian cemetery, to the Coos, Lower Umpqua and Siuslaw Tribal Reservation. It adjusts the bearings provided for the Hoopa Valley Reservation South Boundary Adjustment Act. It expands the service area of the Confederated Tribes of the Siletz Indians. It authorizes the Lower Sioux Indian Community to sell a 13.38 acre parcel of real property which the tribe owns in fee. It approves the transfer of certain water rights pursuant to the Jicarilla Apache Tribe Water Rights Settlement Act. It amends the Native Hawaiian Health Care Improvement Act to define primary health services covered under the scholarship assistance program.

Finally, there is a section in H.R. 4068 which authorizes the disbursement of certain interest income pursuant to the San Luis Rey Indian Water Rights Settlement Act. The Committee on Resources is concerned about the delay of the implementation of that act.

In conclusion, Mr. Speaker, H.R. 4068 is an important bill for numbers of Indian tribes. It does not pertain to many acres of land, but it does solve a lot of problems that have not been able to be solved, and I urge the passage of the legislation.

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

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, certainly I want to thank the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources; and the senior Democratic ranking member, the gentleman from California (Mr. MILLER), for bringing this legislation to the floor.

Mr. Speaker, this is a bill which addresses several technical changes to existing Native American law. These are not exactly glamorous issues: boundary changes to Indian reservations, leasing authority for one of the reservations and placing into trust of additional land for another Native American tribe. There are some questions concerning sections 9 and 14 of this legislation. It is my understanding that the amendments being offered by the gentleman from Alaska (Mr. YOUNG) incorporate changes which address the concerns which have been raised.

Specifically, Section 9 which concerns 2,000 acres of land of the Cow Creek Band of the Umpqua tribe of Indians will prohibit Indian gaming on the land and the prior contents of Section 14, which would have provided tax exemption from Federal and State taxes for certain distribution funds, has been deleted. The new Section 14 addresses a different native Alaskan problem added by the Senate to Coast Guard legislation and concerning the operations of a health clinic.

Again, it is my understanding that all parties concerned with this provision support the language contained in the amendment of the gentleman from Alaska (Mr. YOUNG); and with this bill, Mr. Speaker, I urge my colleagues to support this legislation.

I again thank the gentlemen from Alaska and from California.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from American Samoa (Mr. FALEOMAVAEGA), and I rise in strong support of this legislation.

Mr. Speaker. Section 11 of H.R. 4068 authorizes a one-time disbursement of $8,000,000 in interest accrued on the Tribal Development Fund established for the La Jolla, Rincon, San Pasqual, Pauma and Pala Bands of Mission Indians pursuant to section 105 of the San Luis Rey Indian Water Rights Settlement Act of 1988 (P.L. 100–575, 102 Stat. 4000). Each band would receive $1,600,000 for investment and economic development purposes. None of the money could be used for per capita payments to Band member. The section further provides that the United States would be exempt from any liability with regard to any Band's use of the funds after the disbursement.

Full implementation of the San Luis Rey Indian Water Rights Settlement Act is conditioned on the acquisition by the United States of a source of 16,000 acre-feet of supplemental water for the Bands. However, in the decade since enactment of the settlement, no source of supplemental water has been secured, despite good faith efforts by all of the settlement parties. This delay in securing a water supply has been years longer than what the Congress and the settlement parties anticipated when the settlement was enacted.

The delay in implementing the settlement has adversely affected the five Bands. While the non-Indian communities of Vista and Escondido have continued to enjoy the use of low-cost, local water to which the Bands have a claim, the Bands have had the benefit of neither water nor funding for economic development as provided for by the settlement. Under these circumstances, the House Committee on Resources has found that the Bands' request for a one-time, partial disbursement of interest earned on the Development Fund that was establishment for their benefit is reasonable and appropriate. The other settlement parties, including the Department of the Interior, have informed the Committee of their support for the Band's request.

The San Luis Rey Tribal Development Fund was capitalized with approximately $32,000,000 appropriated by the Congress in 1989 by Public Law 101–121. The Fund has since grown to more than $52,000,000. With the distribution authorized by this section, the Fund will retain a balance of more than $44,000,000, which will continue to accrue interest and remain an incentive to the Bands to see the settlement through to full and final implementation.

The Committee on Resources expects that the factors that have prolonged fulfillment of the requirements of the settlement will not persist indefinitely. Accordingly, the Committee urges the Secretary to use the full measure of his authority to secure the acquisition of the supplemental water supply required by the Settlement Act at a cost that will enable its economical use for the benefit of the Bands and the complete implementation of the San Luis Rey Indian Water Rights Settlement.

The Committee on Resources recognizes that the Act's dual command that the Department arrange to obtain or develop not more than 16,000 acre feet per year of supplemental water, without bearing any development costs, has been a major impediment to finalizing the settlement. Nevertheless, the Committee does not agree that these requirements support an interpretation of the Act that the Tribal Development Trust Fund, which was established for the exclusive use of the Indian Water Authority on behalf of the Bands, is an appropriate source of funds to finance the delivery of water to the Bands.

Section 107(b)(4) of the Settlement Act states that all funds of the Indian Water Authority that are not required for administrative or operational expenses of the Authority or to fulfill obligations of the Authority (emphasis added) under the title, the Act or any other agreement entered into by the Authority, shall be invested or used for economic development of the Bands, the Bands' reservation lands, and their members. The Act places the obligation to arrange for the development and delivery water for the Bands squarely on the Secretary, not on the Bands. To suggest that the Tribal Development Trust Fund should be used to acquire or deliver water to the Bands is to suggest that the Bands use their own money to fulfill the Secretary's obligation to them. This suggestion is inconsistent with the content of the Act. If additional authority or funding is needed to carry out the intent of the Act, then the Department should consider submitting an appropriate request to the Congress.

Mr. REDMOND. Mr. Speaker, H.R. 4068, the Native American technical corrections bill, contains two important amendments in Section 10 of the bill. Section 10 of H.R. 4068 would amend a section of, and add a new section to, the 1992 Jicarilla Apache Tribe Water Rights Settlement Act (Act of October 23, 1992, Pub. L. No. 102–441, 106 Stat. 2237) ("Settlement Act").

By the terms of the Settlement Act, the Jicarilla Apache Tribe may nor access its "future use" water or a six million dollar water resources development fund until two partial

final decrees have been entered, adjudicating the Tribe's historic and existing water rights in two stream system in New Mexico. The current statutory deadline for entry of these two decrees is December 31, 1998. See Pub. L. No. 104–261 §2, 110 Stat. 3176 (1996). If the deadline is not met, these monies, which have already been appropriated, will be returned to the general treasury.

One amendment outlined in Section 10(b) of H.R. 4068 would add a new section 12 to the Settlement Act to provide Congressional approval of an October 7, 1997, Stipulation and Settlement Agreement between the Jicarilla Apache Tribe, the Associación de Acéquias Norteñas de Rio Arriba, and certain other parties to the Rio Chama general stream adjudication, *State of New Mexico ex rel. State Engineer* v. *Aragon,* No. CIV–7941 JC. This settlement agreement has been approved by the Federal district court, but the parties to the agreement are seeking Congressional approval as an extra measure.

This settlement agreement provides for the future transfer of certain water rights from the Tribe to the Acéquias Norteñas. These water rights were perfected under state law prior to the Tribe's acquisition of a ranch from private parties in the 1980s. That land was proclaimed part of the Tribe's reservation in 1988. This agreement does not alter significantly the water rights the Tribe will receive under the Settlement Act, but still provides a fair and reasonable settlement of the concerns expressed by the Acéquias Norteñas. Because the Tribe was able to settle its differences with these and other acequias in the basin, there was no need for a trial on any of the objections filed to the Tribe's proposed Rio Chama decree. This decree was approved by the Federal district court on April 6, 1998.

However, for a host of reasons entirely outside of the Jicarilla Apache Tribe's control, the other decree required by the Settlement Act, which confirms the Tribe's water rights in the San Juan River general stream adjudication, *State of New Mexico* v. *United States of America, et al.,* v. *Jicarilla Apache Tribe,* No. 75–184–1 (11th Jud. Dist. NM), has taken far longer to complete than either the United States Departments of Justice and Interior or the Jicarilla Apache Tribe had anticipated. For this reason, an additional amendment to the Settlement Act, outlined in H.R. 4068, is necessary.

Section 10(a) of H.R. 4068 authorizes a two-year extension of the 1998 statutory deadline by which this last decree must be entered in the San Juan River adjudication. The parties are well along in the litigation, and the United States, the State, and the Tribe are actively trying to negotiate a resolution to the objections that have been filed to the decree. This is the final hurdle to conclude implementation of the Settlement Act, and although the parties are close to conclusion, there is no way for the Tribe to know whether the court will actually enter the decree before the December 31st deadline.

The delays to date have not been the fault of the Jicarilla Apache Tribe. Indeed, the Tribe has acted in good faith to fulfill the requirements of the Settlement Act. Therefore, the Tribe should not be penalized with the loss of six million dollars, which could potentially jeopardize the entire settlement. There is no justifiable reason to allow the statutory deadline to expire without an extension, especially when final settlement is so near. The Department of the Interior supports this extension, and the amendment to sanction the settlement between the Tribe and the acequias, because the Administration believes, as I do, that settlement is in the best interest of all water users in these two basins in New Mexico.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 4068, 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. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend remarks and include extraneous material on H.R. 4068, the bill just passed.

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

There was no objection.

SENSE OF THE HOUSE WITH RESPECT TO IMPORTANCE OF DIPLOMATIC RELATIONS WITH PACIFIC ISLAND NATIONS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 505) expressing the sense of the House of Representatives with respect to the importance of diplomatic relations with the Pacific Island Nations.

The Clerk read as follows:

H. RES. 505

Whereas the South Pacific region covers an immense area of the earth, approximately 3 times the size of the contiguous United States;

Whereas the United States seeks to maintain strong and enduring economic, political, and strategic ties with the Pacific island countries of the region, despite the reduced diplomatic presence of the United States in the region since World War II;

Whereas Pacific island nations wield control over vast tracts of the ocean, including seabed minerals, fishing rights, and other marine resources which will play a major role in the future of the global economy;

Whereas access to these valuable resources will be vital in maintaining the position of the United States as the leading world power in the new millennium;

Whereas Asian countries have already recognized the important role that these Pacific island nations will play in the future of the global economy, as evidenced by the Tokyo summit meeting in October 1997 with various Pacific island heads of state;

Whereas the Pacific has long been regarded as one of the "last frontiers", with an enormous wealth of uncultivated resources; and

Whereas direct United States participation in the human and natural resource development of the South Pacific region would promote beneficial ties with these Pacific island nations and increase the possibilities of access to the region's valuable resources: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) it is in the national interest of the United States to remain actively engaged in the South Pacific region as a means of supporting important United States commercial and strategic interests, and to encourage the consolidation of democratic values;

(2) a Pacific island summit, hosted by the President of the United States with the Pacific island heads of government, would be an excellent opportunity for the United States to foster and improve diplomatic relations with the Pacific island nations;

(3) through diplomacy and participation in the human and natural resource development of the Pacific region, the United States will increase the possibility of gaining access to valuable resources, thus strengthening the position of the United States as a world power economically and strategically in the new millennium; and

(4) the United States should fulfill its long-standing commitment to the democratization and economic prosperity of the Pacific island nations by promoting their earliest integration in the mainstream of bilateral, regional, and global commerce and trade.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I want to commend the gentleman from American Samoa (Mr. FALEOMAVAEGA) for introducing this important resolution, and I want to commend the Chairman and ranking minority member of the Subcommittee on Asia and the Pacific, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. BERMAN), for the role they played in crafting this resolution.

Mr. Speaker, it is important that the House has the opportunity to express its support for the concepts within the resolution. H. Res. 505 expresses the sense of the House that the importance of relations with the Pacific Island Nations be emphasized. Our Nation has a

long history of friendship and important alliances with many of the small island nations in the South Pacific. Their overwhelming support at the United Nations for U.S. initiatives and the strategic access we are given to their waters and ports have not gone unnoticed by this committee. Their many sacrifices during the Second World War and the aftereffects in nuclear testing created the foundation that insured world peace.

Accordingly, Mr. Speaker, I support the gentlemen's resolution, and I urge my colleagues to support H. Res. 505.

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 rise today in strong support of House Resolution 505. I introduced this resolution in July to recognize the importance of diplomatic relations between the United States and the Pacific Island Nations.

I am deeply appreciative of the efforts of the chairman and ranking Democratic Member of the House Committee on International Relations, the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON), for supporting House Resolution 505 as original cosponsors and for passage of the measure before the full committee.

Mr. Speaker, I would also thank the chairman and ranking Democratic members of the Committee on International Relations' Subcommittee on Asia and the Pacific, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. BERMAN), as well as our esteemed colleagues in the full committee, the gentleman from New Jersey (Mr. SMITH), the gentleman from California (Mr. LANTOS) and the gentleman from Florida (Mr. HASTINGS) for joining us as original cosponsors of House Resolution 505.

Mr. Speaker, my thanks also go to the gentlewoman from Hawaii (Mrs. MINK), the gentleman from Guam (Mr. UNDERWOOD), the gentleman from Hawaii (Mr. ABERCROMBIE), the gentleman from California (Mr. MATSUI) and the gentleman from California (Mr. KIM) for their support of this resolution.

Mr. Speaker, the United States has had a long and extraordinarily deep relationship with our allies and friends of the Pacific Islands. One need only mention the names of Guadalcanal, Midway, Wake Island, Guam and Saipan to recall the critical battles waged in the Pacific during World War II. In that terrible conflict and during the Cold War, our Pacific Island allies have fought and worked alongside Americans to preserve peace and nurture democracy in the Pacific region.

The people of the Marshall Islands, in particular, have made tremendous sacrifices which have greatly contributed to America's nuclear deterrence. During the 1940s and the 1950s the homelands and the Marshallese people were subjected to some 67 U.S. nuclear tests, an ordeal from which they are still struggling to recover.

□ 1530

The contributions of Pacific islanders have truly enhanced American security and stability. Today, a half century later, Mr. Speaker, we should not forget our commitment to our friends in this part of the world.

The Pacific Ocean covers one-third of the earth's surface, and spanning it are the 7,500 islands which comprise the 22 Pacific island nations and territories.

Mr. Speaker, while budgetary cutbacks have resulted in a reduced U.S. diplomatic presence in the region, our Nation continues to have substantial interests in the Pacific, whether that be in areas of investment and trade, strategic and regional security, democratic government and human rights, or protection of the environment.

In particular, with the advent of the Law of the Sea Conference and increasing international enforcement of exclusive economic zones, the Pacific island governments wield control over vast tracks of the entire Pacific Ocean. The millions of square miles of the Pacific Ocean under the jurisdiction of island nations encompass productive fisheries, undersea minerals, and important sea lanes, increasingly vital assets in the future of a global economy.

For example, Mr. Speaker, some of the world's richest and most diverse fishing grounds are found in the Pacific region, where the United States nets the bulk of tuna consumed by our fellow Americans. I would note that much of that tuna is processed in canneries in my own district in American Samoa.

On the ocean floor by Papua New Guinea, Fiji and Tonga lie seabed mineral deposits and undersea nodules containing valuable minerals such as manganese, cobalt, nickel, copper, silver and gold. The EEZ waters of the sparsely populated Cook Islands alone are projected to contain at least $150 billion of sea bed nodules.

The lesson has not been lost on Asian nations that have invested in the region, Mr. Speaker, including China, South Korea, and, in particular, Japan. Last October, then Prime Minister Hashimoto of Japan hosted a Tokyo summit meeting with Pacific island heads of government. No doubt, Japan is making a long term investment and an economic investment for the 21st Century.

Mr. Speaker, House Resolution 505 sends the message that it is important for the United States to cultivate diplomatic relations today with the Pacific island nations to foster strong economic ties tomorrow, and this will directly facilitate access to the region's valuable marine resources in the next millennium. For economic as well as strategic reasons, the United States should not permit others to step into the vacuum created by the lack of a strong U.S. policy and presence in the Pacific region.

Mr. Speaker, in furtherance of that goal, House Resolution 505 strongly urges that the President of the United States host a summit meeting with the Pacific island Heads of State and Governments to improve diplomatic relations with the Pacific island nations.

I would humbly suggest the perfect opportunity to conduct the Pacific Island Summit would be upon the President's return from the APEC meeting scheduled for November 1999 in Wellington, New Zealand. Since it is appropriate that the summit meeting take place in the Pacific, I suggest the East-West Center in Hawaii provides the ideal forum. Since its formation in 1960, the East-West Center has been the region's most respected institution for furthering U.S. relations with the Asian-Pacific region.

Before concluding, Mr. Speaker, I would note that an identical counterpart to House Resolution 505 has been introduced this month in the Senate by my good friend and distinguished Senator from Hawaii, Senator DANIEL INOUYE. Senator INOUYE's measure, Senate Resolution 277, has been cosponsored by Senators DAN AKAKA, TED STEVENS, ORRIN HATCH, ROBERT BYRD, CRAIG THOMAS, ERNEST HOLLINGS, WILLIAM ROTH, WENDELL FORD, BARBARA BOXER, FRANK MURKOWSKI and JEFF SESSIONS, and is before the Senate Foreign Relations Committee now. I thank and commend Senator INOUYE, who has long demonstrated commitment and unmatched leadership in the affairs of the Pacific region.

Mr. Speaker, I would urge that our colleagues support adoption of House Resolution 505 as it is in the national interest of the United States that we preserve strong and enduring economic, political and strategic ties with the Pacific island nations.

America cannot afford to neglect our friends in the Pacific. Adoption of this resolution and the holding of a Pacific Island Summit will ensure that we do not, and that our allies understand that the United States intends to remain firmly engaged in the Pacific region for our mutual benefit.

Mr. Speaker, I urge my colleagues to support and adopt this resolution.

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

Mr. GILMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of the Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I want to first thank the chairman for yielding me this time.

Mr. Speaker, I rise in strong support of H. Res. 505, a resolution recognizing

the tremendous importance of the Pacific island region and calling for U.S. participation and, in fact, leadership for a Pacific Island Summit.

This resolution was introduced in July, as you heard, by the distinguished gentleman from American Samoa (Mr. FALEOMAVAEGA). It is cosponsored in original cosponsorship by the chairman and ranking member of the full committee, the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON) as well as the gentleman from California (Mr. BERMAN), the ranking member of the subcommittee I chair, and myself, along with other distinguished members of our subcommittee and the full committee.

Mr. Speaker, we unanimously approved of in the subcommittee this resolution on September 9th, and the full Committee on International Relations followed suit the following day, September 10th.

This Member would congratulate particularly the distinguished gentleman from American Samoa for introducing this timely and important resolution. He is rightly recognized throughout this body for his commitment and support for the Pacific islands, and today's resolution certainly reflects that commitment.

Mr. Speaker, while the Pacific island nations are a vast and important region with enormous potential, it is nonetheless true that it has recently largely escaped international attention. Of late, international attention has been focused on the political and social unrest in other parts of Asia, together with the financial crisis and nuclear and missile proliferation. The gentleman from American Samoa is to be commended for reminding this body that the Pacific islands are economically and diplomatically important to the United States, and we ignore them to our detriment.

In the years since the end of the Second World War, the United States policy toward the Pacific islands has been dominated by military and security considerations. Certainly the deep water port facilities, the missile test ranges and the jungle training facilities offered by the Pacific islands were essential considerations during the Cold War. But the legislation before this body today expands the focus beyond the security arena, correctly addressing economic issues, the environment and political cooperation.

It is, I think, self-evident in this Nation's interest to pursue such a broad agenda with these small nations of the Pacific. Endowed with vast natural resources, this ocean continent of islands is poised to make valuable contributions to the global economy. U.S. fishing companies already enjoy fishing rights in certain waters controlled by these nations, and improved diplomatic ties would increase the potential for the United States to further benefit from the Pacific's wealth of resources, as well as benefiting those nations. Similarly, there is an enormous potential to exploit the vast mineral wealth of the Pacific for the benefit of the globe and for the benefit of these Pacific island nations and their people.

House Resolution 505 also recommends that the United States host a Pacific Island Summit as a means of highlighting the myriad of bilateral-multilateral issues of the region. This Member believes that is a very important element of this resolution, and suggests indeed, as my colleague has suggested and I reiterate, that a summit is an excellent proposal. Such a summit probably could be scheduled with little difficulty in concert with the annual meeting of the Asia-Pacific Economic Community, APEC, perhaps, as the gentleman suggests, and I agree, at the East-West Center in Hawaii. This Member would urge the administration to consider and act upon such a proposal.

Lastly, I would note that the resolution's author has worked constructively with the majority, with his colleagues in the minority and with the administration to ensure that there are no unnecessary differentials in this resolution. By making this effort, the gentleman has permitted this body to speak with one voice on this important issue.

Therefore, I urge our colleagues to support H. Res. 505, and I thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his initiative.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, let me first identify myself with the comments of the distinguished gentleman from Nebraska (Mr. BEREUTER), the chairman of the subcommittee, and my good friend and colleague from American Samoa.

The purpose of my rising is to commend the gentleman from American Samoa (Mr. FALEOMAVAEGA), not only for his leadership on this issue, but on a wide range of issues in the jurisdiction of the Committee on International Relations. The gentleman has not restricted his expertise to this most important region. His contributions to the work of our committee have extended across the globe.

But I think it is particularly appropriate that the gentleman has taken the lead on this issue. His idea of holding a summit at the East-West Center following the APEC meeting at Wellington, New Zealand, is an excellent one, and I strongly urge all of my colleagues to support this legislation. I also call on the administration to take the necessary steps to implement the gentleman's idea.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I thank my colleague from American Samoa, my fellow islander, for yielding me time.

Mr. Speaker, I, too, want to associate myself with all of the remarks previously made by the gentleman from Nebraska (Mr. BEREUTER), as well as the gentleman from California (Mr. LANTOS), and also extend my personal congratulations to my friend the gentleman from American Samoa (Mr. FALEOMAVAEGA) for this very important and timely resolution. I want to point out to the body that the gentleman personally made this suggestion to the President in a recent meeting about having a Pacific summit that would be in concert with the APEC summit, and it was very well received, and I am hopeful that the administration will heed his request and that we will see this summit come to fruition in the future.

Mr. Speaker, on Guam, we share the Pacific Ocean with island nations like Palau and Vanuatu and many of the nations that are referred to and are being considered under this resolution, and we also share many of the same values and cultural traits which already enhance our significant bonds. Our geographical and our cultural proximity with other Pacific island nations gives Guam the opportunity to facilitate cultural, educational and economic exchanges with our Pacific neighbors.

The United States already meets with Pacific island nations through such organizations as the South Pacific Forum, Pacific Economic Cooperation Council and the United Nations, but, as we enter the next millennium, I certainly encourage the United States to continue and in fact intensify its diplomatic and economic engagement.

H. Res. 505 calls for this type of cooperation, and specifically calls for a Pacific summit. A Pacific summit would be a prodigious opportunity for the United States to dialogue with the leaders of nations which control vast marine resources, from fishing rights to sea bed minerals.

The passage of H. Res. 505 is an indication that we are committed to our friends in the Pacific. As has been pointed out, the Pacific island nations are sometimes ignored in the process of even discussing the Pacific Ocean and the Asian-Pacific region. Sometimes in those discussions we are really talking about the Pacific rim nations.

I always like to tell people it is like a big donut, and we are always concerned about the rim nations and we forget that it is the hole in the middle that makes the donut, and it is the Pacific basin and it is all those tiny little

islands and tiny little nations which really are sitting on top of a vast variety of resources which need attention.

□ 1545

Not only are they economically important, but certainly they also have strategic and diplomatic importance, as well. It is also significant that in this, the International Year of the Ocean, we must also mean that it must be the International Year of the Islands in those oceans, and those islands whose cooperation is vitally necessary for the development and cultivation of ocean resources in an environmentally sound manner, while making sure that the islanders profit from those resources.

This is a very timely, a very necessary resolution, and I urge its adoption.

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

Mr. Speaker, I would really like to express my appreciation to the gentleman from California (Mr. LANTOS), and my good friend, the gentleman from Guam (Mr. UNDERWOOD), my fellow Pacific Islander, for their eloquence.

I know this is probably the last piece of legislation that we will be working on as far as the Committee on International Relations Subcommittee on Asia and the Pacific is concerned, but I certainly would like to offer my highest commendation to the gentleman from Nebraska (Mr. BEREUTER), the chairman of the subcommittee, not only for his keen insight, but the tremendous eloquence of his statement, which really, I could not have stated better, his full understanding and knowledge of what is happening there in the Pacific region.

I really, really want to thank and commend him for his assistance, for his help, not only as a friend, but for his tremendous leadership that has been demonstrated as chairman of the Subcommittee on Asia and the Pacific, and of course my good friend, the gentleman from New York (Mr. GILMAN).

Mrs. MINK of Hawaii. Mr. Speaker, I rise in strong support of H. Res. 505.

The South Pacific was one of the major theaters of World War II. During that time, the United States and the island nations of the Pacific established strong bonds that endure even after the passage of over half a century.

Yet, while the United States has developed and maintained a strong economic, political, and strategic interest or presence in the Pacific, the same cannot be said of the United States diplomatic presence in the region, which has diminished considerably over the decades. This resolution expresses the sense of Congress that the United States should strengthen its diplomatic presence with the Pacific island nations.

This resolution, by encouraging a greater U.S. diplomatic presence in the Pacific, recognizes that while the United States should promote and support its commercial and strategic interests by encouraging Pacific island nations to become more fully integrated into the regional and global economy, it is equally important that such integration be accompanied by the promotion and consolidation of human rights and democratic values. And, these broader developments can better be realized by reestablishing America's diplomatic presence in the South Pacific.

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

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 505.

The question was taken.

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

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SENSE OF CONGRESS CONDEMNING ATROCITIES BY SERBIAN POLICE AND MILITARY FORCES AGAINST ALBANIANS IN KOSOVA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 315) 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 the 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, as amended.

The Clerk read as follows:

H. CON. RES. 315

Whereas the ethnic Albanian population of the province of Kosova, which makes up the overwhelming majority of the population of that area, has been denied internationally recognized human rights and political rights, including the protection of life, freedom of speech, freedom of assembly, and freedom of the press;

Whereas Serbian police and military forces have engaged in brutal suppression of the Albanian people, and the number of Serbian police and military forces which have been deployed in Kosova is estimated at some 50,000 men;

Whereas human rights groups have reported and documented instances of Serbian forces conducting abductions and summary executions of innocent ethnic Albanian civilians in reprisal killings that are similar to those conducted by Nazi forces during World War II and are similar to the ethnic cleansing which was carried out by ethnic Serbian troops in Bosnia;

Whereas Serbian forces have indiscriminately shelled and burned villages, reducing them to rubble, in order to drive out the ethnic Albanian inhabitants, inflicting heavy material losses upon the ethnic Albanians in Kosova;

Whereas hundreds of ethnic Albanians, including women and children, have been killed and over 200,000 ethnic Albanians have been forced to flee and have become refugees as a result of this Serbian military action;

Whereas the stubborn denial of human rights and political rights to the ethnic Albanian majority in Kosova by the Government of Serbia has been the major factor in the radicalization of the political situation in the province and made the prospects of a peaceful resolution of the conflict there difficult if not impossible;

Whereas the dissolution of the Socialist Federal Republic of Yugoslavia (SFRY) resulted in 5 independent states and the ownership of the blocked assets of the SFRY has yet to be determined and apportioned among the successor states; and

Whereas the United States and the governments of other countries have blocked the assets of the Federal Republic of Yugoslavia (Serbia and Montenegro) as part of the blocked assets of the SFRY: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) deeply deplores and strongly condemns the appalling loss of life and the extensive destruction of property in Kosova that is the consequence of the brutal actions of Serbian police and military forces against the ethnic Albanian population of the province;

(2) believes that the Government of Serbia is primarily responsible for the loss of life and destruction of property, and thus Serbia should bear the principal burden of providing compensation for the loss of life and for the costs of rebuilding areas which its forces have devastated;

(3) urges the President and officials he designates to work with the Congress to draft legislation and regulations which will permit the claims of ethnic Albanians from Kosova who have suffered as a consequence of the brutal actions of Serbian police and military forces in Kosova to be considered, without prejudice to the claims of United States nationals, when claims settlement negotiations involving the assets of the Federal Republic of Yugoslavia (Serbia and Montenegro) which the United States has blocked or asserted control over takes place;

(4) urges that, in drafting such legislation and implementing regulations, special consideration be given to the circumstances of the Government of the Republic of Montenegro and to persons located in and organized under the laws of the Republic of Montenegro;

(5) urges the President and the Secretary of State to urge all other countries to follow a policy which permits ethnic Albanians who have suffered as a consequence of the brutal actions of Serbian police and military forces in Kosova to make claims against the assets of the Federal Republic of Yugoslavia (Serbia and Montenegro) which are in the control of the respective country; and

(6) requests that a copy of this resolution be transmitted to the President and the Secretary of State by the Clerk of the House of Representatives and the Secretary of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) 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 House Concurrent Resolution 315.

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, this resolution, House Concurrent Resolution 315, expresses the well-founded view that Serbia is responsible for the mayhem that police and military personnel have inflicted upon the unfortunate people of Kosova, and that Serbia should be held financially responsible for the damages done to their homes and other property of the Albanian citizens of Kosova.

I commend the distinguished gentleman from California (Mr. LANTOS), a senior member of our committee, for introducing this measure. I am pleased to be listed as an original cosponsor.

This resolution calls for our President to work with the Congress to develop laws and regulations that would make it possible to utilize the Serbian blocked assets here in our Nation under the control of our government for the purpose of providing restitution to those who have suffered property losses as a result of the conflict in Kosova.

While we recognize that there may be other claimants to these assets, we want to put the House on record that Serbia is financially accountable for the damages that its police and military have caused through unrestrained use of force and willful destruction of housing and other property belonging to members of the Albanian community in Kosova.

Just last week I called upon the President to mobilize NATO to issue an ultimatum to Milosevic to permit the hundreds of thousands of displaced people in Kosova to return to their homes in safety, and to permit unimpeded access for humanitarian assistance for these people.

Winter comes early to Kosova. We can no longer play for time for other forms of diplomacy to take effect. Milosevic is completely untrustworthy, and the lives of more than 250,000 people in Kosova now hang on the credibility of the international community's pledge to permit no more Bosnias in the Balkans. We must not wait to act until scenes of human misery flash across our TV screens in the next few weeks.

Accordingly, I urge all of our Members of the House to join with the sponsors of this resolution in sending a strong message to the Serbian leadership that in addition to any legal and political penalties they may face, they will also pay a financial penalty for their actions in Kosova.

It is our hope that other governments will undertake similar measures, so that the people of Kosova may eventually receive some restitution from the government that is directly responsible for their suffering and for their tremendous losses.

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

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

Mr. Speaker, let me first express my thanks and respect to the gentleman from New York (Mr. GILMAN), the chairman of our committee, for his strong support of this long overdue measure.

If I may, Mr. Speaker, I would like to put this whole resolution in some historic context. Kosova, an Albanian province of Serbia, was a relatively peaceful, poor place until 1989. In 1989, without the slightest provocation, Mr. Milosevic destroyed whatever modicum of autonomy the people of Kosova had and created of 1,800,000 Albanian ethnic Kosovars colonial subjects within their own country.

I visited Kosova many times during the last decade. It is, without any question, Europe's poorest region. It is the only region, Mr. Speaker, where you can meet a young man or a young woman in their twenties having only one or two or three teeth, because there are no dental services available. The grinding poverty of the Albanian ethnic population of Kosova is pitiful and heartrending.

The people of Kosova have been fortunate to have reasonable, moderate, peace-loving leadership in the person of Dr. Ibrahim Rugova, a scholar of great distinction. But he could not get anyplace with the dictatorial regime of Milosevic, and gradually an extremist element emerged within the Albanian population which started military activities.

In response to this, the Serbian army not only crushed this military uprising, but caused over 250,000 civilians, men, women, children, old folks, to leave their poor villages, many of them by now destroyed. As we speak, Mr. Speaker, over 50,000 civilian Kosovars are hiding in the mountains, and last week the first snow fell in Kosova.

My resolution calls for two things. It calls for the Congress to denounce the brutal and inhumane activities of Serbian military and paramilitary and police forces against the civilian population of Kosova; and secondly, it calls on our government to see to it that Serbian assets frozen in this country be used to compensate, to whatever extent is feasible, these poor and destitute people, so that when they return to their destroyed and devastated villages, they can start rebuilding their lives.

This is the very least that we can do for an innocent, persecuted, long-suffering people, 1,800,000 ethnic Albanian Kosovars whose sole crime is that they happen to live within the boundaries of the state of Serbia. Mr. Speaker, I strongly urge my colleagues to support this resolution.

Mr. Speaker, I am very pleased to yield such time as he may consume to my distinguished friend and colleague, the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I thank the gentleman for yielding time to me. I also want to thank the distinguished Member for sponsoring this legislation, which I am a cosponsor of, and for his leadership throughout the world for freedom.

I think if there is some day a dictionary encyclopedia that says, what does a Congressman look like, we will see Mr. Bill Natcher and the gentleman from California (Mr. TOM LANTOS). I mean that.

Also, I thank the gentleman from New York (Chairman GILMAN) for all the work he has done. Naturally, I support this resolution. I think it is on target.

I, though, would also like to recommend that my legislation that would move Kosova toward an independent state be seriously considered, for several reasons. Number one, Milosevic has shown that he is a brutal dictator, and the atrocities against ethnic Albanians may in fact produce another Bosnia for the world.

Having said that, I think it is time to look at Kosova. The population consists of 90 percent ethnic Albanians, their roots, their language, and under the former state of Yugoslavia, they had an independent status.

As much as I support this, I would like to say that ethnic Albanians do not just want an opportunity to make a claim against Serbian assets in our country, ethnic Albanians want independence, and they are crying out for freedom all over this world. I believe our administration is trying to keep the lid on, in all fairness. But I believe we can coddle this guy Milosevic a little too much, and I think it is time to get stern with this man.

I would just like to recommend to the chairman and distinguished leaders of this committee to look at the matter of independence. I believe there is no other answer because ethnic Albanians will not accept anything else, and I believe if there is to be a tempest in this teapot, we should deal with it now. But this certainly is on the right track.

I am proud to join forces with the gentleman from California (Mr. LANTOS), and I am hoping that the administration and the State Department

look very carefully at the recommendation coming from the gentleman from California (Mr. LANTOS), the gentleman from New York (Mr. GILMAN), and the rest of the Congress.

Mr. HOYER. Mr. Speaker, I rise in strong support of this resolution and urge the House to pass it by a unanimous vote.

This resolution condemns the violence in Kosovo and calls for compensation for its victims from the assets of the perpetrators. This is the just and right thing to do.

And while, Mr. Speaker, we must condemn the violence and ethnic cleansing, we must do more. As we debate this resolution, Milosevic and his thugs are conducting yet another assault against civilians in the Drenica region of Kosovo. Reports indicate that 20,000 more refugees are fleeing their homes as Serb police and military units continue their scorched Earth policy. Hundreds of people, including women and children, have been killed since the violence began. More than a quarter of a million people—one-sixth of Kosovo's overwhelmingly ethnic Albanian population—have been driven from their homes. An estimated 50,000 are living in the open, threatened by starvation, hypothermia and disease.

Last week Senator Bob Dole and Assistant Secretary of State John Shattuck testified about their recent visit to Kosovo before the Helsinki Commission. Senator Dole said that what he saw in Kosovo shares many of the worst characteristics of the war in Bosnia, including the genocide in Srebrenica. Secretary Shattuck described horrendous human rights violations, violations of humanitarian law, and acts of punitive destruction on a massive scale.

Make no mistake about it. This is Bosnia—again. And as we saw in Bosnia, the only thing Milosevic responds to is force.

In December 1992, President Bush warned that if civilians in Kosovo were attacked, we would respond with force. President Clinton reiterated that warning in March 1993. The international community has threatened, NATO has planned contingencies, we have rattled our sabers, yet Milosevic and his thugs carry on with impunity.

I call on the Congress, the administration, and our NATO allies to act now to save the people of Kosovo, to halt Milosevic's reign of terror and to finally bring a chance for peace to the Balkans.

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

Mr. GILMAN. 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 New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 315, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1600

RICHARD C. LEE UNITED STATES COURTHOUSE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1355) to designate the United States courthouse located in New Haven, Connecticut, as the "Richard C. Lee United States Courthouse," as amended.

The Clerk read as follows:

S. 1355

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

SECTION 1. DESIGNATION.

The United States courthouse located at 141 Church Street in New Haven, Connecticut, shall be known and designated as the "Richard C. Lee United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Richard C. Lee United States Courthouse".

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

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

Mr. Speaker, Senate 1355, as amended, designates the United States courthouse located in New Haven, Connecticut, as the "Richard C. Lee United States Courthouse."

Richard Lee was the mayor of New Haven, Connecticut, for eight terms, comprising 16 years in office. He was a dedicated public servant who played a significant role in American urban history. Celebrated as an urban pioneer, under his leadership the City of New Haven became a model in urban renewal for cities across the United States.

Mayor Lee recognized the importance of a thriving downtown area and healthy middle-class population to ensure a city's existence. Mayor Lee is a credit to his hometown of New Haven.

This is a fitting tribute to a dedicated public servant, and I support the Senate bill, as amended. Mr. Speaker, I urge my colleagues to support it as well.

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Haven, Connecticut (Ms. DELAURO), the sponsor of this legislation in the House.

Ms. DELAURO. Mr. Speaker, I thank both gentlemen for the opportunity to be able to speak on this issue this afternoon. I am very, very proud to sponsor this bill which will designate the U.S. courthouse in my hometown of New Haven, Connecticut, as the "Richard C. Lee United States Courthouse."

Richard C. Lee epitomizes all that a mayor can and should be and is truly a model mayor of a city for this century.

Dick Lee's dedication to the City of New Haven is illustrated by a lifetime of public service. His career began as a reporter. He became editor of the New Haven Journal Courier. He later became editor of the Yale News Digest and director of the Yale University News Bureau. He went on to a career as a public servant after that.

After twice running and losing, he became New Haven's youngest mayor in 1953. He served for 16 years, longer than any mayor since. There is a historic dimension to Dick Lee's administration. During his tenure as a mayor, he was deeply involved with and dedicated to issues of urban renewal. He initiated an economic revitalization plan marking a turning point in New Haven's history.

He was particularly interested in the human side of urban redevelopment. He incorporated community outreach into the public school system; added staff to the public schools to facilitate relationships between faculty, students, and others; he developed job training programs; he served as President of the United States Conference of Mayors.

Because of his success in New Haven, his solid reputation led to his becoming principal advisor on urban affairs during the Kennedy and Johnson administrations, where he led the way for similar programs throughout the country.

After retiring as mayor, Dick continued to serve his community by serving as executive director of the United Way of Greater New Haven from 1975 to 1980. His later achievements included an appointment to the Committee on Judicial Review in 1976, and chairing the State Library Board from 1984 to 1986. In 1987, he was appointed to the Judicial Review Council. He later joined Union Trust as the chairman's representative in New Haven.

Let me just say that Dick Lee understood how vibrant and alive cities are and what role they can play in making sure that people have the kinds of opportunity that they needed economically and what kind of a social fabric one needs in order for a people to be able to succeed.

On a personal and political level, the DeLauro and Lee families have been close for years. I witnessed firsthand his knowledge, insight, and caring for the New Haven community. My mother, Luisa DeLauro, served on the Board of Aldermen under Dick's administration. I fondly remember Dick's relationship with my father, Ted DeLauro. They were great friends and they worked together on numerous projects

for the betterment of the New Haven community. Throughout my life, Dick Lee has been both a mentor and a friend.

On September 13th, 1987, Dick was inducted into the Knights of St. Gregory, a Papal honor for "exemplary conduct as a citizen living up to his full measure of influence and creativity in the community." It is exactly this commitment to community that distinguishes the life of Richard C. Lee, and it is with great pleasure that I sponsor this legislation.

Dick Lee is now 82 years old. He probably will be angry with me for mentioning his age, but he truly epitomizes what a public servant is in our country. This courthouse will be a lasting tribute to a man who has been one of the most dedicated and effective mayors of this century, and I thank the gentlemen for allowing me this time to speak on his behalf.

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

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

Mr. Speaker, Mayor Richard Lee has become known as the model mayor for our country and for this century. Having served in World War II, he returned to his hometown of New Haven and he started a lifetime of service.

There is something I would like to mention that perhaps is a little unusual as being a former sheriff. Mayor Lee petitioned the Ford Foundation and the Federal Government to join him in the fight against juvenile delinquency and urban unemployment years ago, being in advance of and understanding the unusual dynamics taking place in our country and certainly in our urban environment.

The point I want to mention to this House is during the urban unrest of the 1960s, New Haven, Connecticut, did not experience the violence which shook other major cities, now chronicled in the history of those turbulent years. New Haven, in fact, became the model for law enforcement civility without one shot being fired by a policeman during that time. Not one shot being fired.

Some of the adjectives that have been used to describe the great mayor were: Commitment, accessibility, involvement, creativity. Mr. Speaker, I believe it is prompt and proper for the House to offer another one: A great American.

I am proud to support this bill. I want to commend the two Senators from Connecticut and also the great Member here from New Haven for their bill. I support it and I urge an "aye" vote.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the Senate bill, S. 1355, as amended.

The question was taken.

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

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ROBERT K. RODIBAUGH UNITED STATES BANKRUPTCY COURTHOUSE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 81) to designate the United States courthouse located at 401 South Michigan Street in South Bend, Indiana, as the "Robert K. Rodibaugh United States Bankruptcy Courthouse".

The Clerk read as follows:

H.R. 81

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

SECTION 1. DESIGNATION.

The United States courthouse located at 401 South Michigan Street in South Bend, Indiana, shall be known and designated as the "Robert K. Rodibaugh United States Bankruptcy Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Robert K. Rodibaugh United States Bankruptcy Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

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

Mr. Speaker, H.R. 81 designates the United States courthouse in South Bend, Indiana, as the "Robert K. Rodibaugh United States Bankruptcy Courthouse."

Judge Rodibaugh served the Northern District of Indiana in the area of bankruptcy law since his appointment as a bankruptcy judge in 1960. During his tenure, he oversaw the growth of the bankruptcy court from one small courtroom with a part-time referee and a clerk's office of 4 employees in South Bend, to four separate courtrooms located throughout northern Indiana. In 1985, Judge Rodibaugh was appointed Chief Bankruptcy Judge and assumed senior status in 1986.

Judge Rodibaugh has fulfilled his duties as a referee and a judge in bankruptcy proceedings with a patience, fairness, and dedication to legal scholarship which is most worthy of recognition. It is a fitting tribute to honor him and his accomplishments in this manner.

Mr. Speaker, I support this legislation and urge my colleagues to join me to support it.

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

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the fine gentleman from South Bend, Indiana (Mr. ROEMER), the sponsor of this legislation.

Mr. ROEMER. Mr. Speaker, I thank the gentleman from Ohio (Mr. TRAFICANT) and I also want to thank the gentleman from California (Mr. KIM) for their help on this very important piece of legislation today that we honor Judge Rodibaugh with.

Mr. Speaker, I would also like to thank the gentleman from Ohio (Mr. TRAFICANT) for his hard work on this bill. I know he has visited my hometown of South Bend a couple of different times when he played football at the University of Pittsburgh. I would like to say that he was 0 and 2 when he visited my hometown, but I think he got a win one year and was 1 and 1 against the Fighting Irish.

Mr. Speaker, I rise to salute Judge Robert Kurtz Rodibaugh, a loyal and dedicated friend, the senior bankruptcy judge for the South Bend Division of the Northern District of the State of Indiana. It is truly a great honor for me to recognize Judge Rodibaugh, who has consistently demonstrated generosity and selfless dedication to the citizens and legal community of northern Indiana.

At the beginning of this Congress, I introduced H.R. 81 to designate the recently dedicated courthouse on the corner of Western and South Michigan Streets in South Bend, Indiana, in honor of Judge Rodibaugh and his numerous contributions to the legal community. Last year, I also had the privilege to attend the dedication ceremony for the Rodibaugh Courthouse. While the courthouse has already been dedicated, I believe that H.R. 81 is an appropriate way to express our gratitude for Judge Rodibaugh's lifelong dedication to public service.

Mr. Speaker, without question, the Robert K. Rodibaugh United States Bankruptcy Courthouse is a fitting title for the new bankruptcy facility. Judge Rodibaugh is a shining example of the importance of public service whose tireless contributions provide an invaluable service to our community, my hometown, South Bend, Indiana.

Mr. Speaker, I am confident that Judge Rodibaugh will continue to play a constructive and important role in our community and will continue to serve as a powerful inspiration to all of those who come into contact with him. I thank the House of Representatives

for passing this, and I thank the chairman and ranking member for their assistance, and congratulate Judge Rodibaugh.

Mr. Speaker, I rise today in appreciation of Judge Robert Kurtz Rodibaugh, a loyal and dedicated friend, the senior bankruptcy judge for the South Bend Division of the Northern District of Indiana. It is truly a great honor for me to recognize Judge Rodibaugh, who has consistently demonstrated generosity and selfless dedication to the citizens and legal community of Northern Indiana.

At the beginning of the current Congress, I introduced legislation, H.R. 81, in the U.S. House of Representatives to designate the recently dedicated courthouse on the corner of Western and South Michigan Streets in South Bend, Indiana in honor of Judge Rodibaugh and his numerous contributions to the legal community. Last year, I had the privilege to attend the dedication ceremony for the "Robert K. Rodibaugh United States Bankruptcy Courthouse." While this courthouse has already been dedicated, I believe that H.R. 81 is an appropriate way to express our gratitude for Judge Rodibaugh's life-long dedication to public service.

Mr. Speaker, as you may recall, I introduced identical legislation which was passed by the House of Representatives during the last Congress. Unfortunately, the measure was not considered by the U.S. Senate before the 104th Congress adjourned. I am honored to sponsor H.R. 81 and pleased that the majority of the Indiana Congressional delegation has cosponsored my legislation. Judge Rodibaugh is recognized by his community and his peers as an honorable man worthy of such a tribute. He is highly regarded throughout the entire country and has been a pillar of the community. Moreover, he is greatly respected by other judges and the bankruptcy bar in Northern Indiana. Since his initial appointment as a referee in bankruptcy in November 1960 and throughout his legal career as a bankruptcy judge, Judge Rodibaugh has served the citizens and legal community of the Northern District of Indiana wisely, efficiently, and honorably.

A native of Elkhart County, Indiana, Judge Rodibaugh graduated from the University of Notre Dame with a Bachelor of Science degree in 1940 and attended the University of Notre Dame Law School, where he served as the Associate Editor of the Notre Dame Law Review between 1940 and 1941. He received his Juris Doctor degree in 1941. After gaining his admittance to practice law in 1941, Judge Rodibaugh entered active duty as a private in the United States Army. He was discharged in 1946 as a Captain after serving in the infantry and armored forces during World War II. Following his release, Judge Rodibaugh entered private practice in 1946. He also served as the Deputy Prosecuting Attorney of the 60th Judicial Circuit, in St. Joseph County, Indiana, from 1948 to 1950, and again from 1953 to 1957. In addition, Judge Rodibaugh served as Attorney for the St. Joseph County Board of Zoning Appeals between 1958 and 1960.

Mr. Speaker, Judge Rodibaugh received the 33 Years of Distinguished Service to Bench and Bar Award from the Bankruptcy Judges of the Seventh Circuit in 1993, the 50 Year Golden Career Award from the Indiana State Bar Association in 1991, and the Notre Dame Law School's Distinguished Alumnus Award in 1991. Some of the significant cases that Judge Rodibaugh has decided include *Papelow* v. *Foley* and *In the Matter of John Kelly Jeffers.* Judge Rodibaugh has always enjoyed the challenge of bankruptcy law and has a special talent for working with corporate reorganizations. Recently, Judge Rodibaugh said: "I still think bankruptcy law is one of the most fascinating areas of the law. When a reorganization is successful, it is a satisfying feeling."

Mr. Speaker, throughout his tenure, Judge Rodibaugh has presided over the growth of the bankruptcy court in Northern Indiana from one small courtroom with a part-time referee and a clerk's office of two employees in South Bend, Indiana, to four different courtrooms in the cities of South Bend, Fort Wayne, Gary, and Lafayette, Indiana, with four full-time judges and a clerk's office of over forty employees. According to his colleague, Judge Harry Dees, also a bankruptcy judge for the Northern District of Indiana: "Judge Rodibaugh never complained about all the weekly traveling, he just did it."

Moreover, Judge Rodibaugh has fulfilled his duties as a bankruptcy judge with patience, fairness, dedication and legal scholarship which is most worthy of recognition. His high standards have benefitted the many law clerks and judicial personnel who have served under his tutelage, the lawyers who have practiced before the bankruptcy court, as well as the citizens residing in the Northern District of Indiana. In 1985, Judge Rodibaugh was appointed Chief Judge of the U.S. Bankruptcy Court for the Northern District of Indiana. He served in that position until he assumed full-time recall status as a senior judge one year later. Today, Judge Rodibaugh continues in this position, carrying a full case load, and he has no plans to cut back on his work with the court. Currently, Judge Rodibaugh and his wife, Eunice, live in South Bend, Indiana.

Mr. Speaker, it is important for me to indicate that the firm of Panzica Development Company with Western Avenue Properties, LLC, graciously agreed to name the new privately-owned courthouse building in Judge Rodibaugh's honor, owing to his unblemished character and numerous professional achievements in the bankruptcy field. I am confident that the "Robert K. Rodibaugh United States Bankruptcy Courthouse" is an appropriate title for the new bankruptcy court facility. Judge Rodibaugh is a shining example of the importance of public service, whose tireless contributions provide an invaluable service to our community. I am confident that Judge Rodibaugh will continue to play a constructive and important role in our community, and will continue to serve as a powerful inspiration to all of those who come into contact with him.

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

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

Mr. Speaker, the gentleman from Indiana (Mr. ROEMER) the young man from South Bend, was, I believe, about 4 years old when I was in South Bend. I am amazed that he has such a recollection. I know he loves football and that is what makes him so avid.

Mr. Speaker, I compliment the gentleman for recognizing this great judge. When the bankruptcy courts opened up back there, I think they had one part-time clerk and a small office. They graduated to four full bankruptcy courts in Mr. ROEMER's hometown of South Bend, and also Fort Wayne, Gary, and Lafayette.

This is a very respected judge, noted for fairness, dedication, and legal scholarship. Nearly everyone that endorsed this talked body legal scholarship and helping to bring bankruptcy matters to the forefront of consideration of the court system.

So, I want to compliment and commend the gentleman from Indiana (Mr. ROEMER) for his efforts. I want to also say that without a doubt, we not only have a great jurist, but a great American. I am proud to support the legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the bill, H.R. 81.

The question was taken.

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

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1615

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 81, the bill just considered.

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

There was no objection.

NONCITIZEN BENEFIT CLARIFICATION AND OTHER TECHNICAL AMENDMENTS ACT OF 1998

Mr. CAMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4558) to make technical amendments to clarify the provision of benefits for noncitizens, and to improve the provision of unemployment insurance, child support, and supplemental security income benefits, as amended.

The Clerk read as follows:

H.R. 4558

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 "Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998".

SEC. 2. CONTINUING ELIGIBILITY FOR SSI AND RELATED BENEFIT FOR NONQUALIFIED ALIENS WHO WERE RECEIVING BENEFITS ON THE DATE OF THE ENACTMENT OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.

Section 401(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(b)) is amended by inserting after paragraph (4) the following new paragraph:

"(5) Subsection (a) shall not apply to eligibility for benefits for the program defined in section 402(a)(3)(A) (relating to the supplemental security income program), or to eligibility for benefits under any other program that is based on eligibility for benefits under the program so defined, for an alien who was receiving such benefits on August 22, 1996.".

SEC. 3. EXTENSION OF AUTHORIZATION OF SELF-EMPLOYMENT ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Paragraph (2) of section 507(e) of the North American Free Trade Agreement Implementation Act (26 U.S.C. 3306 note) is hereby repealed.

(b) CONFORMING AMENDMENTS.—Subsection (e) of section 507 of such Act is further amended—

(1) by amending the heading after the subsection designation to read "EFFECTIVE DATE.—"; and

(2) by striking "(1) EFFECTIVE DATE.—" and by running in the remaining text of subsection (e) immediately after the heading therefor, as amended by paragraph (1).

SEC. 4. CORRECTIONS TO THE CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998.

(a) REDUCTION OF PENALTY FOR STATE FAILURE TO MEET DEADLINE FOR COMPLIANCE WITH CHILD SUPPORT DATA PROCESSING AND INFORMATION RETRIEVAL REQUIREMENTS IF PERFORMANCE OF CERTAIN ASPECT OF STATE IV-D PROGRAM MEETS PERFORMANCE THRESHOLD.—

(1) IN GENERAL.—Section 455(a)(4)(C) of the Social Security Act (42 U.S.C. 655(a)(4)(C)) is amended by adding at the end the following:

"(iii) The Secretary shall reduce the amount of any reduction that, in the absence of this clause, would be required to be made under this paragraph by reason of the failure of a State to achieve compliance with section 454(24)(B) during the fiscal year, by an amount equal to 20 percent of the amount of the otherwise required reduction, for each State performance measure described in section 458A(b)(4) with respect to which the applicable percentage under section 458A(b)(6) for the fiscal year is 100 percent, if the Secretary has made the determination described in section 458A(b)(5)(B) with respect to the State for the fiscal year.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) of this subsection shall take effect as if included in the enactment of section 101(a) of the Child Support Performance and Incentive Act of 1998, and the amendment shall be considered to have been added by section 101(a) of such Act for purposes of section 201(f)(2)(B) of such Act.

(b) CLARIFICATION OF EFFECTIVE DATE FOR CERTAIN MEDICAL CHILD SUPPORT PROVISIONS.—

(1) IN GENERAL.—Section 401(c)(3) of the Child Support Performance and Incentive Act of 1998 (42 U.S.C. 652 note) is amended by striking "of the enactment of this Act" and inserting "specified in subparagraph (A)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) of this subsection shall take effect as if included in the enactment of section 401(c)(3) of the Child Support Performance and Incentive Act of 1998.

SEC. 5. ELIGIBILITY OF NONRESIDENT ALIENS TO RENEW PROFESSIONAL LICENSES.

(a) FEDERAL.—Section 401(c)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c)(2)) is amended—

(1) at the end of subparagraph (A) by striking "or";

(2) at the end of subparagraph (B) by striking the period and inserting "; or"; and

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

"(C) to the issuance of a professional license to, or the renewal of a professional license by, a foreign national not physically present in the United States.".

(b) STATE OR LOCAL.—Section 411(c)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621(c)(2)) is amended—

(1) at the end of subparagraph (A) by striking "or";

(2) at the end of subparagraph (B) by striking the period and inserting "; or"; and

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

"(C) to the issuance of a professional license to, or the renewal of a professional license by, a foreign national not physically present in the United States.".

SEC. 6. CLARIFICATION OF OBLIGATION OF WELFARE-TO-WORK FUNDS.

(a) IN GENERAL.—Section 403(a)(5)(A)(iv)(II) of the Social Security Act (42 U.S.C. 603(a)(5)(A)(iv)(II)) is amended by striking "or sub-State entity" and inserting ", other than funds reserved by the State for distribution under clause (vi)(III) and funds distributed pursuant to clause (vi)(I) in any State in which the service delivery area is the State".

(b) RETROACTIVITY.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 5001 of the Balanced Budget Act of 1997.

SEC. 7. DISREGARD OF LIMITED AWARDS MADE TO CHILDREN WITH LIFE-THREATENING CONDITIONS UNDER THE SUPPLEMENTAL SECURITY INCOME PROGRAM.

(a) INCOME DISREGARD.—Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)) is amended—

(1) by striking "and" at the end of paragraph (20);

(2) by striking the period at the end of paragraph (21) and inserting "; and"; and

(3) by adding at the end the following:

"(22) any gift to, or for the benefit of, an individual who has not attained 18 years of age and who has a life-threatening condition, from an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of such Code—

"(A) in the case of an in-kind gift, if the gift is not converted to cash; or

"(B) in the case of a cash gift, only to the extent that the total amount excluded from the income of the individual pursuant to this paragraph in the calendar year in which the gift is made does not exceed $2,000.".

(b) RESOURCE DISREGARD.—Section 1613(a) of the Social Security Act (42 U.S.C. 1382b(a)) is amended—

(1) by striking "and" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting "; and"; and

(3) by inserting after paragraph (12) the following:

"(13) any gift to, or for the benefit of, an individual who has not attained 18 years of age and who has a life-threatening condition, from an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of such Code—

"(A) in the case of an in-kind gift, if the gift is not converted to cash; or

"(B) in the case of a cash gift, only to the extent that the total amount excluded from the resources of the individual pursuant to this paragraph in the calendar year in which the gift is made does not exceed $2,000.".

(c) RETROACTIVITY.—The amendments made by this section shall apply to gifts made on or after the date that is 2 years before the date of the enactment of this Act.

SEC. 8. ENHANCED RECOVERY OF SSI OVERPAYMENTS FROM SOCIAL SECURITY BENEFITS.

(a) IN GENERAL.—Part A of title XI of the Social Security Act is amended by adding at the end the following new section:

"RECOVERY OF SSI OVERPAYMENTS FROM SOCIAL SECURITY BENEFITS

"SEC. 1147. (a) IN GENERAL.—(1) Whenever the Commissioner of Social Security determines that more than the correct amount of any payment has been made under the supplemental security income program under title XVI of this Act (including, for purposes of this section, under section 1616(a) of this Act or section 212(b) of Public Law 93-66) to a person who is not currently eligible for cash benefits under the program, the Commissioner, notwithstanding section 207 of this Act but subject to paragraph (2) of this subsection, may recover the amount incorrectly paid by decreasing any amount which is payable to the person under title II of this Act in any month by not more than 10 percent of the amount payable under such title II.

"(2) The 10 percent limitation set forth in paragraph (1) shall not apply to an overpayment made to a person if—

"(A) the person or the spouse of the person was involved in willful misrepresentation or concealment of material information in connection with the overpayment; or

"(B) the person so requests.

"(b) NO EFFECT ON SSI ELIGIBILITY OR BENEFIT AMOUNT.—In any case in which the Commissioner of Social Security takes action in accordance with subsection (a) to recover an amount incorrectly paid to any person, neither that person, nor any individual whose eligibility for benefits under the supplemental security income program under title XVI, or whose amount of such benefits, is determined by considering any part of that person's income, shall, as a result of such action—

"(1) become eligible for benefits under such program, or

"(2) if such person or individual is otherwise so eligible, become eligible for increased benefits under such program.".

(b) CONFORMING AMENDMENTS.—

(1) Section 204 of such Act (42 U.S.C. 404) is amended by adding at the end the following:

"(g) For payments which are adjusted or withheld to recover an overpayment of supplemental security income benefits paid under title XVI of this Act (including State supplementary payments paid under an agreement pursuant to section 1616(a) of this Act or section 212(b) of Public Law 93-66), see section 1147.".

(2) Section 1631(b) of such Act (42 U.S.C. 1383(b)) is amended by adding at the end the following:

"(5) For provisions relating to the recovery of benefits incorrectly paid under this title from benefits payable under title II, see section 1147.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to amounts incorrectly paid which remain outstanding on or after such date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN), each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. 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. 4558.

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

There was no objection.

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

Mr. Speaker, I want to take a moment and extend the regrets of the gentleman from Florida (Mr. SHAW) that, due to a death in his family, he could not be here personally to manage this bill on the floor today.

Mr. Speaker, this is a time-sensitive bill that makes technical amendments to clarify provisions of benefits for noncitizens and to improve the provision of unemployment insurance, child support and supplemental security income benefits.

This legislation includes a handful of seemingly minor but in fact important changes that serve several goals. Each of its provisions has drawn bipartisan support, and I see my colleague from Michigan is here as well. None of the provisions is opposed by the administration.

The bill's major provision ensures that every elderly or disabled noncitizen already dependent on supplemental security income benefits when we passed welfare reform will remain eligible. At the same time we are maintaining the underlying policy on welfare for newly arriving immigrants achieved in the welfare reform law, that those who arrived after 1996 must work or naturalize before becoming eligible for government benefits.

Second, we are making a number of common sense changes that encourage work and personal responsibility in several programs under the jurisdiction of the Committee on Ways and Means.

Finally, many people are familiar with the Make-A-Wish Foundation or the many similar organizations that fulfill the dreams of children with life threatening conditions by, for example, sending a child with terminal cancer to Disney World. Yet under current rules a sick child granted such a wish can lose some supplemental security income benefits or even lose SSI benefits altogether. We are fixing this problem so children who have their wishes fulfilled by charitable groups will no longer risk losing this critical support.

This legislation is completely paid for and has drawn bipartisan support. I urge its swift adoption.

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

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

I join with the gentleman from Michigan (Mr. CAMP) today. I regret that the gentleman from Florida (Mr. SHAW) cannot be here because of a death in the family. We have been working together on this matter as well as other issues, and I am glad that the gentleman from Michigan (Mr. CAMP) can be here in his stead.

Mr. Speaker, the bipartisan legislation before us makes compassionate and common sense changes to several important programs. Most importantly, the bill provides for a permanent extension of supplemental security income for so-called nonqualified aliens. When we passed the Balanced Budget Act last year, we promised to continue SSI benefits for all legal immigrants who were receiving benefits before the enactment of welfare reform.

However, the statute only applied this grandfather status to qualified aliens, a criteria which excluded certain legal immigrants formerly referred to as persons residing under the color of law.

This legislation makes good on our original pledge to continue SSI benefits for all legal aliens regardless of their particular immigration status.

This bill more than offsets the cost of this change by providing the Social Security Administration with limited authority to recoup SSI overpayments from Social Security checks. In fact, as a whole the legislation will save the Federal Government $93 million over the next 5 years.

This clearly illustrates that we can both be socially compassionate and fiscally prudent if we work together on our Nation's problems.

There are a few important points to remember about the population we are helping with this legislation. First, recent studies have clearly indicated that up to ¾ of those now classified as nonqualified aliens are, in fact, U.S. citizens or qualified aliens.

Second, many of the remaining individuals in this nonqualified group have been in our country for decades and, therefore, cannot be accused of coming to the U.S. to collect public benefits.

Third, these individuals are, by definition, poverty stricken and disabled or elderly, meaning the elimination of their SSI benefits would leave them in a dire predicament.

Beyond protecting the SSI safety net for long time legal residents of this country, the legislation we are considering includes several other beneficial provisions, as mentioned by the gentleman from Michigan (Mr. CAMP).

For example, the bill permanently extends the self-employment assistance program, which aids unemployment insurance recipients in starting their own businesses. The bill also clarifies that the 1996 welfare law does not bar foreign nationals from obtaining or renewing professional licenses in this country.

Finally, the legislation will ensure that sick children do not lose their SSI benefits when they receive gifts from nonprofit organizations such as the Make-A-Wish Foundation.

Mr. Speaker, I urge my colleagues to support this legislation to strengthen our Nation's safety net for those less fortunate than ourselves. The bill is bipartisan. It is paid for, and it makes good sense and fulfills our promise.

Mr. Speaker, I include for the RECORD a Statement of Administration Policy in support of this bill:

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 4558—NONCITIZEN BENEFIT CLARIFICATION AND OTHER TECHNICAL AMENDMENTS ACT OF 1998

Reps. Shaw (R) FL and Levin (D) MI

The Administration strongly supports H.R. 4558. The bill would allow certain vulnerable legal immigrants to continue to receive Supplemental Security Income and Medicaid benefits for which they otherwise would be ineligible after September 30, 1998. H.R. 4558 would further the President's efforts to reverse unduly harsh benefit restrictions on legal immigrants that have nothing to do with moving people from welfare to work. The Administration applauds this bipartisan effort.

PAY-AS-YOU-GO SCORING

H.R. 4558 would affect direct spending; therefore, it is subject to the pay-as-you-go requirements of the Omnibus Budget Reconciliation Act of 1990. The Office of Management and Budget's preliminary scoring estimate is that the bill would result in a net decrease in direct spending of $5 million in FY 1999 and a total of $58 million during FYs 1999 through 2003.

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

Mr. CAMP. Mr. Speaker, I include the following letters as part of the RECORD:

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 1998.

Hon. BILL ARCHER
Chairman, Committee on Ways and Means,
Lonworth House Office Building,
Washington, DC.

DEAR MR. CHAIRMAN: On September 18, 1998, the Committee on Ways and Means ordered reported H.R. 4558, the "Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998". The bill makes technical amendments to clarify the provisions of benefits for noncitizens, and to improve the provision of unemployment insurance, child support, and supplemental security income benefits. As you know, Section 2 and 5—which relate to aliens—fall within the

Rule X jurisdiction of the Committee on the Judiciary.

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 request a referral of this bill. By agreeing not to exercise the Judiciary Committees's jurisdiction, the Committee does not waives 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. 4558.

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 acknowledgement of this letter and would request that our exchange of letters be included in the Record of debate on this bill.

Sincerely,

HENRY J. HYDE,
Chairman.

COMMITTEE ON WAYS AND MEANS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 1998.

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

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 4558, the "Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998."

I acknowledge your interest in this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I agree to work with you as this legislation moves forward and also agree that your decision to forego further action on the bill will not prejudice the Judiciary Committee with respect to its jurisdictional prerogatives on H.R. 4558, or similar legislation.

Thank you again for your cooperation.

Sincerely,

BILL ARCHER,
Chairman.

COMMITTEE ON COMMERCE,
Washington, DC, September 22, 1998.

Hon. BILL ARCHER,
Chairman, House Committee on Ways and Means; Longworth House Office Building, Washington, DC.

DEAR BILL: On May 13, 1998, the Committee on Ways and Means ordered reported H.R. 4558, the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998. Among other provisions, this bill addresses the Medicaid eligibility for individuals who receive Social Security Insurance ("SSI"). As you know, standards for medicaid eligibility fall within the Committee's jurisdiction under Rule X of the Rules of the House of Representatives.

Because of the importance of this matter, I recognize your desire to bring this legislation before the House in an expeditious manner. Therefore, I will waive consideration of the bill by the Commerce Committee. By agreeing to waive its consideration of the bill, the Commerce Committee does not waive its jurisdiction over these provisions or similar legislation. In addition, the Commerce Committee reserves its authority to seek conferees on the provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I request that you support any request by the Commerce Committee for conferees on this or similar legislation.

I also request that you submit this letter for the record during consideration of H.R. 4558 on the House floor. Thank you for your attention to these matters.

Sincerely,

TOM BLILEY,
Chairman.

COMMITTEE ON WAYS AND MEANS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 1998.

Hon. THOMAS J. BLILEY, JR.,
Chairman, House Committee on Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BLILEY: Thank you for your letter regarding your Committee's interest in H.R. 4558, the "Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998." As you know, the bill, as introduced, was referred to the Committee on Ways and Means, and in addition, to the Committee on Commerce. I understand that it is scheduled to be considered on the House floor on September 23, 1998.

I further understand that the motion to suspend the rules will include a manager's amendment clarifying that the restoration of Supplemental Security Income (SSI) benefits for certain non-qualified aliens contained in the bill applies, accordingly, to eligibility for benefits under other programs, such as Medicaid, that are based on eligibility for SSI.

I acknowledge your jurisdictional interest in this legislation and appreciate your cooperation in moving the bill forward to the House floor expeditiously. As you requested, I will insert a copy of our exchange of letters on this matter in the Record during floor consideration of the bill.

Thank you again for your assistance on this matter. With best personal regards,

Sincerely,

BILL ARCHER,
Chairman.

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

This legislation, as my colleague, the gentleman from Michigan (Mr. LEVIN) correctly pointed out, was very much a bipartisan piece of legislation. I would like to particularly note that there was one provision regarding the Make-A-Wish Foundation and other similar organizations that help children who have life-threatening diseases fulfill their childhood dreams or their wishes.

Under current law, SSI benefits or supplemental security income benefits could be lost by the child receiving such a benefit. That could be a trip to Disney World, as I said, or some other type of trip. Because those were deemed as a benefit, these children were put at risk.

My colleague, the gentleman from Pennsylvania (Mr. ENGLISH) was absolutely instrumental in making this change. This was a problem he had heard about, he knew about. He brought this to the attention of the committee and did a tremendous job in making this change. I just wanted to make sure that the RECORD reflected his leadership on this particular issue.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise today in strong support of H.R. 4558.

This is good legislation that does a number of things that I think Congress needs to do before we leave. Among others, it permanently reauthorizes the self-employed assistance program. This program enables individuals who would otherwise be unemployed to create their own jobs by creating microenterprises. The efforts of the Ridge administration in my home State of Pennsylvania demonstrate that this is an effective tool in helping people become reemployed.

This legislation also corrects a problem that has given bureaucrats a bad name. The Social Security Administration has a policy of cutting the SSI benefits of children with life-threatening illnesses who receive cash from tax exempt groups that grant their wish, say, to visit Walt Disney World, go on a shopping spree or meet a celebrity.

Under current policy, Mr. Speaker, accepting cash for expenses means that the family has to report it as an increase in income. This could result in the reduction of SSI benefits and, in a number of rare cases, elimination of Social Security benefits. This is an absurd situation.

Since 1980, the Make-A-Wish Foundation, as an example, has worked to grant one special wish to every child referred to them with a life-threatening illness. They give these children their fondest dream as a way of relieving the daily pain, stress and worries that their illness forces them to face daily. The Make-A-Wish Foundation volunteers make sure that every detail of the wish experienced, every phone call, every travel expense is taken care of.

Mr. Speaker, it simply is not fair to take needed benefits from sick children just because they have a dream and a charity is willing to make it come true. The Shaw-English provision of H.R. 4558 would exempt up to $2000 in cash awards given to these children and their families for incidentals when their wish is granted.

This important legislation ensures that organizations like the Make-A-Wish Foundation can continue to grant the wishes of sick children. It is wrong for bureaucrats to turn a child's wish into a parent's nightmare. I urge my colleagues to support H.R. 4558.

I include for the RECORD a statement from the chairman of the board of the Make-A-Wish Foundation:

STATEMENT FROM THE CHAIRMAN OF THE BOARD OF THE MAKE-A-WISH FOUNDATION® OF AMERICA REGARDING H.R. 4558

(By Tony Leal, Jr.)

Since its founding in 1980, the Make-A-Wish Foundation has striven to accomplish one simple task: to grant one special wish to every child who is referred to us with a life-threatening illness. Our goal is to fulfill our

children's fondest dream in a way that relieves them and their families of the daily pain, stress, and worries that come when children are forced to fight a very grown-up battle. Whether the wish is to visit a theme park, meet a celebrity, go on a shopping spree or to be a cowboy at a dude ranch, our volunteers make sure every detail of the wish experience—every expense, every phone call, every travel arrangement—is taken care of. We don't want families to have a worry in the world as our wish children live their fondest dreams.

The dedicated staff and more than 13,000 volunteers of the Make-A-Wish Foundation have accomplished this task for more than 50,000 children since 1980. From time to time, we grant wishes to children whose families receive Supplemental Security Insurance benefits. Because many wishes, such as one involving travel, include providing the family with enough spending money to sustain them through the experience, we have found that an unintended consequence of the SSI eligibility rules has forced families to choose between having their sick children's wishes granted or retaining their SSI benefits. To accept any spending money as part of the wish experience forces them to report increased income, resulting in a reduction—or in rare cases the elimination—of SSI benefits.

The effect of Section 7 of House Resolution 4558 on our wish families would be to relieve them from having to make the impossible choice between SSI benefits and a wish for their children. After all, these families have enough tough decisions to make. The Make-A-Wish Foundation appreciates the dedication and attention that Make-A-Wish volunteers in our communities, as well as members of Congress, have devoted to this issue.

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

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

I thank the authors of H.R. 4558, the Noncitizen Benefit Clarification Act, for their efforts that brought us this legislation today. When we passed the welfare reform bill in 1996, at that time I cautioned my colleagues that we were reaching too far, that we were hurting people who genuinely needed assistance, and we would have to right the bill's wrong at some point.

I am glad that today we will rein in the overreaching arm of this so-called reform, correct the overbite of this legislation and bring comfort and aid to those unjustly affected.

Among its several corrections, this bill includes one that will immediately impact and assist residents in my congressional district in San Diego, California. When Congress approved that 1996 legislation, thousands of resident immigrants who had been receiving SSI benefits had their benefit eligibility rescinded. The bill overreached and mistakenly categorized these people as nonqualified aliens ineligible to receive SSI benefits.

As I said at the time and as the Social Security Administration has since verified, the benefits of thousands of qualified recipients were swept away by the extreme nature of the 1996 legislation. While Congress has sought to correct the situation and to help those individuals with short-term benefit extensions, today we will make that eligibility permanent.

This legislation is about guaranteeing humane treatment to people who need assistance and to protect them from the unintended effects of so-called welfare reform. I hope we will remember this serious error when next we try to reform a program that provides critical assistance to our citizens and residents.

I urge my colleagues to support this vital legislation.

Mr. UNDERWOOD. Mr. Speaker, the bill before us today, H.R. 4558, is important in that it clarifies the eligibility of immigrants in receiving Supplemental Security Income (SSI) benefits. As you know, the 1997 Balanced Budget Act permanently grandfathered most but not all noncitizens who were receiving SSI benefits when the welfare reform law was signed into law on August 22, 1996. About 22,000 "nonqualified" noncitizens were grandfathered through on September 30, 1998 in order to give the Social Security Administration adequate time to determine their status. This legislation would clarify that these individuals—many of whom are elderly or disabled and who claim citizenship but lack documentation or are not capable of documenting their immigration status—will continue to receive SSI benefits from the federal government.

While there should be strong and vigorous debate on the ensuring that those most in need of public assistance not fall through the safety net, perhaps it is not clearly known that not all U.S. citizens are eligible for participation in the SSI program. SSI is available to citizens who live in one of the 50 States; however, U.S. citizens residing in Guam, American Samoa, the U.S. Virgin Islands and Puerto Rico are not eligible for assistance under the SSI program. Given the fact that the cost of living is much higher in the territories than almost any mainland location, and given the fact that we have a permanent cap on Medicaid, I sincerely believe that there is a definite need to extend the SSI program to the territories.

Citizenship in this country and the privileges associated with it should not be measured by geographic choice in residency or the size of one's pocketbook. Whether one chooses to live in Hagatna, St. Croix or Peoria, a federally funded program should be accessible to everyone.

I urge my colleagues to pass H.R. 4558 and to extend the SSI program to the American citizens in the territories.

Mr. TOWNS. Mr. Speaker, I rise today in support of H.R. 4558 legislation which will "grandfather" SSI and Medicaid eligibility for those elderly and disabled legal immigrants who were receiving benefits on August 22, 1996 and are designated as "not qualified" under the 1996 welfare law.

Currently, over 12,000 such immigrants nationwide, most of whom are elderly, are scheduled to lose their SSI benefits on September 30, 1998. In New York State alone, approximately 1,865 people will lose these benefits. Many in New York, and the rest of the country, will also lose their Medicaid.

Many in this group are actually qualified immigrants eligible for continuing to receive SSI benefits, but are miscoded in the Social Security Administration (SSA) files and stand to lose their benefits because of administrative error. Eighty percent or more of those coded "not qualified" by SSA are in fact qualified immigrants whom the 1997 restoration was meant to benefit. Yet they will lose their benefits unless we, their elected officials, grandfather these individuals.

Those who would lose assistance include the most vulnerable immigrants in need, the elderly and disabled, many homebound and frail, who are least able to comprehend or respond to efforts to reach out and protect them. For example, a 100 year old woman in New York receiving 24 hour home care is at risk of losing her benefits. I know none of us wants this type of tragedy to occur.

I urge my colleagues on both sides of the aisle to join me in supporting and passing this legislation before the September 30th, 1998 deadline and avoid a needless crisis.

Mr. STARK. Mr. Speaker, I rise in support of H.R. 4558, the Noncitizen Benefit Clarification and Other Technical Amendments Act of 1998.

H.R. 4558 will extend Supplemental Security Income (SSI) benefits for nonqualified aliens who were receiving benefits before the enactment of welfare reform.

This group of about 12,000 aliens, all of whom are elderly or disabled or both, will lose SSI and Medicaid on October 1 of this year unless Congress votes to permanently extend their benefits. The vast majority of affected recipients reside in California.

The Federal Government has a responsibility to set guidelines that protect the vulnerable in this country. As a society, we have an obligation to support the elderly, the disabled and the poor. By gouging our food stamp program and denying benefits to legal immigrants, welfare reform doesn't even come close to those standards.

Welfare reform pushes more children into poverty and leaves more of the poor without the health care they need. I support this correction and believe we should be doing more to give the needy a helping hand.

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

Mr. LEVIN. 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 Michigan (Mr. CAMP) that the House suspend the rules and pass the bill, H.R. 4558, 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.

□ 1630

RECESS

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4:45 p.m.

Accordingly (at 4 o'clock and 30 minutes p.m.), the House stood in recess until approximately 4:45 p.m.

□ 1647

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HANSEN) at 4 o'clock and 47 minutes p.m.

PRIVILEGES OF THE HOUSE—IMPEACHING KENNETH W. STARR

Mr. HASTINGS of Florida. Mr. Speaker, I rise to introduce a question of privilege pursuant to rule IX and call up House Resolution 545 for consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

RESOLUTION

Impeaching Kenneth W. Starr, an independent counsel of the United States appointed pursuant to 28 United States Code § 593(b), of high crimes and misdemeanors.

Resolved that Kenneth W. Starr, an independent counsel of the United States of America, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the Senate;

Articles of Impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of all the people of the United States of America, against Kenneth W. Starr, an independent counsel of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

In his conduct of the office of independent counsel, Kenneth W. Starr has violated his oath and his statutory and constitutional duties as an officer of the United States and has acted in ways that were calculated to and that did usurp the sole power of impeachment that the Constitution of the United States vests exclusively in the House of Representatives and that were calculated to and did obstruct and impede the House of Representatives in the proper exercise of its sole power of impeachment. The acts by which Independent Counsel Starr violated his duties and attempted to and did usurp the sole power of impeachment and impede its proper exercise include:

(1) On September 9, 1998, Independent Counsel Kenneth W. Starr transmitted two copies of a "Referral to the United States House of Representatives pursuant to Title 28, United States Code, § 595(c)." As part of that Referral, Mr. Starr submitted a 445-page report (the "Starr Report") that included an extended narration and analysis of evidence presented to a grand jury and of other material and that specified the grounds upon which Mr. Starr had concluded that a duly elected President of the United States should be impeached by the House of Representatives. By submitting the Starr Report, Mr. Starr usurped the sole power of impeachment and impeded the House in the proper exercise of that power in various ways, including the following:

(a) In preparing the Starr Report, Mr. Starr misused the powers granted and violated the duties assigned independent counsel under the provisions of Title 28 of the United States Code. Section 595(c) does not authorize or require independent counsel to submit a report narrating and analyzing the evidence and identifying the specific grounds on which independent counsel believes the House of Representatives should impeach the President of the United States. By submitting the Starr Report in the form he did, Mr. Starr misused his powers and preempted the proper exercise of the sole power of impeachment that the Constitution assigned to the House of Representatives. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States of America.

(b) In his preparation and submission of the Starr Report, Mr. Starr further misused his powers and violated his duties as independent counsel and arrogated unto himself and effectively preempted and undermined the proper exercise of power of impeachment that the Constitution allocated exclusively to the House of Representatives. Mr. Starr knew or should have known, and he acted to assure, that the House of Representatives would promptly release to the public any report that he transmitted to the House of Representatives under the authority of Section 595(c). With that knowledge, Mr. Starr prepared and transmitted a needlessly pornographic report calculated to inflame public opinion and to preclude the House of Representatives from following the procedures and observing the precedents it had established for the conduct of a bipartisan inquiry to determine whether a President of the United States had committed a high crime or misdemeanor in office meriting impeachment. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States.

(2) Independent Counsel Kenneth W. Starr further usurped and arrogated unto himself the powers that belong solely to the House of Representatives by using and threatening to use the subpoena powers of a federal grand jury to compel an incumbent President of the United States to testify before a federal grand jury as part of an investigation whose primary purpose had become and was the development of evidence that the President had committed high crimes and misdemeanors justifying his impeachment and removal from office. With respect to the President of the United States, the only means by which the holder of that office may be called to account for his conduct in office is through the exercise by the House of Representatives of the investigative powers that the constitutional assignment of the sole power of impeachment conferred upon it. Mr. Starr improperly used and manipulated the powers of the grand jury and his office to effectively impeach the President of the United States of America and to force the House of Representatives to ratify his decision. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States.

In all this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr, by such conduct, warrants impeachment and trial, and removal from office.

ARTICLE II

In his conduct of the office of independent counsel, Kenneth W. Starr violated the oath he took to support and defend the Constitution of the United States of America and his duties as an officer of the United States and acted in ways that were calculated to and that did unconstitutionally undermine the office of President of the United States and obstruct, impede, and impair the ability of an incumbent President of the United States to fully and effectively discharge the duties and responsibilities of his office on behalf and for the benefit of the people of the United States of America, by whom he had been duly elected. The acts by which Mr. Starr violated his oath and his duties and undermined the office of President and obstructed, impeded, and impaired the ability of the incumbent President to fully and effectively discharge the duties of that office include:

(1) Mr. Starr unlawfully and improperly disclosed and authorized disclosures of grand jury material for the purpose of embarrassing the President of the United States and distracting him from and impairing his ability to execute the duties of the office to which the people of the United States had elected him. Mr. Starr has thereby committed high crimes and misdemeanors against the Constitution and people of the United States.

(2) Mr. Starr engaged in a wilfull and persistent course of conduct that was calculated to and that did wrongfully demean, embarrass, and defame an incumbent President of the United States and that thereby undermined and impaired the President's ability to properly execute the duties of the office to which the people of the United States had elected him, including not only Mr. Starr's wrongful disclosures of grand fury material, but also other improper conduct, such as his actions and conduct calculated to suggest, without foundation, that the incumbent President had participated in preparing a so-called "talking points" outline to improperly influence the testimony of one or more persons scheduled to be deposed in a private civil action. By his wilful and persistent conduct in misrepresenting as well as improperly disclosing evidence that he had gathered, Mr. Starr committed high crimes and misdemeanors against the Constitution and the people of the United States of America.

(3) Mr. Starr intentionally, willfully, and improperly embarrassed the people and the President of the United States by including in the Starr Report an unnecessary and improper and extended detailed, salacious, and pornographic narrative account of the consensual sexual encounters that a grand jury witness testified she had with the incumbent President of the United States. By including the unnecessary and improper pornographic narrative, Mr. Starr intended to and did undermine and imperil the ability of the President to conduct the foreign relations of United States of America and otherwise to execute the duties of the office to which the people of the United States had elected him, and he knowingly and improperly embarrassed the United States as a nation. By including that narrative, knowing and intending that it would be published and disseminated, Mr. Starr committed a high crime and

misdemeanor against the Constitution and the people of the United States of America.

In all of this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr, by such conduct, warrants impeachment and trial, and removal from office.

ARTICLE III

In his conduct of the office of independent counsel, Kenneth W. Starr violated the oath he took to support and defend the Constitution of the United States of America and the duties he had assumed as an office of the United States and acted in ways that were calculated to and that did unconstitutionally arrogate unto himself powers that the Constitution of the United States assigned to the federal courts; that were calculated to and did undermine the institution of the grand jury established by the Constitution of the United States; and that were calculated to and did undermine and bring into disrepute the office of independent counsel and offices of all those charged with investigating and prosecuting crimes against the United States. The acts by which Mr. Starr violated his oath and his duties and by which he undermined the federal courts and the grand jury and undermined and demeaned the office and role of all federal prosecutors include:

(1) Mr. Starr disclosed and authorized and approved the disclosure and misuse of grand jury materials in violation of Rule 6(e)(2) of the Federal Rules of Criminal Procedure and with contempt for the federal courts and for the rights of those who appear before grand juries of the United States and of those who are subjects of grand jury investigations.

(2) Throughout his investigations, Mr. Starr abused the powers of his office and condoned the abuse of those powers to improperly intimidate and manipulate citizens of the United States who were interviewed or called to testify before a grand jury or who were actual or potential targets of his investigations and to deprive them of rights guaranteed to all citizens of the United States. Mr. Starr and subordinates for whose conduct he is responsible further abused and misused the powers of the office of independent counsel and the powers of the grand jury to improperly invade and needlessly intrude upon the privacy of individuals and to demean the rights guaranteed to all by the First and Fifth Amendments to the Constitution of the United States.

(3) Throughout his investigations, Mr. Starr has abused and misused and has authorized and approved the abuse and misuse of the powers of his office in ways that have demeaned the prosecutorial office and that have undermined and will undermine the ability of other prosecutorial officers of the United States to discharge their duty to take care that laws of the United States be faithfully executed.

(4) In his conduct of the office of the independent counsel, Mr. Starr has needlessly and unjustifiably expended and wasted funds of the United States. Over the past four years, Mr. Starr has expended more than forty million dollars ($40,000,000) in a relentless pursuit of investigations and prosecutions that he knew or should have known did not merit and could not justify such extraordinary expenditures.

By the conduct described in this Article III of these Articles of Impeachment, Kenneth W. Starr committed high crimes and misdemeanors against the Constitution and the people of the United States of America.

In all of this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr, by such conduct, warrants impeachment and trial, and removal from office.

ARTICLE IV

By his conduct as an officer of the United States of America, including the conduct described in Articles I through III of these Articles of Impeachment, Kenneth W. Starr has violated the oath he took to uphold and defend the Constitution of the United States of America. He has acted and persisted in acting in ways that were calculated to and did embarrass the United States and the people of the United States before the international community and that were calculated to and did undermine the ability of the Legislative Branch, the Executive Branch, and the Judicial Branch to effectively exercise the powers and discharge the duties assigned to each by the Constitution of the United States of America. He has unconstitutionally and improperly exercised powers that were not his to exercise and has acted in ways that were calculated to and did improperly demean a President of the United States and diminish the capacity of the President to effectively discharge the duties that the people of the United States elected him to perform. He has unconstitutionally and improperly exercised his powers and has acted in ways that were calculated to and did demean the House of Representatives and that have effectively deprived the House of Representatives of its right to exercise its sole power of impeachment in a deliberate and bipartisan manner that was consistent with the procedures and precedents it had established in prior proceedings and inquiries to determine whether the President of the United States should be impeached. He has unlawfully and improperly exercised his powers in ways that demeaned the institution of the federal grand jury, that demonstrated contempt of the courts of the United States and the rules that govern their proceedings, and that demeaned the office of independent counsel and offices of all those charged with responsibility for seeing that the laws of the United States are faithfully executed. By his conduct as an independent counsel, Kenneth W. Starr has committed high crimes and misdemeanors against the Constitution and the people of the United States.

In all of this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr, by such conduct, warrants impeachment and trial, and removal from office.

□ 1700

The SPEAKER pro tempore (Mr. HANSEN). The resolution constitutes a question of the privileges of the House under rule IX.

MOTION TO TABLE OFFERED BY MR. LAHOOD

Mr. LAHOOD. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. LAHOOD) to lay House Resolution 545 on the table.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 340, nays 71, not voting 23, as follows:

[Roll No. 453]

YEAS—340

Abercrombie	Cunningham	Hostettler
Aderholt	Danner	Houghton
Allen	Davis (FL)	Hoyer
Archer	Davis (VA)	Hulshof
Armey	Deal	Hutchinson
Bachus	DeGette	Hyde
Baesler	Delahunt	Inglis
Baker	DeLauro	Istook
Baldacci	DeLay	Jackson-Lee (TX)
Ballenger	Dickey	Jenkins
Barcia	Dicks	John
Barr	Dingell	Johnson (CT)
Barrett (NE)	Doggett	Johnson (WI)
Barrett (WI)	Dooley	Johnson, Sam
Bartlett	Doolittle	Jones
Barton	Doyle	Kasich
Bass	Dreier	Kelly
Bateman	Duncan	Kennedy (MA)
Becerra	Dunn	Kildee
Bentsen	Edwards	Kim
Bereuter	Ehlers	Kind (WI)
Berman	Ehrlich	King (NY)
Berry	Emerson	Kingston
Bilbray	English	Kleczka
Bilirakis	Eshoo	Klink
Bishop	Etheridge	Klug
Blagojevich	Evans	Knollenberg
Bliley	Everett	Kolbe
Blunt	Ewing	Kucinich
Boehlert	Fawell	LaFalce
Boehner	Fazio	LaHood
Bonilla	Foley	Lampson
Bono	Forbes	Lantos
Borski	Fossella	Largent
Boswell	Fowler	Latham
Boucher	Fox	LaTourette
Boyd	Frank (MA)	Lazio
Brady (TX)	Franks (NJ)	Leach
Bryant	Frelinghuysen	Levin
Bunning	Gallegly	Lewis (CA)
Burr	Ganske	Lewis (KY)
Buyer	Gejdenson	Linder
Callahan	Gekas	Lipinski
Calvert	Gibbons	Livingston
Camp	Gilchrest	LoBiondo
Campbell	Gillmor	Lowey
Canady	Gilman	Lucas
Cannon	Goode	Luther
Capps	Goodlatte	Maloney (CT)
Cardin	Goodling	Manton
Castle	Granger	Manzullo
Chabot	Greenwood	Markey
Chambliss	Gutknecht	Mascara
Chenoweth	Hall (OH)	Matsui
Christensen	Hall (TX)	McCarthy (MO)
Clement	Hamilton	McCarthy (NY)
Coble	Hansen	McCollum
Collins	Harman	McCrery
Combest	Hastert	McDermott
Condit	Hastings (WA)	McGovern
Cook	Hayworth	McHale
Cooksey	Hefley	McHugh
Costello	Herger	McInnis
Cox	Hill	McIntosh
Coyne	Hilleary	McIntyre
Cramer	Hobson	McKeon
Crane	Hoekstra	McNulty
Crapo	Holden	Meehan
Cubin	Horn	

Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sánchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Young (AK)
Young (FL)

NAYS—71

Ackerman
Andrews
Blumenauer
Bonior
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Carson
Clay
Clayton
Clyburn
Conyers
Cummings
Davis (IL)
DeFazio
Deutsch
Dixon
Engel
Farr
Fattah
Filner
Ford
Frost
Furse
Gephardt
Gordon
Green
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Jackson (IL)
Jefferson
Johnson, E.B.
Kanjorski
Kennedy (RI)
Kilpatrick
Lee
Lewis (GA)
Martinez
McKinney
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Nadler
Oberstar
Olver
Owens
Pastor
Payne
Pelosi
Rahall
Rangel
Rush
Sabo
Scott
Slaughter
Stokes
Thompson
Vento
Waters
Watt (NC)
Wexler
Wynn
Yates

NOT VOTING—23

Burton
Coburn
Diaz-Balart
Ensign
Gonzalez
Goss
Graham
Hunter
Kaptur
Kennelly
Lofgren
Maloney (NY)
McDade
Poshard
Pryce (OH)
Riggs
Sanders
Schumer
Shaw
Torres
Towns
Velazquez
Watts (OK)

□ 1724

Messrs. KIM, LINDER, BALDACCI, MCDERMOTT, LUTHER, SAWYER, ALLEN, COSTELLO and ROHRABACHER and Mrs. JOHNSON of Connecticut and Ms. SANCHEZ changed their vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ENSIGN. Mr. Speaker, on rollcall No. 453, I was detained due to mechanical difficulties on my flight back to Washington, D.C. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GRAHAM. Mr. Speaker, on rollcall No. 453, I was in meetings with Members of Parliament from the U.K. and missed the vote. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. LOFGREN. Mr. Speaker, I would like to note that on rollcall vote 453, I was absent because of the cancellation of the United flight from San Jose and the inability to rebook all the passengers.

Had I been present, I would have voted "aye."

□ 1730

PRIVILEGES OF THE HOUSE—ORDERING IMMEDIATE PRINTING OF ENTIRE COMMUNICATION RECEIVED ON SEPTEMBER 9, 1998, FROM AN INDEPENDENT COUNSEL

Mr. CONDIT. Mr. Speaker, I offer a resolution (H. Res. 546) and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. HANSEN). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 546

Whereas the entire communication of the Office of the Independent Counsel received by the House of Representatives on September 9, 1998, includes information of fundamental constitutional importance;

Whereas the American people have a right to receive and review this communication in its entirety;

Whereas the House Committee on the Judiciary has failed to make the entire communication available to the American people; and

Whereas failure to make the entire communication available to the American people raises a question of privilege affecting the dignity and integrity of the proceedings of the House under rule IX of the Rules of the House of Representatives: Now, therefore, be it

Resolved, That the entire communication received, including all appendices and related materials, on September 9, 1998, from an independent counsel, pursuant to section 595(c) of title 28, United States Code, shall be printed immediately as a document of the House of Representatives.

The SPEAKER pro tempore. Does any Member wish to be heard on the question of whether the resolution constitutes a question of privilege?

Mr. SOLOMON. Mr. Speaker, I wish to be heard on the question of whether the resolution offered by the gentleman from California constitutes a question of privilege.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized.

Mr. SOLOMON. Mr. Speaker, questions of privilege under rule IX are those affecting the rights of the House collectively, its safety, its dignity, and the integrity of its proceedings, and the rights, reputation, and the conduct of Members. A question of privilege, Mr. Speaker, may not be raised to effect a change in House rules.

Mr. Speaker, House Rule 525, which was adopted by the House on September 11 by a vote of 363 to 63, delegated the authority to review and release Independent Counsel Starr's report from the House to the Committee on the Judiciary.

The House delegated this authority to the Committee on the Judiciary as an exercise in its rule-making power. Mr. Speaker, the resolution offered by the gentleman from California (Mr. CONDIT) seeks to change the rule of the House as established in House Resolution 525. Therefore, Mr. Speaker, the gentleman's resolution does not constitute a legitimate question of privilege.

Mr. Speaker, let me just cite line 15 of the resolution that passed the House. It says, "The balance of such material shall be deemed to have been received in executive session, but shall be released from the status on September 28, 1998, except as otherwise determined by the committee."

That is the rule of the House. Therefore, Mr. Speaker, the gentleman's resolution does not constitute a legitimate question of privilege in that change of House rule, and a privilege clearly is not in order.

The SPEAKER pro tempore. Are there other Members who want to be heard on this question?

Mr. DEUTSCH. Mr. Speaker, I wish to be heard.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I appreciate the comments of the distinguished chairman of the Committee on Rules regarding the standard of what privilege is. I would agree with him completely, that is the standard of what privilege is.

I would also say, though, that I believe this resolution clearly meets that standard, because what is going on right now in the Committee on the Judiciary with the selective release of information is clearly a disservice on this House, and is clearly putting this House in disrepute, which is exactly what the rules of the House in terms of our privileged resolution are set up to deal with.

I would say to the gentleman and to the Speaker that this resolution is

clearly exactly why we have privileged resolutions in the House. What is happening right now in terms of the procedures of the Committee on the Judiciary, in terms of what has happened with the release of information, in the partisanship that has occurred within that committee, is absolutely putting this House into the type of situation, the type of disrespect that privileged resolutions are exactly in purpose for using.

I would urge the Speaker to rule this in order, and I urge its adoption.

Mr. CONDIT. Mr. Speaker, I want to speak to the resolution.

The SPEAKER pro tempore. The gentleman from California (Mr. CONDIT) is recognized.

Mr. CONDIT. Mr. Speaker, I understand the point of the chairman of the Committee on Rules. This is an attempt to allow all the Members of this House to have access to the information. It is an attempt to speed the process along so we can bring it to closure. The American people want us to bring this issue to closure.

There is no reason why every Member of this House cannot have that information. We are not grade school kids. We understand it, and we know ultimately we need to make a decision. So my intent, Mr. Speaker, is simply to speed this process along so that we can make a decision and get back to the business of living our lives and running this country.

Mr. SOLOMON. Mr. Speaker, I ask for a ruling.

The SPEAKER pro tempore. The Chair is prepared to rule.

The gentleman from California (Mr. CONDIT) offers House Resolution 546 as a question of the privileges of the House under rule IX. The resolution would direct the Committee on the Judiciary to release all executive session material referred to the committee by the House pursuant to House Resolution 525.

That resolution was reported to the House by the Committee on Rules as a privileged rule, and its adoption governs subsequent review and release of that executive session material referred to the Committee on the Judiciary.

A resolution may not be offered under the guise of a question of the privileges of the House if it effects a change in the rules or standing orders of the House or their interpretation. This principle is annotated in section 662f of the House Rules and Manual. The House has delegated to the Committee on the Judiciary the final decision-making authority on the extent of release from executive session of materials contained in the Independent Counsel's report. Indeed, section 2 of House Resolution 525 establishes a release date for all materials contained in that report, except as otherwise determined by the Committee on the Judiciary.

In an illustrative case under the precedents, even an alleged refusal by the committee to make certain staff memos available to the public, and refusal to permit committee Members to take photostatic copies of committee files, have been held not to constitute questions of privilege. This principle is annotated in section 662d of the manual.

To rule otherwise would suggest that valid committee determinations as to the executive session nature of committee files could be collaterally challenged under the guise of questions of privileges.

In the opinion of the Chair, the resolution does not constitute a question of the privileges of the House within the meaning of rule IX, and may not be considered at this time.

Mr. CONDIT. I thank the Speaker.

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: House Resolution 144, de novo; House Resolution 505, de novo; House Concurrent Resolution 315, by the yeas and nays; S. 1355, de novo; and H.R. 81, de novo..

The first vote will be a 15-minute vote. The subsequent votes will be 5-minute votes.

EXPRESSING SUPPORT FOR BICENTENNIAL OF LEWIS AND CLARK EXPEDITION

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and agreeing to the resolution, House Resolution 144, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho (Mrs. CHENOWETH) that the House suspend the rules and agree to the resolution, H. Res. 144, as amended.

The question was taken.

RECORDED VOTE

Mr. BEREUTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 416, noes 0, not voting 18, as follows:

[Roll No. 454]

AYES—416

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
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
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
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
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
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)

Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
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
Towns
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—18

Burton
Diaz-Balart
Ensign
Gillmor
Gonzalez
Goss
Kaptur
Kennelly
Millender-McDonald
Poshard
Pryce (OH)
Radanovich
Riggs
Sanders
Schumer
Shaw
Torres
Velazquez

□ 1754

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ENSIGN. Mr. Speaker, on rollcall No. 454, I was detained due to mechanical problems on my flight back to Washington, D.C. Had I been present, I would have voted "aye."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

SENSE OF THE HOUSE WITH RESPECT TO IMPORTANCE OF DIPLOMATIC RELATIONS WITH PACIFIC ISLAND NATIONS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 505.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 505.

The question was taken.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 414, noes 1, not voting 19, as follows:

[Roll No. 455]

AYES—414

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
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
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
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
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
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
McDade
McDermott
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)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
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
Towns
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—1

Paul

NOT VOTING—19

Becerra
Burton
Diaz-Balart
Ensign
Gonzalez
Goss
Hyde
Kennelly
Martinez
Poshard
Pryce (OH)
Riggs
Sánchez
Sanders
Shaw
Torres
Velazquez
Waters
Yates

□ 1804

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ENSIGN. Mr. Speaker, on rollcall No. 455, I was detained due to mechanical difficulties on my flight back to Washington, D.C. Had I been present, I would have voted "aye."

SENSE OF CONGRESS CONDEMNING ATROCITIES BY SERBIAN POLICE AND MILITARY FORCES AGAINST ALBANIANS IN KOSOVA

The SPEAKER pro tempore (Mr. SNOWBARGER). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 315, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 315, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, answered "present" 1, not voting 23, as follows:

[Roll No. 456]

YEAS—410

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
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
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
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
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
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
McDade
McDermott
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)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Paul

NOT VOTING—23

Becerra
Burton
Cannon
Diaz-Balart
Gekas
Gonzalez
Goss
Hinchey
Hinojosa
Hyde
Kennelly
Kleczka
Martinez
Poshard
Pryce (OH)
Riggs
Sánchez
Sanders
Shaw
Souder
Torres
Velazquez
Yates

□ 1812

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, due to a death in my immediate family I was not present during today's House proceedings. Had I been here, I would have voted in the following way: "Yea" on roll call number 453; "Yea" on roll call number 454; "Yea" on roll call number 455; and "Yea" on roll call number 456.

RICHARD C. LEE UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1355, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the Senate bill, S. 1355, as amended.

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

The title of the Senate bill was amended so as to read: "A bill to designate the United States courthouse located at 141 Church Street in New Haven, Connecticut, as the Richard C. Lee United States Courthouse".

A motion to reconsider was laid on the table.

□ 1815

ROBERT K. RODIBAUGH UNITED STATES BANKRUPTCY COURTHOUSE

The SPEAKER pro tempore (Mr. SNOWBARGER). The pending business is the question of suspending the rules and passing the bill, H.R. 81.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the bill, H.R. 81.

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.

APPOINTMENT OF CONFEREES ON H.R. 2281, WIPO COPYRIGHT TREATIES IMPLEMENTATION ACT

Mr. COBLE. Pursuant to clause 1 of rule XX and by direction of the Committee on the Judiciary, I move to take from the Speaker's table the bill (H.R. 2281), to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

I have consulted, Mr. Speaker, with the minority prior to making this motion. This is only a motion to go to conference.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE).

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: From the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. HYDE, COBLE, GOODLATTE, CONYERS and BERMAN.

From the Committee on Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. BLILEY, TAUZIN AND DINGELL.

There was no objection

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1991 AND H.R. 4236

Ms. DUNN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1991 and H.R. 4236.

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

There was no objection.

CONTINUATION OF EMERGENCY WITH RESPECT TO UNITA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–315)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola ("UNITA") is to continue in effect beyond September 26, 1998, to the *Federal Register* for publication.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. The actions and policies of UNITA pose a continuing unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolutions 864 (1993), 1127 (1997), 1173 (1998), and 1176 (1998) continue to oblige all member states to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the Angolan peace process. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to UNITA to reduce its ability to pursue its aggressive policies of territorial acquisition.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 23, 1998.*

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SNOWBARGER). 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.

DISTURBING NEW DETAILS IN AFTERMATH OF U.S. EMBASSY BOMBINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Speaker, I rise today to bring to the attention of the Congress and the American people disturbing new details of national policy decisions made in the aftermath of the bombing of the U.S. embassies in East Africa last month. This emerging information focuses on the Clinton administration's decision to retaliate against terrorists it suspected of carrying out the embassy attacks and in particular the decision to attack a pharmaceutical factory in the Sudan suspected of producing chemical weapons for the use of the terrorists led by Mr. bin Laden.

This new insight is contained in an article in the September 21, 1998 issue of the New York Times by reporters Tim Weiner and James Risen. It raises serious questions regarding the accuracy of intelligence information on which the decision was made and the credibility of statements made by senior officials in the Clinton administration as they sought to justify their decisions after the bombing in which it is estimated 20 to 50 people were killed.

The article reconstructs how a group of 6 senior administration officials and the President picked the bombing targets. It is based on interviews with participants and others at high levels of the national security apparatus and recounts how an act of war was approved on the basis of fragmented and disputed intelligence.

I quote from the article: Within days of the attack, some of the administration's explanations for destroying the factory in the Sudan proved inaccurate. Many people inside and outside the American government began to ask whether the questionable intelligence had prompted the United States to blow up this factory under false information.

I note that today former President Jimmy Carter asked for a congressional investigation about this matter.

Quoting further, Senior officials now say their case for attacking the factory relied on inference, as well as evidence that it produced chemical weapons for Mr. bin Laden's use. However, in analyzing more closely the efforts of those officials to justify their actions, it should be noted that since United States spies were withdrawn from the Sudan more than 2 years ago reliable information about the plant was scarce. In fact, in January 1996, weeks after American diplomats and spies were pulled out of the Sudan, the CIA withdrew as fabrications over 100 reports furnished to it by an outside source regarding terrorist threats against U.S. personnel in the Sudan.

A month after the attack, the same senior national security advisors, who had described the pharmaceutical plant as a secret chemical weapons factory, financed by bin Laden, are now conceding that they had no evidence to substantiate that claim or the President's decision to order the strike. It is now clear that the decision to bomb the factory was made amidst a three-year history of confusion in the intelligence community and conflicting foreign policy views within the administration regarding the Sudan.

It is with sadness that we must acknowledge the inevitable probability that these revelations will feed public suspicion that the heightened domestic turmoil enveloping the White House may cause other acts of misjudgment. This is regrettable but it is a graphic illustration of the debilitating consequences of the commander in chief's unfortunate personal behavior.

Of more concern are the important national security questions that are raised by the decision-making process that let the President target a factory in the Sudan that may not have been manufacturing chemical weapons.

More hard information, however, needs to be developed and I urge the appropriate committees in the Congress to investigate this matter in more detail.

SEPTEMBER 23 AND NO BUDGET RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. MINGE) is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, I rise today to call attention to the fact that it is now September 23 and we do not yet have a budget resolution that has been passed by Congress. It is 7 days before the beginning of the next fiscal year and we do not have a budget resolution. We have had in place requirements that we established to follow a budgeting process that is governed by a budget resolution. We have had this in place for 24 years. This is the first time, it appears, that Congress will fail to comply with its own requirements.

I ask my colleagues, what has happened, where is the leadership in this institution, if we are not complying with the basic requirement of having a budget resolution?

I would also point out this is not a divided Congress in terms of leadership. Both the House and the Senate have leadership from the same side of the aisle. It is critical that if we are going to have fiscal integrity, if we are going to seriously commit ourselves to balancing the budget, to reducing the deficit, to not using Social Security money for other programs, that we commit ourselves to observing the principle of having a budget resolution.

It is very difficult to explain why we place budget discipline on the books and then ignore it in practice. It is very difficult to explain why we say to local communities and to States that they must have a budget plan for the use of Federal money and we do not have a budget plan. It is very difficult to say to the United Nations why it must have fiscal discipline when we fail to observe the elemental part of fiscal discipline and budget discipline in this body.

I urge my colleagues to join with me in calling on the leadership of this institution to forthwith appoint conferees so that they may meet with the Senate, reconcile whatever differences exist between the two initial resolutions, one passed on one side of the building, the other on the other, and bring to this body a budget resolution for final action.

□ 1830

TRIBUTE TO YOSEPH GETACHEW, NATIONAL INDUSTRIES FOR THE BLIND EMPLOYEE OF THE YEAR

The SPEAKER pro tempore (Mr. SNOWBARGER). Under a previous order of the House, the gentleman from Virginia (Mr. GOODE) is recognized for 5 minutes.

Mr. GOODE. Mr. Speaker, I rise today to pay tribute to Yoseph Getachew who will be honored on October 20, 1998, by the National Industries for the Blind as the 1998 Peter J. Salmon National Service Employee of the Year.

At age 22, Mr. Getachew developed a massive, fast-growing brain tumor that cost him most of his vision. When hospitals in his homeland of Ethiopia were not able to perform the necessary surgery and when he lacked financial resources to have surgery elsewhere, Dr. John Jane at the University of Virginia offered to perform surgery without charge.

Following recovery from surgery, Mr. Getachew was hired by the Virginia Industries for the Blind, where he uses a computer adapted to use speech software. Mr. Getachew is independent and self-sufficient. He has expressed appreciation to Dr. John Jane and the Department for the Visually Handicapped for their compassion, support and generosity.

Mr. Speaker, please join me in congratulating Mr. Getachew.

Mr. Speaker, I rise today to pay tribute to a young man of courage and fortitude, Yoseph Getachew. On October 20, 1998, in St. Louis, Missouri, National Industries for the Blind will honor Mr. Getachew as the 1998 Peter J. Salmon National Service Employee of the Year.

At the age of 22, Yoseph, then an engineering student in his homeland of Ethiopia developed a massive, fast growing brain tumor. Local hospitals were unable to perform the necessary surgery and Yoseph was forced to begin a desperate search for a capable neurosurgeon. Mr. Getachew lacked the financial resources needed to fund such treatment, but after writing to physicians and hospitals in both the United States and Great Britain, he finally received word from Dr. John Jane at the University of Virginia Medical Center who offered to perform the operation for free.

Yoseph's condition was very grave by the time he arrived in the United States; the tumor had deprived him of most of his vision and left him deaf in one ear and a few days before the operation Mr. Getachew slipped into a coma. Dr. Jane's procedure removed the tumor and saved Yoseph's life, but as he recovered, Yoseph found himself in a daunting situation. Mr. Getachew was alone in America, lacking money, friends and family, and he was blind.

A social worker for the Virginia Department for the Visually Handicapped approached Yoseph during his convalescence and arranged for a temporary home and rehabilitation training. Through the department, Mr. Getachew learned orientation and mobility, vocational and daily living skills, how to read Braille and use a specially adapted computer. Dr. Jane also stepped in with much needed financial support while he got back on his feet.

In 1995 Mr. Getachew applied for and was hired by Virginia Industries for the Blind who had just acquired a service contract with the General Services Administration in Springfield, Virginia. In his job, Yoseph uses a computer adapted to use special speech software which enables him to process orders from government customers over the phone.

Mr. Getachew has made a new life for himself here in the United States and has no plans to return to Ethiopia. "The awareness level and support of people with disabilities is very high and the technology and specialized training has enabled me to become independent and self-sufficient." Yoseph takes great pains to recognize those who supported him along the way. "Dr. John Jane and the Department for the Visually Handicapped. . . . Their compassion, support and generosity helped me beyond all my expectations . . . I love America".

Mr. Speaker, please join me in congratulating Mr. Getachew on the receipt of this award. His courage and determination are an example to us all.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3616, STROM THURMOND NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. McINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–740) on the resolution (H. Res. 549) waiving points of order against the conference report to accompany the bill (H.R. 3616) to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4112, LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1999

Mr. McINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–741) on the resolution (H. Res. 550) waiving points of order against the conference report to accompany the bill (H.R. 4112) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE SURPLUS AND TAX CUTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin (Mr. NEUMANN) is recognized for 60 minutes as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, I rise tonight to talk about a very current issue in Washington, D.C. I spent the

weekend back in Wisconsin, and back in Wisconsin it seemed like when I turned on the news almost the only thing I heard about was the Clinton situation.

I would like all of my colleagues to know that we are paying attention, and there is a lot more going on out here in Washington, D.C., right now than just the Clinton situation. As a matter of fact, we are at a point where we are going to next month, the first of October, report to the American people the amount of our first surplus since 1969.

What is going on out here right now, it is almost like a feeding frenzy where, since we are seeing this surplus, some people want to use the surplus for tax cuts, some people want to use it for spending reductions, some people say it is Social Security.

What I would like to dedicate this hour to this evening is talking about what the surplus really is, where it comes from; how we can cut taxes and how we have cut taxes in the past; in 1997 we had the first tax cut in 16 years, how did we get that done; what is different between the discussion today and last year, and how all these things fit together.

I want to start by going way back in history to just help us all remember what has happened in our country and how we got into the financial problems that were staring us in the face, the fact that we have not had a balanced budget, a situation where our government spent less money than they had in their checkbook, that has not happened since 1969.

I think before we go on in this, the fact that we are having some debates in this community about what to do with budget surpluses, we first need to put this into perspective and understand that having a surplus is a good thing. It is the first time since 1969 that that has happened. In deciding whether we are going to put it all aside for Social Security or cutting taxes or repaying debt, this is a discussion that could not have even been thought about for the last 30 years. So first I think we should give some credit to the people that took over in 1995 and led us to control spending, which we are going to talk a little bit more about here, but led us to this situation that we are right now at today where we are in fact in surplus.

Before we even get there, though, I want to go all the way back to 1982 and I want to talk about what happened in Washington, D.C., and in America in 1982. I brought with me a chart that shows the growing debt facing the United States of America. Generally when I look at this chart I do not stop at any particular date.

One can see from 1960 to 1980, the debt did not grow very much. Then all of a sudden this growing debt took a sharp turn and it started going right through the roof. What happened out here in these years that caused this debt to start growing as we can see in this picture it did?

In the early 1980s what happened is the Republicans under Ronald Reagan looked at the tax burden in America and they said this tax burden is not right, it should be stopped, we are overtaxing the people and they ought to be allowed to keep more of their own money. They were right. I was in the private sector at that point in time. I was in a situation where literally the tax rate got to 70 percent of my earnings by October. I was in the real estate business, so if I did not sell any houses, I did not earn any money. By October of that year, I started paying 70 cents out of every dollar I earned to the government so I quit working, and this is a true story, I went pheasant hunting for most of the fall because it did not make any sense to work and pay the government. The tax rates were too high. Ronald Reagan was right when he said tax rates are too high and we need reduce the tax burden on Americans.

What was wrong about it is the way they got the tax cuts passed. Because in exchange for passing tax cuts, they allowed increased spending, a massive increase in spending. So in 1982, in these early 1980 years, they did partially the right thing and partially the wrong thing. The idea of reducing the tax burden on Americans was the right thing. But the idea of getting the votes to pass the tax cuts by allowing increased spending, that was the wrong thing.

We are going to come back to that because that is really where we are right here in 1998. We are right on the edge of this whole thing and making the same mistake again. We have finally reached a balanced budget, finally reached a surplus, and there are many Republicans, myself included, recognizing that the tax burden is too high on Americans and we want to reduce taxes. The mistake we cannot afford to make again is the mistake that was made right back here in the early 1980s that turned this deficit chart into growth. We can cut taxes if we also control spending. If we both lower taxes and lower spending, that is good. That is what I came here for, because I think government is too big and it spends too much of the people's money. So to the extent we can control spending and use the savings from spending for purposes of tax cuts, this is a good thing. But what we cannot do and what we are on the verge of doing is the same mistake that was made in the early 1980s, cutting taxes and getting the votes for tax cut packages by increasing spending.

Mark my words right here and now tonight. Before this fall is over and before this Congress leaves, what is going to happen is the tax cuts that the House of Representatives wants and can pass are going to be rolled into a bill that the Senate wants to spend more money. So we are going to be right back in that situation where before this year is over, I will make the prediction here and now tonight to all my colleagues listening. Before this year is over, the tax cut package using Social Security money that the House is proposing is going to be rolled into the Senate proposals to spend more money, and before this year is over, we are going to be asked to vote on a bill that uses tax cuts, cuts revenue, and increases spending.

I keep pointing back to this turn in our deficit chart, the growing debt facing America, I keep pointing back to that year. We need to learn from that history lesson. We need to learn that lower taxes are a fine thing, but when you lower taxes you also have to control spending. Because if you do not, the debt piles up in a hurry.

I want to talk a little bit more about that debt so we know how far we came in these years basically since the early 1980s. The debt today is about $5.5 trillion. To translate that into something that is more understandable, if you divide the debt by the number of people in the United States of America, that is, the 5.5 by the number of people in our country, the United States Government has borrowed $20,500 on behalf of every man, woman and child in the United States of America. For a family of five like mine, I have got three kids and my wife back in Wisconsin, they have literally borrowed $102,000 basically over the last 15 to 20 years. It was that combination of tax cuts and getting the votes for a tax cut package by increasing spending that has led us to this mess.

The real kicker in this picture is down here, because this is the legacy we are going to give our children. This is the legacy of our generation on the next generation. The kicker is down here. A family of five in America today is literally paying $580 a month every month to do absolutely nothing but pay interest on this Federal debt. If anybody thinks they are not paying $580 a month for a family of five, just think about buying those kids shoes in the store. When you go in the store and you buy a pair of shoes, naturally the store owner makes a profit, we hope the store owner makes a profit, otherwise they are going out of business, so you go in and you buy that pair of shoes and when you buy the pair of shoes the store owner makes a profit and part of that profit gets sent to Washington, D.C., in the form of taxes. In fact, one dollar out of every six that the United States Government spends today does nothing but pay interest on this Federal debt. That is what the mistakes of the early 1980s led us to. The lower taxes were a good idea, but getting the votes to pass tax cuts by increasing spending, that is a very bad

idea. We are right on the verge of that again.

What happened in the 1980s? Well, the deficits grew. They kept getting bigger and bigger and bigger. Many people remember the Gramm-Rudman-Hollings Act. In 1985 under the Gramm-Rudman-Hollings Act, I was in the private sector, we were building houses by then, and I started cheering. Our government said under Gramm-Rudman-Hollings that they were going to balance the budget, that they were going to quit overdrawing their checkbook, quit spending our kids' money and get to a balanced budget. That was the promise of Gramm-Rudman-Hollings in 1985. Then 1987 came along and they said, "Well, we can't really keep that promise we made in 1985, but here's a new promise," and they gave us Gramm-Rudman-Hollings of 1987. They broke that. Then came 1990, then came 1993 and, of course, the infamous tax increases of 1993.

I brought a chart along that shows what was supposed to happen to the deficit under Gramm-Rudman-Hollings of 1987. This blue line shows how it was supposed to go to zero. Well, the red line shows what actually happened to the deficit. Again that concept of cutting taxes and getting the votes to cut taxes by raising spending, which is not what it is going to appear like initially out here in Washington, but before the year is over that is where we are going to be, that is what happened. They promised a balanced budget and we had the deficits.

I would point out that 1993 came along and those deficits were still there. We recognized that we had a serious financial problem facing our country. But in 1993 the people that were in Washington at that point made the wrong decision. They looked at this deficit and they concluded that the only thing they could do is raise taxes on Americans. So they raised the gas tax, they raised taxes on Social Security benefits, they raised small business taxes. They raised taxes to try and solve this problem. That is the wrong answer. The American people did not want higher taxes. The American people wanted less wasteful government spending. That is really what this is all about. That is what the change is about in 1994.

In 1994, America changed. I did not do it. The class with 73 new members out here, we did not do it. The American people did it. Because in the 1994 elections the American people said:

> We've had it right up to here with this. We've had it with this wasteful government spending and the idea that every time the government can't control their pocketbook, they simply take more out of our pocketbooks. They collect more taxes.

It was the wrong answer in 1993. So they sent a new group to Washington, D.C., and the idea with the new group, we did not understand everything about government because people like myself, we had never been in office before, but we understood one simple concept: Higher taxes means more Washington spending, and the right answer for the American people was not higher taxes but less wasteful government spending. That was the fundamental principle that we started on in 1995.

I brought another chart with me that illustrates that about as definitively as you possibly can. In 1993, the year before the biggest tax increase in American history, this is the fiscal year going on, we had spending increases that year of 2 percent. We had a growth rate of government spending of 2 percent. What does that mean? That means if government spent $100 last year, they spent $102 this year. That is a growth rate of 2 percent. Well, in 1993 they passed that big tax increase bill and look what happened to government spending. The growth rate of government spending nearly doubled the following year. Higher taxes very simply meant more government spending. It was the wrong answer and it could not possibly solve the problem.

So in 1995 when we got here we said, "Wait a second, we can't do it that way. The right answer is getting government spending under control." Again you can see in this chart now, fiscal year 1996 was the first year that the new Republican Congress dealt with spending, you can see how the spending growth rates have now started back down again. It is that controlled growth of government spending that has put us in the position where we now have these surpluses. The economy is strong, no doubt about it, but that strong economy coupled with controlled government spending has given us these surpluses. But you see how that is the opposite of the 1982 thing. We did not go out and all of a sudden just pass a tax cut plan and increase spending to get the votes to do it. We got spending under control first so that we could get to a balanced budget.

What about 1997 and the 1997 tax cut plan? Why is it all right to cut taxes in 1997 and all of a sudden there is this debate going on in Washington whether it is all right in 1998? I brought two sheets of paper with me to help illustrate that. I am sure my colleagues are not going to be able to see them, but if they call my office they can certainly get copies of these. In one hand I have got the tax cut cost or the reduced revenue from the tax cut package of 1997. In the other hand I have the corresponding spending reductions. We cut taxes and we cut spending. If you cut taxes and cut spending, less government spending, lower taxes on the American people, this is a good thing. This is not a bad thing. This is a good thing. If we can get government spending under control and let the people then keep the money in their own homes to decide how they are going to spend it instead of having that money come out here to Washington, D.C., this is a good thing. That is what happened.

Again I want to emphasize this. The 1997 tax cut cost was about $100 billion in revenue. The 1997 spending reductions, $127 billion. So if you take these numbers and you look at them, we reduced spending, we reduced taxes. This is a good thing. Government is too big, it spends too much of the people's money and to the extent that we can get to lower taxes and lower spending, this is a good thing. This is 1997.

But it is not, and I emphasize again, it is not 1998. The tax cut proposal that is currently out here today is going into the Social Security surplus and using Social Security surpluses for purposes of cutting taxes. I ran a business out in the private sector. I guess this is why I am so adamantly opposed to this idea. In the private sector, if you are running a pension fund for your employees, you could not possibly put IOUs in the pension fund and use the cash to go out and buy a new car for the executive. That does not work in the private sector. You would be arrested for that. So what we are suggesting out here in Washington is that somehow it is all right to go into the Social Security trust fund, that pension fund called Social Security, and take that money out and use it to cut taxes.

□ 1845

That is the wrong answer. Tax cuts are good. The tax cut package that the gentleman from Texas (Mr. ARCHER) wrote is dynamite, it is great. I am a hundred percent in favor of cutting taxes provided we correspondingly reduce spending. But if we are going to cut taxes by using Social Security money, you could not do that in any business in America, and government had not ought to be doing it either.

Now I want to go into detail in the Social Security discussion, and I want to make this as clear as I possibly can so that there is no mistaking where we are at in the Social Security discussion.

Mr. Speaker, where we are at now is we were about to start into a detailed discussion on Social Security, and remember we have gotten to this point, and this is a wonderful discussion. I realize I am in opposition to some of my Republican colleagues who would like to cut taxes even if it means using some of the Social Security money to do it. I realize I am in opposition with them, but before we get into this debate with my Republican colleagues and, I might add, some of the Democrat colleagues from the other side, I think it is important that we give them the appropriate amount of credit, what a wonderful opportunity that we have that for the first time since 1969 our government spent less money than they have in their checkbook.

So, before we get into this debate where we may disagree, I think it is very important we give the appropriate credit.

Also on the tax cut package that has been written by Chairman ARCHER, I think it is a tax cut package, and I think in all fairness that he should get credit for it. But I also think that we should find corresponding spending to reduce so that we are not using Social Security money to offset the tax cuts that we are about to pass, and I do disagree with some of my colleagues on that issue. Tax cuts are good provided they are paid for by spending reductions or they come from the general fund surplus. But tax cuts that come from the Social Security surplus should not be done, and I feel very adamantly about that.

Let me go to Social Security, and I am going to go into some details tonight that I do not usually go into in this discussion, but for my colleagues that might be watching this evening I want to make sure that this is clear, and Chairman ARCHER just asked me that when I do this presentation tonight that I make absolutely certain that I clarify the differences between us because there are some people on the other side of the aisle that are going to use this issue to demagogue because, after all, it is an election season.

So, I want make sure I am very, very clear.

Social Security this year will collect $480 billion in revenue. It is going to pay back out to seniors in benefits $382 billion. Now to put this in perspective as to how this thing is working, I would like to forget the billions for just a minute and forget that it is Social Security, and I would like my colleagues to think about their own personal checkbooks.

If you have 480 bucks in your checkbook, and you wrote out a $382 check, your checkbook would not be overdrawn, and in fact that is how Social Security is working right now. We are collecting more money than we are paying back out to our seniors in benefits. Social Security is collecting $98 billion this year more than it is paying back out to seniors in benefits.

Now that extra money that they are collecting that is supposed to be put away and saved, because you see the baby boom generation people in my age group, and there is lots of us; when we go to retirement, there will be too much money going out and not enough money coming in, and again if we go to the personal checkbook analysis or comparison here, if you got yourself in a situation where over a period of years you have put these surpluses away into a savings account, and then you get to a point you overdraw your checkbook, that is when the baby boom generation gets to retirement, we spend too much money and do not take enough in. The idea is that we are supposed to be able to go to that savings account, get the money and make good on Social Security, because you see if we do not have that savings account, and we get to this point, and it happens in the next 15 years where there is too much money going out and not enough money coming in, the question we have to ask is where do you think the government is going to get the money from to repay those IOUs that are in the trust fund? Where is government going to get the money to make up this shortfall in Social Security if we have not put the money away the way we are supposed to? And the alternatives, of course, are higher taxes, and I mean it is ironic we are here tonight fighting about whether we should do tax cuts with Social Security money and doing it effectively means that we are going to wind up raising taxes in the not distant future to offset the shortfalls in Social Security.

So it just does not make sense to do it. But one option is raising taxes; another is to reduce benefits on seniors because, of course, if you reduce benefits, then you do not need the money out of the savings account. Neither of those are acceptable as we look at what is happening in Social Security.

All right, back to the Social Security analysis.

They are taking in $480 billion. We are writing checks out to seniors of $382 billion. It leaves a $98 billion surplus. This money that is coming in comes from a variety of sources, and I brought with me just a little bit of discussion here on where those sources are. Part of the Social Security money, part of that $480 billion, it is money collected out of workers' paychecks. That is the bulk of it. So the largest portion of the 480 is money collected out of workers' paychecks, but that is not all. You see this surplus has been accumulating over a period of years, and there is a whole pile of IOUs sitting off here on the side that are supposed to be accumulating interest. So part of that $480 billion is interest on those IOUs.

Now it should come as no great surprise to anybody that the government is currently paying the interest on those IOUs with, you guessed it, another IOU. So when we talk about this Social Security revenue, part of the Social Security revenue is those IOUs and the interest on those IOUs. So we have got $480 billion total. It comes from workers' paychecks, comes from interest on the IOUs and one other significant source, and that is called intergovernmental transfers.

You see, if you are an employer out there in America, you are already providing a portion of the Social Security payment on behalf of your employees. Well, the government has got lots of employees. That portion of the Social Security payment for the government employees, well, that is called intergovernmental transfers. So there is really three sources for this $480 billion. One is the money that comes straight out of workers' paychecks, one is the interest on the IOUs, and one is the intergovernmental transfers.

Now the debate that is going on here, and I am going to be a little more technical than usual on this, but the debate that is going on here: the Republicans are saying that we can put all the money that is collected from workers' paychecks aside and still have a tax cut. That is true. We can put all the money that is coming in from workers' paychecks over and above what is being paid back out to seniors in benefits aside and still have a tax cut; that is true. But what we cannot do is put all the money that is coming in from workers' paychecks, plus the intergovernmental transfers that is supposed to be going into Social Security and the interest on the savings. So the debate that is going on out here is when we look at this Social Security revenue, should we count just the money that is coming from workers' paychecks, or should we count the money that is coming from workers' paychecks plus the intergovernmental transfers, plus the interest on those IOUs?

And again, you know, I am not an expert at this from the government side of it, but I can tell you in the private sector if I am looking at a pension fund and I look at how much money I have accumulated in that pension fund to pay my employees benefits, it would not be acceptable in any business practice to say I am only going to count the new money going in this year and for the interest on the pension fund I am going to write an IOU to the account. That would not work. That interest gets paid in real money to any pension fund in America, so I respectfully disagree with my colleagues when they somehow indicate that we do not have to count that interest on the IOUs or these intergovernmental transfers. From a private sector prospective running a pension fund for employees you could not possibly get away with having a pension fund there, pulling the earnings out, replacing the earnings with an IOU and spending those earnings on something different. That is just absolutely you could not get away with that in the private sector.

So again I go back to if it makes sense out there in America, and that is the way the rest of the country runs, why in the world should we just because we are government work under a different set of rules? I think we should go back to the private sector, look at how the pension funds are run and do the best we can to do the same things here that we would consider acceptable and write off in the private sector.

All right, back to this picture then. We do have $480 billion total coming in for Social Security this year. We are

writing out about 382 billion in checks to our seniors, leaving a $98 billion surplus. The problem we have today out here in Washington is that $98 billion surplus is deposited directly into, and think of this middle circle as the big government checkbook. So government gets this surplus, they put the money in the big government checkbook, and they spend all the money out of that big checkbook so, of course, there is no money left at the end of the year, so they simply write an IOU down here in the Social Security trust fund.

But now this year is a little bit different because you see this year we are taking the money, putting it in the big government checkbook, but for the first time since 1969, when we get out here and look at the checkbook at the end of the year, there is money left. Now the amazing thing to me is that our government and what we are doing today is we are looking at this 98 billion, we are putting it in our checkbook, we are getting to the end of the year and there is a little bit of money left out there, and we are going, great, we got money to spend; great, we got money to reduce revenue. But the point is if we did not put that money in the big government checkbook, we would have zero left in our checkbook. It is still balanced; I mean I am very happy to report the progress that has been made here. We would still be in balance or for all intents and purposes in balance this year, but we certainly do not have money left over to do tax cuts with.

So when you hear this debate unfolding before us and you say should we do tax cuts or should we not do tax cuts, the question you have got to ask yourself is: Is it fair to take that surplus and use it for something, new spending or tax cuts, when in fact it belongs down here in the Social Security trust fund?

Now in my office we have written a bill. It is called the Social Security Preservation Act and it would effectively solve this problem. What the Social Security Preservation Act does is it simply takes that $98 billion and puts it down here in the Social Security trust fund, and to most people in America that does not look like Einstein kind of thinking. It really is not. In the private sector if I was running a pension fund and I had money that was supposed to go into the pension fund at the end of the year, I sure as shooting would not put it in my government, in my business checkbook and spend the money. I would have to put the money down here in the trust fund, where it belonged.

So what we are doing here is no different than what any company in America is doing as it relates to pension. So our Social Security Preservation Act would simply take the $98 billion and put it directly down here in the Social Security trust fund, and you can see I kind of got it walled off. The idea is we do not want that money to wind up being spent out of the big government checkbook.

Now as far as the big government checkbook, and I think this is real important in understanding because we are about to move into a new era; you see, the Social Security fund has been in surplus now for quite some years, and they have been spending the money and for the first time we are in a position we could actually put it aside, which is the right thing to do. But there is another dynamic happening here. This general fund without the Social Security money is also about to go into surplus, and that is an entirely different discussion. The Social Security trust fund is in surplus. That money should not be spent, it should not be used for tax cuts. Social Security money should be set aside for Social Security. But when the general fund gets into surplus, that is a different story, and we have got to start asking ourselves the question now, if we are not using the Social Security money, but the general fund is in surplus any way, and when we get done at the end of the year, we have got money left in our checkbook, what should we do with it?

I mean after all this money does not belong to Mark Neumann and the Members of Congress. This is the people's money. This comes from the people's paycheck. It is their taxes that we are talking about. So when we look at this general fund, assuming we set Social Security aside, what should we be doing?

And let me just lay out my plan and where I think we should be going. I wrote a bill called the National Debt Repayment Act. The National Debt Repayment Act says, if we get in surplus in the general fund, we use it really for two things. First, we use it to make a payment on the Federal debt and we pay off the Federal mortgage much like you would pay off a home mortgage anywhere in America. So as we get into surplus in the general fund, we first make a mortgage payment on the Federal debt. Under our bill we would pay off the entire Federal debt within 30 years, much the same way as any American might pay off their home mortgage.

What about the rest of it after we made our mortgage payment? Well, I think that should go back to the people in the form of tax cuts.

So you see how this picture can all work together. We can set the Social Security money aside and when we are in surplus now, which we physically are in Fiscal Year 1999 unless we go into a severe recession, and I do think that we should wait and see that we have actually got the money in hand before we go spend it, but assuming things stay as they are and we are in surplus in the general fund, not the Social Security money, in the general fund, if we are in surplus in Fiscal Year 1999, I think we should look seriously at doing tax cuts with general fund surpluses, and I think we should look seriously at starting to repay the Federal debt.

When you think about this picture for the economics of a country we are now saying that we can put the Social Security money aside because we are in that position today, and as we go into surplus, we start making payments on the Federal debt, we pay off the debt in its entirety so we can pass America on to our children debt free, and the leftover money we get to use for tax cuts so we can actually reduce the tax burden on American citizens.

That is kind of my vision for what we ought to be doing out here. Now how does that relate back then to what the discussions that we are having right now? First off, I hear it all the time. In our district the AFL-CIO started running ads implying ironically that I support the tax cut using Social Security money even after I have given several speeches like this on the floor. But at any rate the other side is basically implying that we want to cut taxes with Social Security money, and at the same time what they are not telling the American people is about all these proposals for new spending. And I keep going right back to this. It is every bit as wrong to propose new spending with the Social Security money as it is to propose tax cuts. But what the American people are hearing about, aside from Clinton, what they are hearing about is the Social Security money being used for tax cuts, and what they are not being told about is this thing called emergency spending that effectively spends Social Security money for new government spending programs, and they are both wrong.

□ 1900

One is as wrong as the other.

I am optimistic that as we move forward, we will move into an opportunity to stop both of those things from happening, but it is going to be a huge debate this fall.

For my colleagues that might be watching this evening, watching this floor speech, I would reiterate my prediction: That before this fall is over, you are going to be asked to vote on a joint package that includes $80 billion of tax cuts and at least $80 billion over five years of new spending.

I reiterate where we started the hour this evening, and that is that we are effectively going back to 1982. In 1982, President Reagan wanted tax cuts, and he was right to want tax cuts, but he got the votes for those tax cuts by allowing new spending, and that is exactly what is going on out here in 1998. There is such a mess going on in the media with, of course, all of the Clinton problems, that what is happening

is this is being buried below the surface so the American people are really not very aware of this at this point in time, that we are about to start making the same mistakes that I think we made back in 1992.

I am optimistic we can get it under control and stop that from happening, but it is very, very important that my colleagues engage in this discussion with their constituents and that the constituents provide that feedback to my colleagues on how they feel about using Social Security money for tax cuts or about how they feel about using Social Security money for new spending.

I would hope that what would happen is as my colleagues engage in this interaction with their constituents, I would hope in their district they ask their constituents how they feel, and I think they would find they feel much the same as the people do in Wisconsin.

Tax cuts are good. No one disagrees with the facts the taxes are too high. The '97 tax cut package, and, again, I reiterate, we think of the tax cut package, here are the tax cuts, here are the spending reductions that went with them, lower spending, lower taxes, this is a good thing, no one disagrees with that.

But when you ask the other question, when you ask the question, and I have seen all the poll numbers floating around Washington, D.C., the Republicans have one set, the Democrats have a different set, but I would like to encourage our pollsters to start asking the question that I ask to normal typical people, which, by the way, all tell me they never get these poll calls, but I think what they ought to start asking is, okay, you support tax cuts, and I think you will find most people believe taxes are too high and they support tax cuts. But then you ought to ask the next question: Is it all right to use the Social Security money for tax cuts? I think you are going to find a dramatic answer "no." I think it is our responsibility to see to it that we start treating Social Security properly.

One more thing before I end this hour this evening that I would like to talk a little bit more about, because I found when I traveled Wisconsin, there are so few people talking about the tax cut package that is already passed. It is like there is this frenzy out here, it is election season, we have to pass another tax cut package. When I go around Wisconsin, most of the people do not know about the package passed already. So I would like to stop talking for a minute about what we might do this fall and talk about what has already happened and what has already been passed into law.

Last year, 1997, we passed a tax cut package for middle income Americans. When middle income Americans do their tax returns next April, they are going to find that they get a $400 per child tax refund. This is not an additional deduction or anything like that. You do your taxes, you get to the bottom line, and when you get to the bottom line you get $400 back in the form of a refund for each child under the age of 17.

If you have a college student, and costs of college are astronomical, it is very difficult for middle income families to pay for college today, if you have a freshman or sophomore in college, you get to the bottom line on your taxes and subtract 1,500 off. You get literally a tax-free fund of $1,500 to help pay college tuition. If you are a junior or a senior, it is 20 percent of the first $5,000, but basically it is $1,000 for most middle income families.

Let me put that in perspective. For a family of five in Janesville, Wisconsin, with two kids at home and a freshman in college, they would expect a tax refund of $2,300 next April. This is real money. We are talking middle income, $50,000 a year family in Janesville, Wisconsin, with two kids at home and a freshman in college, they are going to get a $2,300 refund next year.

I will tell you, this is not really about just the money. It is not about money. It is about those families having the opportunity to spend more time with their kids, because, you see, when they keep that $2,300, they might be able to make a choice of not taking an extra job, and when they do not take the extra job, they have more of an opportunity to spend time with their kids and their families, and that really is what the tax cuts are all about.

Then I hear well, but that is only for families with kids, Mark. What did you do for the rest of us?

They do not know at this point, some people know that the capital gains tax has been reduced from 28 to 20, and it is going to 18. That has already passed into law and is on the books. Some people, especially our young people, and some middle income people my age, especially when they get to be empty-nesters, when you turn 45, 46, 47, a funny thing happens, when your kids start leaving home to go to college or maybe they get married and start their own families, all of a sudden you realize you are a full generation now closer to retirement yourself.

We start looking at these empty-nesters and we start saying, what is happening with empty-nesters? A couple things happen. One is many of them sell their home and buy a smaller home, that is one, and another thing is they start saving money for their own retirement.

There are two significant changes passed last year. The first is the Roth IRA. For those empty-nesters, that are now with the kids in college or out of college even starting their own families, and they are thinking about their own retirement, those empty-nesters can now put $2,000 each into an account; the interest accumulates tax-free all the way to retirement; and when they take the money out at retirement, there is no taxes to pay. So they can start saving in a much better way for their own retirement.

One more thing on the Roth IRA that I think is real important, because I saw it with my own family, I have a 21-year-old son who started his own Roth IRA. The Roth IRA for young people is very, very important because it allows them to put money away that they can later take out tax-free to either buy a home or continue their education.

So when my Andy literally gets out of school and decides it is time to buy his own home, the money he put into the Roth IRA, whatever it has earned, he can take it back out tax-free and use it to purchase his first home, up to $10,000, or he could use it to return to college as well. So that Roth IRA is very important for the young people, it is also very important for the empty-nesters starting to think about taking care of themselves in their own retirement.

But there a second thing that I mentioned with the empty-nesters happening to lots of people between 45 and 55. That is that their home that they had when they had their kids is too big, so they buy a smaller home to now maybe help save additional money as they move toward retirement. There is no longer any Federal taxes due on the sale of virtually any home in America. There is a way-high like $500,000 top end cap on this, but if you sell a home for less than the $500,000 number, virtually all homes in Wisconsin, if you sell a home for less than that, there is no Federal taxes due. So if an empty-nester makes the decision to sell the larger home and move into a smaller home, there is no taxes due when you sell that house.

One more thing. For senior citizens who may have made that decision in the past, they sold that larger home and moved into a smaller home, they took the onetime age 55 exclusion which would have allowed them to avoid paying taxes at age 55 on a certain amount of the profit they made only their home. For our senior citizens who sold their home, took the one time exclusion and bought another home, when those seniors make the decision to sell their home again now, there are no taxes due.

So this tax cut package of 1997, very, very few people even know what was in it at this point in time, and I think what we should be doing, to my colleagues that are listening this evening, is rather than make a decision to cut taxes using Social Security money, let me give you my first choice. My first choice would be to do the tax cuts, find corresponding spending reductions, so we have less spending and less taxes. That would be my first choice.

But if we find that this body between the House and Senate does not have

the will power to find the corresponding spending reductions in order to reduce taxes, if we do not have that willpower today, and, by the way I would do it in a heartbeat myself, but it takes 218 votes to pass these things, so if we do not have the will and we do not have the votes to find the spending reductions, for goodness' sake, let us not go and cut taxes using Social Security money. That is the wrong answer.

Let us just give this thing a little chance. Let us talk about the tax cuts of '97, let us let America know what we have already accomplished in reaching a balanced budget. Let us let America know we have actually takes passed a tax cut package that going to significantly impact them. Let us let our country know about the improvements that have been made in Medicare, where diseases and testing for diseases that were never covered in the past are now covered, and how we save money by doing things like testing for diabetes ahead of time, instead of making the senior get sick before Medicare kicks in and covers that.

Let us get that information out to the American people during this fall, as opposed to going ahead and doing something that I think repeats the mistakes of 1982, and that was decreasing taxes effectively using Social Security money to do it. Decreasing taxes while we increase spending is such a bad precedent to set and that is not what we came here for in 1995. That is not what the American people elected us to do. I sincerely hope as we look at this fall and we look at the days ahead of us this fall, I sincerely hope we make the right decision and do not allow that to happen.

I would just like to conclude with my vision of where I hope we go as we move forward. I think from the economic side of a vision for the future of this country, I think the first thing we need to do is make sure that Social Security is safe and secure for our senior citizens.

We talked about the Social Security Preservation Act. That extra money coming in for Social Security, this needs to be used for Social Security. It needs to go into a safe, secure savings account for our senior citizens. That is goal one.

Goal two: This debt that we have accumulated, we need to start making payments on the debt. The National Debt Repayment Act would repay the Federal debt, much like you would repay a home mortgage over a period of 30 years. So goal two for the future of this country, wouldn't it be great if our generation, while we are still in the work force, could pay off the bills that we have run up over the last 15 years and give America to our children absolutely debt free? Remember, that means that you can simply reduce the tax burden by $1 out of every $6 simply by not having the debt, because that is how much the interest on the Federal debt costs today.

So the second goal that I would make on the economic side, let us pay off the Federal debt and leave our children the legacy of a debt-free Nation, where they do not have to pay $580 a month to do nothing but pay interest on the Federal debt.

The third goal, and I think it is equally important, the tax burden today is nearly 50 percent higher than it was a generation ago. When my parents had me 40-odd years ago in the fifties, the bottom line was the tax burden then was about 25 cents out of every dollar they earned. Today that number is all the way up to 37.

So I keep asking this question, what is it that government is doing today that is so much more important that they did not have to do before, that my parents were doing for themselves back in the fifties that now government can do better than my parents could do for themselves back in the fifties? What is it that would allow your government to collect this extra 12 cents on the dollar, forcing so many second and third jobs in our families all across America?

So when I look at our goals as we move from this generation forward, I think we need to get the tax burden down to where it was in the fifties, not more than 25 cents out of the dollar at all levels of taxation, state, Federal, local, property taxes, the whole shooting match, not more than 25 cents out of the workers' paycheck out of a dollar should be used for taxes. So that is the economic side.

On the social side, I think the most important issue facing America today is education. We look at our kids and where they were once up here ranking in the world, we are now down in the twenties, depending on which study you look at, as to where we rank in the world. And, you know, government's answer to this education problem has been hey, I am out here in Washington and I know how to educate your kids, so I am going to start a new government program; and when I get done, because I am in Washington and know how to educate your kids, education will improve.

Well, education did not improve. Government started 760 different programs with a course of bureaucracy to go with every one of those 760 programs, and our kids just kept dropping in the rankings more and more and more.

The reason they kept going down in the rankings is because every time government takes a responsibility away from the parents, the parents have less say in the education of their kids, and the less the parents are involved in that education, naturally the poorer the success rate with education.

So I think as we look at this education problem, the right answer is to do everything we can to get the Federal Government out of the way and return the power of education to decide what the kids are taught, where it is taught, and how it is taught, that needs to be returned to our parents, to our teachers, to our communities, to our school boards, and not be controlled out here.

There is an interesting side benefit from this, and we voted on this bill last week. If we could get that money back to the control of the local schools, and we get these bureaucracies, because, remember, 760 different education programs, 760 different bureaucracies, all the bureaucrats getting paid before any money gets to the classroom to help the kids.

If we could require that 95 cents of every dollar that the Federal Government spends on education actually winds up in the classroom, it would mean there would be an additional $9,000 for every school in the country without raising taxes open the people, $400-plus for every classroom in America if we just get the Federal Government out of the way. That money today is paying government bureaucrats in Washington.

Again, I just keep going back, I almost think of Washington people kind of grabbing their coat and saying well, I know better about education than all you people out there in America. Why in the world would anyone believe that just because you are here in Washington, you know better how to educate Wisconsin kids than people in Wisconsin do? It just makes absolutely no sense to me.

So when I look at the education, how we are going to fix the problem, get control of education back in the hands of the parents, let us let our parents decide what the kids are taught, where it is taught and how it is taught, there is a huge by-product if we can do that.

We looked to the study of thousands of teenagers, and what we found was not unexpected. Some had drug problems, there were crime problems, there were teen pregnancies, there was teen smoking, but there was also a whole mess of good kids. There was a whole bunch of good kids that we found. So we started looking at the difference between the ones that had crime problems and the ones that did not; the ones that had drug problems and the ones that did not; the ones that had teen pregnancies and the ones that did not; and teen smoking, and the list goes on.

The single most important factor in determining which group these kids are going to be in, and, again, this does not come as a surprise, it is the amount of involvement of the parents in the kids' lives.

So when we look at our social problems facing America, if we could solve the education problem, or at least

move in the right direction by reempowering our parents to be more actively involved in our kids' education, we would also see significant improvement in areas of crime, drugs, teen pregnancies and teen smoking.

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One other thing on the social side that I think should be mentioned, today we have a practice in America called partial birth abortions. The Senate just voted last week to not override the President's veto of a partial birth abortion ban.

Many people in America still do not know exactly what a partial birth abortion is. This is not going to be anywhere near as graphic as what we have seen about the President, but I do think it is important we understand what it is.

In a partial birth abortion, it occurs as late as the 7th, 8th, or 9th month of a woman's pregnancy. The child is partially delivered feet first, all the way up to the head. The delivery is stopped, the child's life is ended, and they then complete the delivery. Remember, just seconds more on that delivery and the child lives. We are talking about a healthy baby whose life is ended just before it takes its first breath.

Folks, I think when we look at America, this partial birth abortion issue, it is not about Republicans or Democrats or even pro-choice or pro-life. Many pro-choice Democrats voted the same way as pro-life Republicans like myself to end the practice of partial birth abortion.

We can have this other abortion debate, and I at least understand, I do not agree with, but I understand the other side in the abortion debate. But when we talk about partial-birth abortions, it says something about us as a Nation. If we are going to allow this sort of a practice to continue, what does it say about America as a country? What does it say about us as a people? That is why we need to keep at that, on the social side of problems facing this country, and we do need to end partial birth abortions.

Let me paint this picture and just kind of wrap up tonight with a total picture, here. If we can pay down the Federal debt, the government no longer needs to pay the interest on the debt. That interest money makes it easier to put the money away for Social Security that should be put away so our seniors are safe. They get up in the morning knowing their Social Security is safe. It also makes it easier to lower taxes, because we do not need the interest money. That is $1 out of every $6 the government is spending today. It makes it much easier to lower the tax burden on all Americans.

Let us think about lowering the tax burden for just a minute, because those ramifications are great. When we lower the tax burden, families can make decisions to not take second and third jobs, because they will be keeping more of their own money, rather than go out and earn that extra money they were sending to Washington before.

As we lower the tax burden, parents will be able to make the decision to spend more time with their families, and when they spend more time with their families, hopefully they are actively involved in their kids' education. So we have reempowered the parents to have control of their kids' education, what they are taught, how it is taught, and where it is taught. They now have more free time.

As we reduce this tax burden, they are not forced into the second, third, and fourth jobs, so they are more involved in their kids' education. It solves the education problem, or at least moves in the right direction of solving the education problem.

Of course, the by-product is that those other social problems we mentioned, we expect to see lower crime rates, less drug use, fewer teen pregnancies, less teen smoking.

When we put this picture together, we pay off the debt, no interest payments, it is easy to put money away for social security. Lower taxes empowers parents not to have to take a second and third job. It puts us in a position where we can now start seeing solutions to social problems, not by Washington mandates or somebody out here grabbing their jacket and say, I know how to do it, but rather, empowering parents to be actively involved in the kids' lives.

The greater involvement by the parents in the kids' lives, the farther we move down the road towards solving the social problems facing our country. That is how we spend the majority of our time.

I should conclude by saying I am not so naive to think that I or somehow somebody in this city or any of my colleagues can wave a magic wand of some sort and say, okay, it all happens. I am not that naive.

But when we start thinking about goals for a generation, paying off debt, restoring Social Security, reducing the tax burden so parents can have more time with their families, improving the involvement of parents in the education process, and as parents are more involved in their kids' lives, lower crime rates and fewer drugs, fewer teen pregnancies, those are the goals we need to be working for as a country.

We need as Americans to focus on a positive bright light out there, and start looking again as to what we can do for the good of the future of this country over the course of the next 5, 10, 15, 20 years, over the course of the next generation.

BOLSTERING OUR COUNTRY AGAINST THE EFFECTS OF THE GLOBAL ECONOMIC CRISIS

The SPEAKER pro tempore (Mr. SNOWBARGER). Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, I want to spend the next several minutes talking about something that is very important to all Americans, but something that is being, at least until recently, largely ignored here in our country; that is, the global economic crisis that originally expressed itself in Japan some 7 years ago, and then gradually swept across all of east Asia, and is now expressing itself in Russia, with the devaluation of the ruble and other economic problems in that country, and also in countries in South America and Latin America and elsewhere around the world.

We, as the strongest economy in the world, have been somewhat insulated from the first direct effects of this global economic crisis. But the fact of the matter is that we are not immune from its effects, and we need to begin to bolster ourselves against it if we are going to maintain strength in our own economy.

One of the most important things that we need to do is to reduce our real interest rates. That will enable our economy to strengthen by making money less expensive, so people can make the purchases they need, the longer term purchases they need to make, so that business can strengthen themselves and be prepared for the impact of this economic onslaught.

Real interest rates, adjusted for inflation, are currently at a 9-year high. Federal Reserve Board Chairman Alan Greenspan admitted as much to the House Committee on Banking earlier this year when he said the following: "Statistically, it is a fact that real interest rates are higher now than they have been on the average of the post-World War II period."

We may wonder why short-term interest rates can be so high when the Federal Reserve has held them steady at 5.5 percent since March of 1997. The answer to that question, of course, is inflation, or more precisely, the lack of inflation in our economy.

As measured by the Consumer Price Index, the rate of inflation is currently at 1.6 percent. The CPI in fact has been below 2 percent for many months. When we factor in this low inflation rate, real interest rates currently are more than 4 times as high as they were in 1992 at the end of the last recession. We are paying more in interest than we should be paying.

The Federal Reserve Board has been hypervigilant about wringing inflation from our economy. They interpret every positive indicator, low unemployment, rising wages, increasing productivity, every one of those indicators

are interpreted by the Fed as a sign that prices are going to rise. Of course, they have been wrong every time.

The Fed, in fact, in its fixation on inflation, is fighting, in effect, the last major war on inflation, which occurred back in the 1970s. Their mindset is a 1970s mindset. The economy has changed, of course, dramatically since that period.

I began calling for the Federal Reserve to lower interest rates more than a year ago, last summer, when it became clear that falling unemployment was not going to cause inflation to rise. I was concerned at that time that the Fed would see the first real, albeit modest, increase in workers' wages in almost two decades as a precursor to inflation, and that they would act to slow the economic growth, either by raising interest rates or not by lowering them. This was before the east Asian economic situation was a factor in the rest of the world, and particularly, in our economy.

At the end of the last October, when the dimensions of the Asian crisis became apparent, I urged Chairman Greenspan to hold the line on interest rates until we knew how Asia would play out here in this country. I was concerned that disinflation or even deflation due to the strong dollar and increased imports might be the real problem facing us. In fact, currently our trade deficit is the major economic deficit we are confronting as a Nation.

Since that time, the situation in Asia has not gotten any better. In fact, it continues to worsen. Barely a month ago the Russian government devalued the ruble and defaulted on their obligations, setting off another global economic problem. Latin America is already the next trouble spot, as investors are beginning to pull their money from emerging markets there and elsewhere around the world.

The down side of living in a global economy has finally hit home, and we are unprepared for it. We have rushed into this global economy without our eyes open sufficiently. Interest rates on 30-year Treasuries are at record lows, and are actually below the Federal funds rate. Corporate earnings were down in the second quarter and are likely to be off again in the third quarter, judging from the early reports of many companies. The farm debt is at its highest level since 1985, as commodity prices slide and the global markets for goods dry up. Our trade deficit is the highest it has ever been, and it keeps increasing at record increments each and every month, month after month.

The stock market seems to be on a daily roller coaster ride, and a decline in equity values, which is apparent, could dampen confidence and slow consumer and business spending as people watch their wealth evaporate.

Mr. Speaker, this is why I am introducing a sense of the Congress resolution calling on the Federal Reserve Board to lower the Federal funds rate promptly. I hope that this resolution will be supported by all the Members.

DUTY, HONOR, AND COUNTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, as I begin my remarks this evening, I know some Members may have to leave the floor. Some may have other business. But there are three words that I ask Members when they leave this evening to remember: duty, honor, and country. Those words obviously come from the speech given in 1962 by General MacArthur: duty, honor, country.

Our country right now is not in a constitutional crisis. Our country right now is not like the situation in Russia, where, because we have a bump in the road dealing with the highest levels of our government, our government is on the verge of collapse. It is not on the verge of collapse.

Our country has the strongest economy yet remaining in the world. Our economy has the strongest military in the world. Our economy has the strongest educational system in the world. Our economy has the strongest health care system in the world. Our country clearly has more freedoms than any other country in the world. Our country helps more immigrants than any other country in the world. Our country welcomes more immigrants than any other country in the world.

So as we go through these times, trying times in Washington, D.C., do not be mistaken, for there is a lot more that is going right in our country than there is that is going wrong. But tonight, by necessity, I want to talk about some of the things that I think are necessary for this country to continue to have that reputation, that reputation being that there are more things going right in this country than there are going wrong.

I think, as an elected official, and this would apply to any publicly elected official in this country, we must remember three other words: always for them. Always for them, that is our duty, that is our obligation, and that is our commitment. We come second, you come first: always for them.

Let us go back to duty, honor, and country. As some watch the news here, as we watch it here in the next few days, and hopefully we can expedite through the difficulties we have back here in this city, but as it goes on for months, as we watch it through the months, if we have questions about integrity, if we have questions about actions, if we have questions about commitment, if we have questions about leadership, I think we can always safely return to General MacArthur's words: duty, honor, and country.

I am not going to go through all of General MacArthur's speech this evening, but I think there are some appropriate spots to talk about within this speech, and then we can get to a little more of the substance of the other issues which I earlier discussed.

The address by General of the Army Douglas MacArthur to the cadets of the United States Military Academy, on May 12, 1962, was a memorable tribute to the ideals that inspired America. As long as other Americans serve their country as courageously and honorably as the general did, our country will remain great, and General MacArthur's words, duty, honor, and country, will live on.

Let me take an excerpt from the speech: "Duty, honor, country. Those three hallowed words reverently dictate what you ought to be, what you can be, and what you will be."

"They are your rallying point to build courage when courage seems to fail. To regain faith when there seems to be little cause for faith. To create hope when hopes become forlorn.

"Unhappily, I possess neither the eloquence of dictation, that poetry of imagination, nor the brilliance of metaphor to tell you what they all mean. The unbelievers will say they are but words, but a slogan, but a flamboyant phrase. Every pundit, every demagogue, every cynic, every hypocrite, every troublemaker, and I am sorry to say some others of entirely different character, will try to downgrade them even to the extent of mockery and ridicule. But those are some of the things they do.

"These words build your basic character. They mold you for your future roles as custodians of the Nation's defense. They make you strong enough to know when you are weak and brave enough to face yourself when you are afraid.

"What the words teach. They teach you to be proud and unbending in honest failure, but humble and gentle in success. Not to substitute words for actions, not to seek the path of comfort, but to face the stress and spur of difficulty and challenge. To learn to stand up in the storm, but to have compassion on those who fall. To master yourself before you seek to master others. To have a heart that is clean, a goal that is high, to learn to laugh, yet never forget how to weep. To reach into the future, yet never neglect the past.

"To be serious, yet never to take yourself too seriously. To be modest so that you will remember the simplicity of true greatness, the open mind of true wisdom, the meekness of true strength.

"They give you a temperate will, a quality of the imagination, a vigor of the emotions, a freshness of the deep

springs of life, a temperamental predominance of courage over timidity, of an appetite for adventure over love of ease. They create in your heart the sense of wonder, the unfailing hope of 'what next?' and joy and inspiration of life."

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Those words should be read by everybody in this country who is running for public office in this November's election. These words should be read by every teacher, every college professor, every minister, everybody who has someone younger than they or everybody who has somebody looking to them for advice.

Those words should be read, because this country is a country of standards. This country is a country of expectations. This country is a country of great people. But it is a country that is tested at every turn. And if we do not meet these standards, truthfulness, dedication, patriotism, and it goes on and on, if we do not meet those simple standards, this country will go around a bend and go right off the curve.

Now, we have been tested, as I said, for 300 years. Tested before the country became a country. Tested when we came to this land. Tested throughout this history. And, of course, overall we have succeeded. But most of the time if we look at our success, it is not a matter of luck. It is a matter of standards.

When we talk about some of the areas that we need to look at that make this country great, there are three areas I think are specific. One of them is called the rule of law. Now, the basic philosophy of the rule of law in our country is that the law is king. Remember that. The law is king. The king is not the law.

Now, there are other countries in the world, and of course throughout our history, where the king was above the law. In our country, we do not make that exception. In our country, the law is the king. Nobody is above the law. It is elementary for the success of this country.

Mr. Speaker, I want to visit for a minute, we have had lots of discussion in the last few weeks about telling the truth, about fundamental honesty, about a word called "perjury." I have here the definition of perjury. For the rule of law to work, we have got to have a system that demands honesty.

In our system, we have an oath that we take before we testify in court. We have all heard that oath 100,000 times on TV shows. Some have experienced that oath in a court of law. Those who, like me, went through law school and were accepted by the local courts went through an oath with that court. We swear to tell the truth. We swear to it.

Those who serve in public office were sworn to an oath and in that oath if it was not explicit, it was certainly implied that they had a commitment and a duty to tell the truth.

Perjury: False declarations before a grand jury or court, or a court, any jury, any court. Whoever, under the oath at any proceeding before or any ancillary to the court or grand jury of the United States, knowingly makes any false material declaration.

Notice that for our rule of law to prevail, we do not put a comma there and we do not put the words after the comma, "except when it is uncomfortable." We do not allow an exception to perjury if it is uncomfortable to tell the truth. We do not allow an exception to perjury. We do not put a comma there and allow an exception to perjury if it is embarrassing to tell the truth. We do not allow an exception to perjury if it is a private matter and we do not want to share it with anybody. We do not allow someone not to tell the truth because they do not want to share it with anybody. We require, it is very simple, that they must tell the truth and the reason is that our system has to work.

Those out there could put a lot of blanks behind this comma. We could come up with any kind of exception we want. But at end of the day, we are going to find out that it is very simple. There are not exceptions. At the end of the day, we will say to ourselves: It is a beautifully designed definition.

Because, Mr. Speaker, if we allowed exceptions, how could we stop? And certainly if we allow an exception for one person, let us say we have somebody who is a great friend, a good citizen in the community, he has done a lot for the community. We do not put a comma on there that says, "Except for Scott McInnis." We do not put a comma on there that says, "Except for Good Guy John" or "Good Lady Jane." We cannot do it. It will not work. The system cannot afford a leak like that. Through years and years, our system, our court system, public officers, publicly elected officials, have sustained this definition by following it.

Recently, I have gotten some interesting correspondence, as some might guess, from constituents regarding issues. Let me say this evening and make it very clear, there may appear to be gaps in my comments tonight. As we all know, we have the strictest protocol in the country as to what we can and cannot say on this floor, and I am doing everything I can to stay within those rules. It is my obligation as a Congressman to follow the rules of this House. So, the comments I am about to make have been heavily edited so as not to offend the protocol or the rules of the House of Representatives.

Mr. Speaker, this is a constituent letter:

"I've never written to any elected official before." By the way, this is dated Friday, September 11. "I've never written to any elected official before. But in light of current events, I find it necessary to write now. I am a resident of Denver County and currently not registered as either a Republican or an Independent. I am a swing voter, since I usually vote for the person and not the party, having voted for Bill Clinton in 1992, Bob Dole in 1996, Dukakis in 1998 and anybody but Reagan in 1980 and 1984.

"I do not know the answers yet to the action that should be taken about the current presidency. I do not know whether impeachment is the ultimate answer until all the facts have come out. But I do feel strongly that hearings should commence. If nothing else, if no action winds up being taken, this country needs to address morality and honesty for all of us.

"What is it that makes this country great? I used to be a court reporter and administered the oath daily and it means something to me. It is hard for me to hear anyone saying, "Everybody does it. Nobody prosecutes people that do not tell the truth under oath." If that is so, why do we, Mr. Congressman, bother to even administer the oath?

"I have two young men that I am raising as a single parent. One is 12 years old and one is 8 years old. My 12-year-old son, Alex, and I were talking about the current events one evening and he remarked, 'Can someone not tell the truth and get away with it?' When I said it is possible and I do not know that they will be punished for not telling the truth, he had a stunned look of disbelief and it was somewhat painful to me.

"This is a young man who cannot lie. He has a job walking dogs and one day he forgot to do his job. He did not try to hide or conceal it. He called up the woman he works for and he told her what had happened. He was sorry; to not pay him for that day because he had been careless and irresponsible. He could have committed a lie of omission, but he did not. He fessed up immediately and he took responsibility.

"That is the kind of adult I want him to become. Though I did not tell him right when he made his decision on what course to take, I would have made him quit his job immediately had he not done the right thing. I am trying to raise children in a society that is coming apart in many ways. But I will raise them like my parents raised me. To respect the truth, to take personal responsibility immediately and effectively.

"The greatest sin of character in my mind is to take the easy path, the path of least resistance, the popular way.

"Holding hearings, Mr. Congressman, may not be popular, but it may be the only way we the American people can sort out who we are and what it is that means something. Can our leaders take as much responsibility as my 12-year-old son? Make no mistake, Mr. Congressman, that job means as much to my son as the President's job probably means to him.

"This country must find the will to figure out who we are again. Do we make excuses for everything and everyone, or do we take the more difficult path? We are trusting you, Mr. Congressman, to do what is right, not what is expedient or popular. I am not sure I know what that is, but I know this country cannot crumble just because of a scandal. This must be looked into and the facts must be determined."

Mr. Speaker, John Adams wrote a dissertation on the canon and feudal law and the rule of law, and I quote from John Adams: "The people have a right, an indisputable, unalienable, indefensible, divine right to that most dreaded and envied kind of knowledge. I mean of the characters and the conduct of their rulers."

Let me repeat that. "I mean of the characters and the conduct of their rulers. Rulers are no more than attorneys, agents and trustees for the people. And if the cause, the interest, and the trust is insidiously betrayed or wantonly trifled away, the people have the right to revoke the authority that they themselves have deputed and to constitute and have abler and better agents, attorneys and trustees."

□ 1945

The people have that right. Remember, you can always come back, throughout this speech this evening, if you are leaving us midspeech, walk out of here with just those three words: duty, honor and country. For those of you who have to leave tonight that want to continue your public service, remember the other three words: Always for them, always for them.

I want to say to some of you, as an elected official, let me tell you, I am not perfect. I had some entertaining days in my younger days. I was one of those people that got out of high school and people said I could not wait to get out. I had a blast. I had a great time in college. In fact, every day I have had the opportunity and the privilege by the Good Lord to be on this earth, I have enjoyed it.

Sure, we have gone through some tragedies, but I am not pretending to be perfect. I remember one time when I was young, lying in my folks' hammock with my air gun, it is like a BB gun, that is what they used to call it. I was shooting through the hedge. What I did not think about was, as I shot through the hedge, I was shooting out the neighbor's windows.

Now, I can tell you that when the neighbor came over, alarmed and, of course, the police came because they thought somebody was shooting at them, I thought they had kind of overexaggerated the situation, but now when I look back, I wonder why they did not shoot back. But when they came to my folks and my folks got me, I told my folks I was sorry. My dad said to me, that is good. We forgive you. But there are consequences. Just saying you are sorry does not mean you get to keep your BB gun. You do not, son. Give us the BB gun. We are locking it up. And by the way, locking up the BB gun is not your only consequence. You not only give up the privilege that we trusted you with, and that was that gun, but, son, you have damages. You have consequences. We have got some windows over there in the neighbor's house that you broke. Your apology does not go far enough. You will go out and work to pay for the cost of those window repairs.

What am I alluding to? I am alluding to the fact that as a public official, our private lives are to an extent private. For example, I do not think that the public that I represent as a Congressman, mind you, I am a Congressman from the State of Colorado, I am voted for by the people of the 3rd congressional district of the State of Colorado, but I represent the United States of America. I am a Congressman of the United States, not just Colorado. Obviously, I would love to tell you more about Colorado. That is a lot of my heritage and so on and so forth, but the fact is that my constituents in Colorado or constituents throughout this country should not have the right to go in and photograph me going to the bathroom. My private matters with my wife are not necessarily matters of the public. But when we step up to the plate to represent you, there are matters of our private life that do become public business.

You have a lot of trust in us. You have a lot of faith in us. So do not let somebody say to you, well, their private lives are of no consequence. What if SCOTT MCINNIS was a sleeping Chinese spy? That is of consequence. What if I was driving a brand new Rolls-Royce every day and you knew my income was $136,000 a year? You have a reasonableness to inquire as to, SCOTT, where did this money come from.

What if I do not show up in Congress to represent you. I show up for roll call and leave the day after. And when you say, where have you been all day, you are missing a lot of votes? Sorry, that is my private life. That is my private life, my private life. You have no right to inquire just because you elected me as to what I do with my day if I am doing it privately. Of course, our private lives have windows in them. That is to be expected. We knew that in advance. Sometimes that can go too far.

Let me move on to the next part that I spoke of, I think it is important to address tonight. That is moral character. There are 6 pillars of character, core elements of character. Not too many years ago an organization called Character Counts, which is a bipartisan organization, had people like Congresswoman Barbara Jordan, actor Tom Selleck and many other people from across the country, sat down and said, as I said earlier in this speech, the pillars of this country are based not on the person but the character of the person. It is character that builds a person.

And our country, to assure ourselves of the future as much as we have had comfort and satisfaction out of the past, must continue and enhance its obligation to character.

And they outlined 6 areas that I think we should look at every time we question somebody who serves you. If we have a general in the military, we should question about these 6 pillars. If we have a private in the military, we ought to ask, we ought to look at it. If we have a school teacher, we ought to look at it. If we have a Congressman, we ought to look at it. The President? We ought to look at it. These are 6 standards of character.

Let me say to you that if we drop any of these standards, you have created not a small leak, you have just put a gap in the Titanic. You have got to have standards. I am not saying perfect. I have already told you, I shot out the windows of my neighbor's house sitting in a hammock, not knowing what I was doing, when I was 8 or 10 years old. Of course, we do not have perfect leaders, but we all know right here in the gut, we know in the gut what common sense tells us is a good leader. What common sense, right here in the gut. You know when you are doing something wrong. You know when somebody else is doing something wrong. You also in the gut know when it is about time to stand up and say, what about the 6 pillars of character.

Trustworthiness. You have every right in private life, in public life when you elect somebody to serve you in public office, when you appoint a public official to serve you, when you have a police officer that is hired, when you have a school teacher, your clergy, you have every right to trust them. You have every right to have an expectation from them flowing to you of trustworthiness, respect. How can you have leadership without respect?

Let me bring this point up. Do you know that since about August 17th, every group of people that I have met with, say, three people or more, there has not been one group that somebody has not pulled me aside and told me a joke, not to be mean or anything, but told me a joke degrading the Presidency of this country. We cannot do that. We have to have respect for that highest office. If we do not have respect for the highest office in the country, then we have got to sit down all of us, Democrat, Republican, unaffiliated, nonregistered, we have to sit down and we have to say, what do we need to repair a model? The model has to have respect.

Responsibility. Obviously, you have responsibility. You have to be responsible for your actions. I used to be a police officer. That is why I keep coming

back with these police officer examples. If a police officer goes through town and he runs through a red light, he has got lights and sirens, you have a code 1 call, an officer is down, you have the responsibility to drive that vehicle at a safe speed in a safe manner to get to the scene where you are going. You have a responsibility with that job.

In the letter that I just read to you from a constituent, that young man had the responsibility to walk his dogs, walk the neighbor's dogs. His mother had a responsibility to make sure that when her son did not carry out his responsibility, that it was her responsibility to tell him about that and fill the gap. Responsibility. It comes from the top down.

Remember the boy that walked the dogs. He looked from the top and said, what if at the top there is not responsibility? Do I have to have responsibility? That is the consequences of not keeping this pillar of responsibility strong.

Justice and fairness. We talked about justice and fairness. The rule of law. Let me repeat that for those of you who have just come on to the floor, the rule of law. Remember, in our country justice and fairness says that the law is king. The king is not the law.

Caring. Caring is important. There are not a lot of people that I have met in my life, met one or two that I have seen through the criminal court system that were not caring, but I have met very few people outside of that that did not have a caring bone in them. Of course, they care, either a death in the family or somebody, despite the stories you read about once in a while in the newspapers. When I travel the highways, as I do extensively in the State of Colorado, whenever there is an accident, usually the biggest problem the police have is there is too many volunteers. There is too much help. So people in this country care. That is an important pillar.

I think our country has a lot of it, and it is demonstrated by what we do for hungry people. We feed more hungry people than any other country in the world. I am talking about hungry people in other countries as well as our own country.

Civic virtue and citizenship. Of course we need to have citizenship. Boy Scouts, Girl Scouts, we will talk about them in a few minutes.

Mr. Speaker, we are going to talk about here in a minute about the Boy Scouts and the Girl Scouts and some other societies and our clergy. We have civic virtue and citizenship. We talk about that. We talk about that in schools.

I commented to my wife, Lori, the other day, I said, do you know something, is it not neat to go to any event where they play our national anthem? You do not see anybody sitting. They all stand. You do not see anybody that has to be helped up, hey, stand up, stand up, this is our national anthem. It is automatic. There is a lot of pride. There is a lot of citizenship. What builds that? Greatness. What builds greatness? These 6 pillars.

Let me talk about integrity for a moment. I was going through the different books and looking, I love quotes. I love reading quotes. I found one on integrity by John F. Kennedy, our President. Let me read it:

> For of those to whom much is given, of those to whom much is given, much is required. And when at some future date the high court of history sits in judgment on each one of us, recording whether in our brief span of service we fulfilled our responsibilities to the State, our success or failure in whatever office we hold will be measured by answers to four questions. First, were we truly men of courage? Second, were we truly men of judgment? Third, were we truly men of integrity? And finally, were we truly men of dedication?

Every one of us on this House floor, every one of us and everybody in public service, whether elected or appointed, should ask those four. First, were we truly men of courage? Second, were we truly men of judgment? Third, were we truly men of integrity? And finally, were we truly men of dedication?

There are lots of questions that we need to ask when we talk about integrity. There are lots of questions that we need to ask when we talk about these 6 pillars of character.

Today, Mr. Speaker, let us ask them of ourselves. What would happen and what should happen to us in the United States Congress if we did not tell the truth, if we did not have that kind of integrity? Unfortunately, as you and I know, in the past, as in any profession, whether it is the clergy or whether it is any profession, some people have not lived up to that standard. Thankfully, during my tenure here, when some of our colleagues have failed to live up to that standard, the process has stood up to them. So we have had accountability.

Let us ask about the rule of law. We need to ask ourselves about the rule of law. How is not telling the truth any different than a burglar? In fact, my way of looking at things, it could be much, much more significant, because we all hold positions of trust. There are a lot of people that depend on us. There are not a lot of people in this country who watch what we do day-to-day. Why? Because they depend on us. There are not a lot of people who do not have to go to work, who can sit and watch C-SPAN or read books or read reports on us or come observe us here on the House floor every day. Why? Because they have other things to do. They expect us to do our job.

Is it asking too much of us to do our job right, to do the thing that is right? Oh, sure, we are going to have disagreements on philosophy. Somebody may agree with welfare reform; somebody may oppose it. Somebody may want to spend more government money, raise taxes; somebody may want to cut taxes. That is not what I am talking about, not honest dispute. What I am talking about is integrity.

□ 2000

I am talking about these pillars of character counts. Does not the character of our leaders reflect the people that they represent? It does, and it can be seen here.

I have been lucky enough to serve with my colleagues. I consider it a privilege. I consider myself very, very fortunate. As John F. Kennedy said, for those of us to whom much is given, much is required. I, like my colleagues, work many, many long hours. I, like my colleagues, travel to the district, travel throughout, listen to lots and lots of people. Not because we are great leaders but because we have great people that we represent.

What is the difference between us and others? We actually have a higher standard. The average person, for example, a few minutes ago my colleagues will remember we were talking about the private life and the public life of an elected official, well, the average citizen has a much larger parameter protecting their private lives. In fact, in our Constitution we go to great length to make sure that the government cannot, without warrant, knock down a door and come into someone's house.

When we are serving the public, we give up a portion of that. When we give up a portion of that, we come to those standards I talked about, and we have standards and we have standards that are fairly uniform.

Let us take a couple of examples. In the military, in our military academies, we have all dreamed at one time or another probably of our kids having the privilege to go to a military academy; one of the highest honors in your college, when you go to college, one of the highest honors you can achieve in this country. Let me say, those standards are impeccable, impeccable. If someone lies at the academy, they are out; if they go out and do something they are not supposed to do, they are out. Why? Because these people will go on to be great leaders.

Well, it ought to go on up the ladder and it does go on up the ladder.

Not long ago we had a military pilot. This military pilot flew nuclear bombers. This military pilot was alleged to have an affair, something else on the side. It was against the rules. We could not risk it. We cannot risk that high standard because of the consequences of what could happen. It may not have happened with that particular individual but it could happen if we allowed this standard to be lowered, if we put a comma behind the definition of perjury.

We have other military examples. We have people that go through a pretty rough sledding, for example, our Supreme Court appointees, before they get put into their slot.

Ladies and gentlemen, we have an obligation in this country, Democrat, Republican, whatever, we have an obligation in this country to make sure that that standard becomes higher and higher as it goes up the ladder of leadership. They should expect it of us and we should expect it of the leaders that we have amongst ourselves, and the people have every right to expect that. We want it from our teachers, we want it from our coaches, we want it from our policeman.

Listen to Thomas Jefferson, "He who permits himself to tell a lie once, finds it much easier to do it a second and a third time, till at length it becomes habitual; he tells lies without attending to it, and truths without the worlds believing him. This falsehood of the tongue leads to that of the heart, and in time depraves all its good disposition."

Ralph Waldo Emerson, not referring specifically to these six character, pillars of character but referring to character in general, said, and many of my colleagues know this, if you act, you show character; if you sit still, you show character; if you sleep, you show character.

Thomas Jefferson again: "Sometimes it is said that man cannot be trusted with the government of himself." Let me repeat that. "Sometimes it is said that man cannot be trusted with the government of himself. Can he then be trusted with the government of others?"

That is the first inaugural address, March 4, 1801, Thomas Jefferson.

We have certain standards in our society. We have oaths that we take. You remember the letter I read earlier. I have other letters I will comment on but the one that says, hey, not everybody does it. Why do we administer an oath? I was a court reporter. I gave those oaths.

I was not, but I am quoting from this letter.

We have standards in office. We have the oaths to the office of the presidency, I do solemnly swear that I will faithfully, faithfully, faithfully, execute the office of the President of the United States and will, to the best of my ability, preserve, protect and defend the Constitution of the United States.

We have standards for many other jobs, which are very important, and in their own regards, as important as perhaps the office of the presidency is to the occupant of that office. Remember the lady who wrote about their 12-year-old that walked the dog and she said, you know, to that 12-year-old boy of mine his job was as important to him as the President's job is to him.

Well, let us look at what we have. Policemen, remember, policemen, 24 hours a day, I used to be one, 24 hours a day, you are on duty 24 hours a day. You are expected to respond to the standards, to the needs of the citizens, to the commitment to this country, to the commitment to your department, 24 hours a day. That does not mean you have to be perfect, but it does mean you have to come in above those standards. Firemen, same thing; minister, rabbi, my gosh, what a crushing blow it would be to any one of us to find out that our rabbi or our priest or our minister did not meet the standards of which he spoke to us, of which he taught us, of which he guided us.

The coach, the teacher, the CEO, chief executive officer, the judge, a supervisor at any level, a supervisor at any level, we all have standards. If any of these people worked for you, think about that, if any of these people worked for you, what would you do?

By the way, I work for the people. We all work for the people of this country. The President works for the people of this country. Police officers work for their community. A coach works.

Let us take an example. You all know a good teacher. You all know that your communities had good teachers and good coaches. Think what would happen in your community if you had the best teacher you had ever had in the history of your school, best teacher you had ever had and let us say that allegations of sexual impropriety between that teacher and a student became known in your community and were factually shown to be true.

How long, despite the fact that this teacher was an excellent teacher, despite the fact that this teacher was your good friend and a friend of many people in the community, how long would it be before that teacher or that coach lost their job?

It would happen like that. You cannot show me one school district in this country where a teacher would get a report like that on a Friday and be in a classroom teaching again on a Monday. It does not happen. We have basic standards.

I can tell my colleagues that we cannot have higher standards for our teachers than we do for our congressmen. We cannot have higher standards for our teachers than we do for the President of the United States. It is called the rule of law. It is called the greatness of this country. It is called the standards of character. We are role models. Every one of us in this chamber is fortunate to be here. Every one that I know, and I know every one of the Members personally, some not as well as others but I know my colleagues well enough to know that they take their oath seriously; I know them well enough to know that they work a lot of long hours in here.

Sure, we get a lot of criticism, some of it deserved, a lot of it not, but the fact is I know that there are a lot of dedicated people on both sides of the aisle. That is what it should be. That is how it ought to be.

Remember that when Kennedy in his speech, again going back to those words he said to us, for of those to whom much is given, much is required.

What are one of the elements that is required? I will tell my colleagues what is required: Be a role model, to be a role model.

Now, our Boy Scouts take oaths, our Girl Scouts take oaths, our students stand up for the National Anthem because we have role models in this country. If we have a role model who for some reason can no longer be a role model, it is incumbent, it is incumbent upon us, it is our responsibility right there, it is our responsibility to get a new role model because we cannot afford to have poor role models in this country.

Take a look, for example, about the Boy Scouts and Girl Scouts principles. The Boy Scout law, do you know what the first element of the Boy Scout law is? Trustworthy. A scout tells the truth. He keeps his promises. His honesty is a part of his code of conduct. People can depend on a scout.

Girl Scout law, I will do my best to be honest. It is honesty. It is honesty.

Let me go back and talk about the scout for a moment, a letter that I got recently, very, very discouraged because the Eagle Scout award is signed by elected officials in our country. In fact, the Boy Scout, Eagle Scout award is signed by the President of the United States. The question that came in on this was, my son just got his Eagle Scout award. What does this certificate mean?

We should ask ourselves, should the certificate that has our signatures on it meet those standards? I think it should. It is kind of automatic that we put the President's signature on something like that because we expect the office of the presidency to meet those kind of standards.

Have they been met? I do not know. I do not think so. Do we have a role model? If we have a problem with a role model, are we ready to look at the role model? What do we need to improve the role model? Because we want the future Boy Scouts to be proud of that. We want, when you go in a classroom anywhere in this country, and you ask these young people, name the 5 people for which you have the most respect, we want the very highest elected officials in our country to be on that list of 5.

How did you get on that list of 5? By fulfilling standards, by living up to those standards, by being great. That is what takes you to greatness.

I want to talk now and switch gears for a minute and talk about integrity and honesty. We have said they are the key components of leadership, obviously. We said that the key components of leadership are not a private

matter but it is of extreme public interest, whether our elected leaders have such characteristics and use them daily in their important decisions. We talked about that. We talked about standards. We talked about duty, honor, country.

Now let us talk about something very practical: Effectiveness. You may be an honorable Congressman. You may be a well liked Congressman. You may be a well liked president. The question is, are you effective? And I think the best example to use when we talk about this is to talk about football.

This is football season right now. We have a pretty clear understanding of what football is, and what we need. Now, from Colorado, of course, I take great pride in John Elway of the Denver Broncos. I probably just lost some of my colleagues here on the floor, but that aside, I want them to know I think we are going to have a repeat year for the Broncos, for those who might be interested, but let us talk about a football example. Let us say we have got a great team, that is the United States of America, and let us say that our line people, the people that defend and allow us to move forward in progression or stop our opponents from moving against us, let us say those line people are your elected officials or your appointed public officials.

Let us say that for a minute on this example. Let us say we have got a quarterback that is a very popular quarterback, and a quarterback who, in some people's mind, a quarterback who has performed very well in his past performances, a matter of controversy but let us just say for the sake of the argument the quarterback was well liked and performed well. The quarterback shows up one day and kind of has hidden in his coat his arm, he will not bring his arm out. Finally the fact comes out that the quarterback has a broken arm.

Now, you may disagree but we all huddle together and we argue and say, well, how did he break his arm? Well, I happen to think, says one, he broke it himself but somebody else says, no, no, it got broken but it was not his fault. The guy has been such a great quarterback, he should not have a broken arm.

□ 2015

The bottom line is our quarterback has a broken arm.

Now, no matter how much you like the quarterback, no matter how unfortunate you think it is that the quarterback got his arm broken, no matter what party affiliation you are, no matter whether or not you are a registered player or a voter, the fact is you have got a lot of risk, you have got a lot invested in this football team. It is your team. It is the greatest team in the world.

Now, do you put the quarterback with the broken arm back on the field no matter how much you like him? The fact is with a broken arm, the quarterback cannot pass, the quarterback cannot hand off, the quarterback cannot run with the football, and because the quarterback came into the locker room kind of concealing the fact that he had a broken arm, not everybody is sure what the quarterback is up to. So our line, our front line is beginning to say, "Wait a minute. Wait a minute. You know, if I had to ask, maybe that quarterback would have come on the field or maybe the quarterback did come on the field and it was not until we started running plays that we figured out he had a broken arm."

That is what we have got here. Let me come back to saying that our quarterback has to be extremely effective. Now, the beauty of what our football team has, again comparing it to our country, is that we have got a backup quarterback. We do not have to give up and forfeit our game. We do not have to walk off the football field because our quarterback has got a broken arm. We have got a backup quarterback. Without missing one beat, without missing one play, we can put a backup quarterback in that slot and our team can continue with its great progress forward, or it can stop with great strength the progress of the other team or the attempted progress coming this direction. The system has got checks and balances in it.

Folks, we need to think about what is the effect of the difficulties that our country is now facing. We need to ask ourselves the question, does our quarterback have a broken arm? We need to also say to ourselves, "I love that quarterback. I like the guy. You know, it's not right that he got his arm broken." But even those of you who say that, and I do not think that is widely shared, but even those who say that, I think you especially have an obligation to step forward to the rest of the team and say, "Look, I love the guy, I love the quarterback, but he can't pass the ball. He can't be top-notch. He can't deliver as he has delivered in the past. It is time to bring the backup quarterback onto the field."

Now, I should tell you that effectiveness is questioned in a number of editorials across this country. Let me just for a couple of minutes say to all of you, I hope that tonight you have gotten the gist of my comments. As I have said to you, my comments have been highly edited. Not because there was nasty language, not because there were sexual terms that should not have been used. None of that was in the speech to start with. None of it. But we have very strict protocol. I agree with that. I have an obligation and a duty to follow it. But I hope you have gotten the gist of it. The gist of it is that we have a moral duty in this country to make sure that the leaders that you elect are there and there for you. We have the rule of law that we have to live by. And we have the standards of conduct that we have got to stand by.

Let me just say to you that our effectiveness at this level has been called into question by probably 166 major newspapers. This is a list of calls for resignation:

Asheville, NC; Appleton, WI; Amarillo, TX; Albuquerque; Cincinnati Enquirer; Columbia, SC; Los Angeles; Lynchburg, VA; Kingston; Hamilton, OH; Franklin, IN; Rocky Mountain News, CO; Denver Post, CO; Durham, NC; Douglas, AZ; Des Moines Register; Dalton, GA, Daily Citizen; Mobile Register; Monroe, LA; New Orleans; New London; New Orleans Times; Newport News; Newton Kansan; Norfolk; North Platte; Ogden, UT; Orange County; Rochester; St. George, UT; San Antonio, TX; Washington; Watertown, NY; Wisconsin; Topeka; Stockton, CA; Oregon; South Carolina; South Dakota; Washington; Seattle, WA; Nebraska; Savannah. You name it. One hundred sixty-six major players in this country are saying to us, "Your quarterback has a broken arm. This team needs to get the backup quarterback onto the field."

Mr. Speaker, let me conclude the same way that I started. That is, with six words. First of all, the three words of General MacArthur's speech. As I said earlier, those three words. Any time that you have got a question about what is occurring here, anytime that as you go through the pressure that we are talking about, that we are seeing here in the next few days, anytime any of you out there have a question about the standards and the character and the ethics and can our quarterback play, remember, let me forget the other three words, let me just talk about the three most important words: Duty, honor and country. Let us do what we can do. Let us do what we were elected to do. Let us do what we are committed to do, to be sure that General MacArthur's words live on: Duty, honor and country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SNOWBARGER). The Chair would remind the Member to refrain from discussing the personal conduct of the President, even as a point of reference.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BURTON of Indiana (at the request of Mr. ARMEY) for today and the balance of the week on account of a death in the family.

Mr. GOSS (at the request of Mr. ARMEY) for today and September 24 on account of illness in the family.

Mr. SHAW (at the request of Mr. ARMEY) for today on account of a death in the family.

Mr. DIAZ-BALART (at the request of Mr. ARMEY) for today on account of official business in connection with the impending hurricane in his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, today, for 5 minutes.

Mr. HINCHEY, today, for 5 minutes.

Mr. MINGE, today, for 5 minutes.

Mr. GOODE, today, for 5 minutes.

(The following Members (at the request of Mr. WHITFIELD) to revise and extend their remarks and include extraneous material:)

Mr. WHITFIELD, today, for 5 minutes.

Mr. RIGGS, today, for 5 minutes.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HINCHEY for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCNULTY) and to include extraneous material:)

Mr. MILLER of California.

Mr. SKELTON.

Mr. VISCLOSKY.

Mr. MENENDEZ.

Mr. KIND.

Mr. HAMILTON.

Ms. SÁNCHEZ.

Mr. KLINK.

Mr. LEVIN.

Mr. KANJORSKI.

Mr. STOKES.

Mr. RODRIGUEZ.

Mr. POMEROY.

Mr. LANTOS.

Mr. BORSKI.

Ms. SLAUGHTER.

Mr. KUCINICH.

Mr. KLECZKA.

Ms. LEE.

Mr. NEAL of Massachusetts.

Mr. DEUTSCH.

Mr. CLYBURN.

Mr. FARR of California.

Mr. ADAM SMITH of Washington.

(The following Members (at the request of Mr. WHITFIELD) and to include extraneous material:)

Mr. PETRI.

Mr. BURTON of Indiana.

Mr. SAXTON.

Mr. LEWIS of California.

Mr. EHRLICH.

Mr. CRANE.

Mr. WOLF.

Mrs. ROUKEMA.

Mr. RADANOVICH.

Mrs. JOHNSON of Connecticut.

Mr. FRELINGHUYSEN.

(The following Members (at the request of Mr. MCINNIS) and to include extraneous material:)

Mr. PACKARD.

Mr. WEYGAND.

Mr. JENKINS.

Mr. STARK.

Mrs. MYRICK.

Mr. REDMOND.

Mr. HOYER.

Mr. COSTELLO.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1856. An Act to amend the Fish and Wildlife Act of 1956 to promote volunteer programs and community partnerships for the benefit of national wildlife refuges, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1695. An Act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Sand Creek Massacre National Historic Site in the State of Colorado as a unit of the National Park System, and for other purposes.

ADJOURNMENT

Mr. MCINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Thursday, September 24, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of September 22, 1998]

11084. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Kiwifruit Grown in California; Temporary Suspension of an Inspection Requirement [Docket No. FV98-920-2 FR] received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11085. A letter from the Deputy Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Maintenance of Minimum Financial Requirements by Futures Commission Merchants and Introducing Brokers [17 CFR Part 1] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11086. A letter from the Deputy Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Orders Eligible for Post-execution Allocation [17 CFR Part 1] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11087. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's "Major" final rule—Refrigeration and Labeling Requirements for Shell Eggs [Docket No. 97-069F] (RIN: 0583-AC04) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11088. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Kiwifruit Grown in California; Decreased Assessment Rate [Docket No. FV98-920-3 IFR] received August 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11089. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Nectarines and Peaches Grown in California; Revision of Handling and Reporting Requirements for Fresh Nectarines and Peaches [Docket No. FV98-916-1 FIR] received August 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11090. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Fluid Milk Promotion Order; Amendments to the Order [DA-98-04] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11091. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Increased Assessment Rate [Docket No. FV98-905-3 FR] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11092. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Fresh Prunes Grown in Designated Counties in Washington and Umatilla County, Oregon; Increased Assessment Rate [Docket No. FV98-924-1 FR] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11093. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Southeastern States; Increased Assessment Rate [Docket No. FV98-953-1 FIR] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11094. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Winter Pears Grown in Oregon and Washington; Increased Assessment Rate [Docket No. FV98-927-1 FR] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11095. A letter from the Administrator, Rural Development, Department of Agriculture, transmitting the Department's final

rule—Year 2000 Compliance, Telecommunications Program (RIN: 0572–AB43) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11096. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Brucellosis; Increased Indemnity for Cattle and Bison [Docket No. 98–016–2] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11097. A letter from the Special Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Risk-Based Capital Standards: Unrealized Holding Gains on Certain Equity Securities [Regulations H and Y; Docket No. R–0982] received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11098. A letter from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting the Office's final rule—Risk-Based Capital Standards: Unrealized Holding Gains on Certain Equity Securities [Docket No. 98–12] (RIN: 1557–AB14) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11099. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Termination of an Approved Mortgagee's Origination Approval Agreement [Docket No. FR–4239–F–02] (RIN: 2502–AG99) received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11100. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Filing Procedures and Delegations of Authority; Unsafe and Unsound Banking Practices; Registration of Transfer Agents; International Banking; Management Official Interlocks; and Golden Parachutes and Indemnification Payments (RIN: 3064–AC02) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11101. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7248] received August 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11102. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7691] received August 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11103. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations [44 CFR Part 67] received August 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11104. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7692] received August 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11105. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [44 CFR Part 65] received August 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11106. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Risk-Based Capital Standards: Unrealized Holding Gains on Certain Equity Securities [Docket No.] (RIN 1550–AB11) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11107. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11108. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Administrative Amendments [FRL 6.55–5] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11109. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District [CA 20–7–0084a FRL–6138–8] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11110. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Illinois [IL172–1a; FRL 6152–5] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11111. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Louisiana: Reasonable Available Control Technology for Emissions of Volatile Organic Compounds from Batch Processes [LA–47–1–7388a; FRL–6156–3] received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11112. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Commonwealth of Virginia; Control of Total Reduced Sulfur Emissions from Existing Kraft Pulp Mills [VA 011–5034a; FRL–6155–9] received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11113. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Characteristic Slags Generated from Thermal Recovery of Lead by Secondary Lead Smelters; Land Disposal Restrictions; Final Rule; Extension of Effective Date [FRL–6155–7] received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11114. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Determination of Attainment of the Air Quality for PM–10 in the Liberty Borough, Pennsylvania Area [FRL–6149–3] received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11115. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—State of New Jersey; Final Program Determination of Adequacy of State Municipal Solid Waste Landfill Permit Program [FRL–6155–8] received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11116. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption And Water Use Of Certain Home Appliances And Other Products Required Under The Energy Policy and Conservation Act ("Appliance Labeling Rule") [16 CFR Part 305] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11117. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Radiology Devices; Classifications for Five Medical Image Management Devices; Correction [Docket No. 96N–0320] received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11118. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Irradiation in the Production, Processing and Handling of Food; Correction [Docket No. 98N–0392] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11119. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Pediculicide Drug Products for Over-the-Counter Human Use; Final Monograph; Technical Amendment; Correction [Docket No. 81N–0201] (RIN: 0910–AA01) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11120. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Status of Certain Additional Over-the-Counter Drug Category II and III Active Ingredients [Docket No. 98N–0636] (RIN: 0910–AA01) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11121. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Listing of Color Addititves for Coloring Sutures; D & C Violet No. 2; Confirmation of Effective Date [Docket No. 95C–0399] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11122. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 98F–0057] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11123. A letter from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Nuclear Criticality Safety Standards for Fuels and Material Facilities [Regulatory Guide 3.71] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11124. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Consolidated Guidance about material Licenses: Applications for Sealed Source and Device Evaluation and Registration [NUREG-1556] received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11125. 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 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

11126. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions and Deletions—received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

11127. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Federal Employees Health Benefits Program: Contributions and Withholdings (RIN: 3206-AI33) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

11128. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prohibition of "Gag Clauses" in the Federal Employees Health Benefits Program (RIN: 3206-AI27) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

11129. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (RIN: 1018-AE93) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11130. A letter from the Assistant Secretary of Labor for Mine Safety and Health, Department of Labor, transmitting the Department's final rule—Improving and Eliminating Regulations; Flame Safety Lamps and Single-Shot Blasting Units (RIN: 1219-AA98) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11131. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Revised Notice of Guidelines for Determining Comparability of Foreign Programs for the Protection of Sea Turtles in Shrimp Trawl Fishing Operations [Public Notice 2876] received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11132. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Fixed Gear Sablefish Mop-Up [Docket No. 971229312-7312-01; I.D. 081998B] received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11133. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Directed Fishery for Illex Squid [Docket No. 971107264-8001-02; I.D. 082098A] received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11134. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures and Closure of the Recreational Fishery [Docket No. 980818222-8222-01; I.D. 081898A] (RIN: 0648-AL61) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11135. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Northern Anchovy Fishery; Quotas for the 1998-99 Fishing Year [Docket No. 980806211-8211-01; I.D. 071598I] (RIN: 0648-AK24) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11136. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; Bank/Area-Specific Harvest Guidelines [Docket No. 980603145-8186-02; I.D. 052998C] (RIN: 0648-AL33) received September 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11137. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Toward a Better Life Fireworks Display, Dorchester Bay, Boston, MA [CGD01-98-131] (RIN: 2115-AA97) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11138. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area: Copper Canyon, Lake Havasu, Colorado River; Correction [CGD11-97-010] (RIN: 2115-AE84) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11139. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Gloucester Schooner Festival Fireworks Display, Gloucester Harbor, Gloucester, MA [CGD01-98-130] (RIN: 2115-AA97) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11140. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Around Alone 98/99 Fireworks, Custom House Reach, Charleston, SC [COTP CHARLESTON 98-053] (RIN: 2115-AA97) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11141. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; 1998 Busch Beer Drag Boat Classic; Kaskaskia River Mile 28.0-29.0, New Athens, Illinois [CGD08-98-054] (RIN: 2115-AE46) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11142. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Lafourche Bayou, LA [CGD08-98-052] (RIN: 2115-AE47) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11143. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Victoria Channel, TX [CGD08-98-049] (RIN: 2115-AE47) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11144. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Railroad Communications [Docket No. RSOR-12; Notice No. 5] (RIN: 2130-AB19) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11145. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 Helicopters [Docket No. 98-SW-23-AD; Amendment 39-10725; AD 98-10-09] (RIN: 2120-AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11146. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29315; Amdt. No. 1886] (RIN: 2120-AA65) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11147. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29316; Amdt. No. 1887] (RIN: 2120-AA65) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11148. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Schempp-Hirth K.G. Model Cirrus Sailplanes [Docket No. 98-CE-51-AD; Amendment 39-10722; AD 98-18-06] (RIN: 2120-AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11149. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Industrie Model A300-600 Series Airplanes [Docket No. 95-NM-200-AD; Amendment 39-10718; AD 98-18-02] (RIN: 2120-AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11150. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Airworthiness Directives; General Electric Company CF6-6 Series Turbofan Engines [Docket No. 98-ANE-18-AD; Amendment 39-10726; AD 98-18-10](RIN: 2120-AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11151. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Improved Standards for Determining Rejected Takeoff and Landing Performance [Docket No. 25471; Amendment Nos. 1-48, 25-92, 91-256, 121-268, 135-71] (RIN: 2120-AB17) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11152. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Collegeville, PA [Airspace Docket No. 98-AEA-06] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11153. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class D and E Airspace; Crows Landing, CA [Airspace Docket No. 98-AWP-12] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11154. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Leeville, LA [Airspace Docket No. 98-ASW-27] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11155. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Grand Chenier, LA [Airspace Docket No. 98-ASW-26] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11156. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Venice, LA [Airspace Docket No. 98-AWS-25] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11157. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Grand Isle, LA [Airspace Docket No. 98-AWS-29] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11158. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Sabine Pass, TX [Airspace Docket No. 98-ASW-28] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11159. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, San Diego, North Island NAS, CA [Airspace Docket No. 98-AWP-20] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11160. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class D Airspace; Tustin MCAS, CA [Airspace Docket No. 98-AWP-19] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11161. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Process and Criteria for Funding State and Territorial nonpoint Source Management Programs in FY 1999—received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11162. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Offering Regulations for United States Savings Bonds, Series I [31 CFR Part 359] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11163. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureu's final rule—Implementation of Public Law 105-34, Sections 908, 910, and 1415, Related To Hard Cider, Semi-Generic Wine Designations, and Wholesale Liquor Dealers' Signs (97-2523) [T.D. ATF-398] (RIN: 1512-A71) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11164. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Designated Private Delivery Services [Notice 98-47] received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11165. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Forms and instructions [Revenue Procedure 98-49] received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11166. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Limitations [Rev. Rul. 98-44] received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11167. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Income of participants in common trust fund [Revenue Ruling 98-41] received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11168. A letter from the National Director of Appeals, Internal Revenue Service, transmitting the Service's final rule—Dollar-Value LIFO Segment of Inventory Excluded from The Computation of the LIFO Index—received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11169. A letter from the National Director of Appeals, Internal Revenue Service, transmitting the Service's final rule—Dollar-Value LIFO Bargain Purchase Inventory—received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11170. A letter from the Chief Counsel, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Notice 98-34] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11171. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Requirements incident to adoption and use of LIFO inventory method [Revenue Procedure 98-46] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11172. A letter from the National Director of Appeals, Internal Revenue Service, transmitting the Service's final rule—Covenants Not to Compete—received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11173. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural and Miscellaneous Roth IRA Guidance [Notice 98-49] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11174. A letter from the Secretary of Health and Human Services, transmitting the Department's "Major" final rule—Medicaid and Title IV-E Programs; Revision to the Definition of an Unemployed Parent [HCFA-2106-FC] (RIN: 0938-AH79) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

11175. A letter from the Secretary of Defense, transmitting a report on the retirement of General William W. Hartzog, United States Army, and his advancement to the grade of general on the retired list; to the Committee on National Security.

11176. A letter from the Secretary of Defense, transmitting a report on the retirement of Lieutenant General Douglas D. Buchholz, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on National Security.

11177. A letter from the Secretary of Defense, transmitting a report on the retirement of General David A. Bramlett, United States Army, and his advancement to the grade of general on the retired list; to the Committee on National Security.

11178. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Croatia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

11179. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 98-61), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

11180. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Spain (Transmittal No. 15-98), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

11181. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to the Taipei Economic and Cultural Representative Office in the United States (Transmittal No. 17-98), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

11182. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting text of agreements in which the American Institute in Taiwan is a party between January 1 and December 31, 1997, pursuant to 22 U.S.C. 3311(a); to the Committee on International Relations.

11183. A letter from the Chairman, Council of the District of Columbia, transmitting a

copy of D.C. Act 12-426, "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Second Temporary Act of 1998" received September 10, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

11184. A letter from the Chairman, Council of the District of Columbia, transmitting Council of the District of Columbia's response to the legislative recommendations of the District of Columbia Financial Responsibility and Management Assistance Authority regarding regulatory reform dated May 29, 1998, pursuant to D.C. Code section 1—732 and 1—734(a)(1)(A); to the Committee on Government Reform and Oversight.

11185. A letter from the Mayor, District of Columbia, transmitting a copy of a response to the legislative recommendations of the District of Columbia Financial Responsibility and Management Assistance Authority, pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform and Oversight.

11186. A letter from the Information Officer, Defense Nuclear Facilities Safety Board, transmitting a report of activities under the Freedom of Information Act from January 1, 1997 to September 30, 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

11187. A letter from the Director, Office of Personnel Management, transmitting the annual report of the Civil Service Retirement and Disability Fund for Fiscal Year 1997, pursuant to 5 U.S.C. 1308(a); to the Committee on Government Reform and Oversight.

11188. A letter from the Inspector General, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2000, pursuant to 45 U.S.C. 231f; to the Committee on Government Reform and Oversight.

11189. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

11190. A letter from the Secretary of Transportation, transmitting the Department's Annual Report on the Transition to Quieter Airplanes, pursuant to Public Law 101—508, section 9308(g) (104 Stat. 1388—383); to the Committee on Transportation and Infrastructure.

11191. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Intracoastal City, LA [Airspace Docket No. 98-ASW-24] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

[Submitted for the Record of September 23, 1998]

11192. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Specifically Approved States Authorized to Receive Mares and Stallions Imported from Regions Where CEM Exists [Docket No. 98-059-2] received September 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11193. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Almonds Grown in California; Increased Assesment Rate [Docket No. FV98-981-2 FR] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11194. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's fianl rule—Imidacloprid; Pesticide Tolerances [OPP-300717; FRL-6027-1] (RIN: 2070-AB78) received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11195. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule—Extended Examination Cycle for U.S. Branches and Agencies of Foreign Banks [Regulation K; Docket No. R-1012] received August 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11196. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Office's final rule—Capital; Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Servicing Assets [Docket No. 98-10] (RIN: 1557-AB14) received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11197. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 2, 15, and 97 of the Commission's Rules to Permit Use of Radio Frequencies Above 40 GHz for New Radio Applications [ET Docket No. 94-124] [RM-8308] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11198. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of the Commission's Rules to Establish a Radio Astronomy Coordination Zone in Puerto Rico [ET Docket No. 96-2] [RM-8165] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11199. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Standards For Business Practices Of Interstate Natural Gas Pipelines [Docket No. RM96-1-008; Order No. 587-H] received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11200. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Reporting Interstate Natural Gas Pipeline Marketing Affiliates on the Internet [Docket No. RM98-7-000] received August 7, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11201. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severly Disabled, transmitting the Committee's final rule—Procurement List; Additions and Deletions—received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

11202. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Export Administration Regulations; Shipper's Export Declaration requirements for exports valued less than $2,500 [Docket No. 980730200-8200-01] (RIN: 0694-AB71) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

11203. A letter from the Acting Director, Bureau of the Census, Department of Commerce, transmitting the Department's final rule—Revisions to the Foreign Trade Statistics Regulations; Shipper's Export Declaration Requirements for Exports Valued at Less Than $2,500 [Docket No. 980729198-8198-01] (RIN: 0607-AA28) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

11204. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Stand Down Requirements for Trawl Catcher Vessels Transiting Between the Bering Sea and the Gulf of Alaska [Docket No. 980903229-8229-01; I.D. 051898A] (RIN: 0648-AK73) received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11205. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna Fishery [I.D. 0710981] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11206. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Cumulative Limit Period Changes [Docket No. 971229312-7312-01; I.D. 081498B] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11207. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Framework 10 to the Atlantic Sea Scallop Fishery Management Plan [Docket No. 980817220-8220-01; I.D. 081098A] (RIN: 0648-AL17) received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11208. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Stone Crab Fishery of the Gulf of Mexico; Amendment 6 [Docket No. 980501114-8213-02; I.D. 041698G] (RIN: 0648-AK48) received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11209. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Closures of the Ocean Recreational Salmon Fisheries from Cape Alava to Queets River, Washington, and Leadbetter Point, Washington, to Cape Falcon, Oregon [Docket No. 980429110-8110-01; I.D. 081998A] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11210. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Cultivator Shoal Whiting Fishery [Docket No. 980724194-8194-01; I.D. 072098B] (RIN: 0648-AL37) received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11211. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No. 971208297-8054-02; I.D. 090998A] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11212. A letter from the Senior Attorney, Federal Register Certifying Officer, Financial Management Service, transmitting the Service's final rule—Adminstrative Offset—Collection of Past-Due Support (RIN: 1510-AA58) received August 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11213. A letter from the Deputy Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Administrative Revisions to the NASA FAR Supplement [48 CFR Parts 1805, 1822, and 1844] received August 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

11214. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Partnering for Construction Contracts [48 CFR Parts 1836 and 1852] received August 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

11215. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Revision to the NASA FAR Supplement on Contractor Performance Information [48 CFR Parts 1842 and 1853] received August 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

11216. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Revenue Procedure 98-53] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11217. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Source Rules for Foreign Sales Corporation Transfer Pricing [TD 8782] (RIN: 1545-AV90) received September 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11218. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Credit [Rev. Rul. 98-49] received September 16, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11219. A communication from the President of the United States, transmitting his requests for FY 1998 emergency supplemental appropriations of $1.8 billion in budget authority to support $2.3 billion in emergency agricultural programs, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—313); to the Committee on Appropriations and ordered to be printed.

11220. A communication from the President of the United States, transmitting his requests for FY 1998 Emergency Supplemental Appropriations of $1.8 billion because of the emergency expenses arising from the consequences of the recent bombing of our embassy facilities in Nairobi, Kenya and Dar es Salaam, Tanzania, as well as for emergency requirements necessary to strengthen our security, anti-terrorism, and counter-terrorism efforts, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—314); to the Committee on Appropriations and ordered to be printed.

11221. A letter from the Principal Deputy, Department of Defense, transmitting a report on funding, personnel and project data by major command, installation, and state for all elements of the Defense Environmental Quality Program; to the Committee on National Security.

11222. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to strengthen law enforcement's ability to combat illegal bulk cash smuggling; to the Committee on Banking and Financial Services.

11223. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Turkey (Transmittal No. 18-98), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

11224. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Turkey (Transmittal No. 16-98), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

11225. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to make technical changes to the laws establishing various individual units of the National Wildlife Refuge System and to provide for a lower penalty for violation of Refuge System regulations; to the Committee on Resources.

11226. A letter from the Acting Assistant Secretary Environmental, Safety and Health, Department of Energy, transmitting the Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at Rocky Flats Environmental Technology Site (DOE/EIS-0277F, August 1998); to the Committee on Resources.

11227. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents, members of their families, and for other purposes; to the Committee on the Judiciary.

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 calender, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1154. A bill to provide for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes; with an amendment (Rept. 105-737). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 4578. A bill to amend the Social Security Act to establish the Protect Social Security Account into which the Secretary of the Treasury shall deposit budget surpluses until a reform measure is enacted to ensure the long-term solvency of the OASDI trust fund; with an amendment (Rept. 105-738). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 4579. A bill to provide tax relief for individuals, families, and farming and other small businesses, to provide tax incentives for education, to extend certain expiring provisions, and for other purposes; with an amendment (Rept. 105-739). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 549. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3616) to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes (Rept. 105-740). Referred to the House Calendar.

Mr. MCINNIS: Committee on Rules. House Resolution 550. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4112) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105-741). 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. BOSWELL:

H.R. 4607. A bill to extend trade authorities procedures with respect to reciprocal trade agreements, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE:

H.R. 4608. A bill to reauthorize the Generalized System of Preferences, and for other purposes; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 4609. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to notify local law enforcement agencies of allegations of a missing patient or of certain misconduct and to enable such agencies to investigate such allegations; to the Committee on Veterans' Affairs.

By Mr. GIBBONS:

H.R. 4610. A bill to require the Secretary of the Interior to make reimbursement for certain damages incurred as a result of bonding regulations adopted by the Bureau of Land Management on February 28, 1997, and subsequently determined to be in violation of Federal law; to the Committee on Resources.

By Mr. NEAL of Massachusetts (for himself, Mr. MATSUI, Mrs. KENNELLY of Connecticut, Mr. COYNE, Mr. STARK, Mr. MCDERMOTT, Mr. FRANK of Massachusetts, and Mr. PAUL):

H.R. 4611. A bill to provide a temporary waiver for taxable year 1998 of the minimum tax rules that deny many families the full benefit of nonrefundable personal credits, pending enactment of permanent legislation to address this inequity; to the Committee on Ways and Means.

By Mr. ROGAN:

H.R. 4612. A bill to amend title 39, United States Code, to require certain notices in any mailing using a game of chance for the promotion of a product or service, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. SCHUMER:

H.R. 4613. A bill to authorize the President to award a gold medal on behalf of the Congress to Mrs. Yaffa Eliach in recognition of her outstanding and enduring contributions toward scholarship about the Holocaust, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. SUNUNU:

H.R. 4614. A bill to provide for the conveyance of Federal land in New Castle, New Hampshire, to the town of New Castle, New Hampshire, and to require the release of certain restrictions with respect to land in such town; to the Committee on Transportation and Infrastructure.

By Mr. THUNE (for himself, Mrs. EMERSON, Mr. HILL, Mr. WATKINS, Mr. MINGE, Mr. HINOJOSA, Mr. POMEROY, and Mr. PETERSON of Minnesota):

H.R. 4615. A bill to amend the Agricultural Market Transition Act to provide for the retroactive lifting of the caps on loan rates for marketing assistance loans for the 1998 crop; to the Committee on Agriculture.

By Mr. VISCLOSKY (for himself, Mr. SOUDER, Mr. HAMILTON, Mr. MCINTOSH, Mr. PEASE, Mr. ROEMER, Ms. CARSON, Mr. BURTON of Indiana, Mr. BUYER, and Mr. HOSTETTLER):

H.R. 4616. A bill to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the "Corporal Harold Gomez Post Office"; to the Committee on Government Reform and Oversight.

By Mr. HINCHEY:

H. Con. Res. 329. Concurrent resolution expressing the sense of Congress regarding the reduction of the Federal Funds rate by the Federal Open Market Committee; to the Committee on Banking and Financial Services.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

394. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of The Mariana Islands, relative to House Resolution No. 11-64 memorializing Congress to amend the U.S. Fisheries Conservation and Management Act; to urge Pacific region Nations to adopt the U.N. agreement conserving fishing resources; to urge harmonization of laws regulating fishing companies and to promote the development of fishing-related industries; jointly to the Committees on Resources and International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of September 22, 1998]

H.R. 26: Mr. PICKETT.

H.R. 3949: Mr. HOLDEN, Mr. RILEY, and Mr. THOMAS.

[Submitted September 23, 1998]

H.R. 45: Mr. LAMPSON.

H.R. 145: Mr. SCHUMER.

H.R. 306: Mr. OWENS.

H.R. 633: Mr. SHERMAN.

H.R. 902: Mrs. BONO and Mr. ENGLISH of Pennsylvania.

H.R. 1173: Ms. BROWN of Florida.

H.R. 1200: Mr. BONIOR.

H.R. 1323: Mr. SHERMAN.

H.R. 1375: Mrs. MORELLA, Mrs. CAPPS, Mr. BOSWELL, and Mr. DICKEY.

H.R. 1450: Mr. MINGE and Mr. DOYLE.

H.R. 1748: Mr. BLAGOJEVICH.

H.R. 1995: Mr. BEREUTER.

H.R. 2409: Mr. SANDERS and Mrs. BONO.

H.R. 2560: Mr. GOODE, Mr. JOHN, Mr. STARK, Mr. DAVIS of Florida, Mr. PRICE of North Carolina, Mr. KING of New York, Mr. GREEN, Mr. BRADY of Pennsylvania, Mr. SABO, Mr. BORSKI, Mr. BOUCHER, Mr. WEXLER, Mr. RAHALL, MR. MCHALE, Mr. FAZIO of California, Mr. DICKS, Mr. PICKETT, Mr. HEFNER, Mr. MINGE, Mr. ABERCROMBIE, Mr. HAMILTON, Mr. ADERHOLT, Mr. EHLERS, Ms. GRANGER, Mr. HYDE, Mr. LARGENT, Mr. BECERRA, Mr. CARDIN, Mr. HINOJOSA, Mr. KIND of Wisconsin, Mr. FOSSELLA, Mr. GUTKNECHT, Mr. INGLIS of South Carolina, Mr. PAPPAS, Mr. BOYD, Mrs. CAPPS, Mr. DELAHUNT, Mr. JOHNSON of Wisconsin, Mr. KLINK, Mr. LAFALCE, Mr. MOAKLEY, Mr. SKELTON, Ms. STABENOW, Mr. TAYLOR of Mississippi, Mr. WEYGAND, Mr. BLUMENAUER, Mrs. EMERSON, Ms. MCCARTHY of Missouri, Mr. LEVIN, Mr. OBEY, Ms. SLAUGHTER, Mr. TANNER, Mr. VENTO, Mr. BLAGOJEVICH, Mrs. MCCARTHY of New York, Mr. TURNER, Ms. VELÁQUEZ, Mr. WAMP, Mr. GREENWOOD, Mr. CALLAHAN, Mr. ARMEY, Mr. ENGLISH of Pennsylvania, Mr. ISTOOK, Mr. MCINTOSH, Mr. PETERSON of Pennsylvania, Mr. THORNBERRY, Mr. CUNNINGHAM, Mr. BURR of North Carolina, Mr. DELAY, Mr. GINGRICH, Mr. LEWIS of Kentucky, Mr. NETHERCUTT, Mr. RADANOVICH, Mr. SESSIONS, Mr. SUNUNU, and Mr. SHADEGG.

H.R. 2601: Mr. POMBO.

H.R. 2708: Mr. PALLONE, Mr. ROYCE, Mr. DAVIS of Virginia, Mr. LAMPSON, Mr. HASTINGS of Washington, and Mr. BOUCHER.

H.R. 2733: Mr. JEFFERSON, Mrs. WILSON, Mr. HILL, Mr. QUINN, Mr. BURTON of Indiana, Mr. SCOTT, and Mr. COX of California.

H.R. 2882: Mr. BUYER.

H.R. 2923: Ms. ROS-LEHTINEN.

H.R. 2938: Mr. SAM JOHNSON of Texas.

H.R. 3081: Mr. FARR of California, Mr. KUCINICH, and Mr. CARDIN.

H.R. 3342: Ms. BROWN of Florida.

H.R. 3436: Mr. NEAL of Massachusetts and Mr. DELAHUNT.

H.R. 3550: Mr. HILLIARD.

H.R. 3766: Mr. EHRLICH, Mr. RADANOVICH, and Mr. EWING.

H.R. 3783: Mr. WELLER.

H.R. 3792: Mr. CUNNINGHAM and Mr. HASTINGS of Washington.

H.R. 3794: Mr. BILBRAY.

H.R. 3795: Mr. SNOWBARGER.

H.R. 3855: Mrs. EMERSON, Mr. HASTINGS of Florida, Mr. FARR of California, Ms. KILPATRICK, Ms. DANNER, Ms. ROS-LEHTINEN, Mr. VENTO, Ms. PELOSI and Mr. CAMP.

H.R. 3865: Mr. WELLER.

H.R. 3946: Mr. QUINN and Mr. YATES.

H.R. 3948: Mr. PASCRELL.

H.R. 3991: Mr. Bob SCHAFFER.

H.R. 3995: Mr. MCGOVERN.

H.R. 4019: Mr. MCINTOSH and Mr. SOLOMON.

H.R. 4053: Mr. VENTO.

H.R. 4071: Mr. JOHN, Mr. LAFALCE, and Mr. OLVER.

H.R. 4075: Mr. HILL.

H.R. 4092: Mrs. THURMAN and Mr. BERRY.

H.R. 4121: Mr. HINCHEY and Ms. WOOLSEY.

H.R. 4125: Mr. SOLOMON.

H.R. 4151: Mr. BONIOR and Mr. SMITH of Texas.

H.R. 4233: Mr. DEUTSCH and Ms. ROYBAL-ALLARD.

H.R. 4296: Mr. GOODLATTE.

H.R. 4339: Ms. WOOLSEY.

H.R. 4340: Mr. UNDERWOOD, Mr. CONDIT, and Mr. GILMAN.

H.R. 4344: Mr. PAPPAS, Mr. SNOWBARGER, Mr. JOHNSON of Wisconsin, Mr. BLUNT, and Mr. ENSIGN.

H.R. 4346: Mr. SANDLIN, Mrs. KELLY, Mr. HILLIARD, Mr. FROST, and Mr. GOODLATTE.

H.R. 4353: Mr. TOWNS.

H.R. 4383: Mr. CHAMBLISS, Mr. EHRLICH, and Ms. STABENOW.

H.R. 4404: Mr. CLEMENT, Mr. HANSEN, Mr. HASTINGS of Washington, Mr. STEARNS, and Ms. WOOLSEY.

H.R. 4446: Mr. BALLENGER and Mr. GOODLATTE.

H.R. 4447: Mr. HERGER.

H.R. 4450: Ms. LOFGREN.

H.R. 4480: Mr. DICKS.

H.R. 4489: Mr. KUCINICH and Mr. FRANK of Massachusetts.

H.R. 4495: Mr. KANJORSKI.

H.R. 4531: Ms. JACKSON-LEE of Texas, Mr. WYNN, Mr. BROWN of Ohio, Mr. PETERSON of Minnesota, Mr. TURNER, Mr. GREEN, Mr. CALVERT, Mr. ENGLISH of Pennsylvania, Mr. BARCIA of Michigan, Ms. HOOLEY of Oregon, and Mr. OXLEY.

H.R. 4567: Mr. BOEHNER, Mr. WAMP, Mr. BEREUTER, Mr. FRANK of Massachusetts, Mr. SERRANO, Mr. DELAHUNT, Mr. HINOJOSA, Mr. ROGERS, Ms. SLAUGHTER, Mr. THOMPSON, Mr. NORWOOD, Mr. ALLEN, Mr. STENHOLM, Mr. STUPAK, Ms. KAPTUR, Mrs. MINK of Hawaii, Mr. HULSHOF, Mr. INGLIS of South Carolina, Mr. OBERSTAR, Mr. HOBSON, Mr. WALSH, and Mr. MCHUGH.

H.R. 4574: Mr. TRAFICANT.

H.R. 4577: Mr. LAFALCE and Mr. RAHALL.

H.R. 4578: Mr. HERGER, Mr. WELLER, and Mr. BUNNING of Kentucky.

H.R. 4579: Mr. CRANE, Mr. THOMAS, Mr. SHAW, Mr. BUNNING of Kentucky, Mr. HOUGHTON, Mr. HERGER, Mr. MCCRERY, Mr. CAMP, Mr. RAMSTAD, Mr. SAM JOHNSON of Texas, Ms. DUNN of Washington, Mr. COLLINS, Mr. PORTMAN, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. CHRISTENSEN, Mr. WATKINS, Mr. HAYWORTH, Mr. WELLER, Mr. HULSHOF, Mr. GALLEGLY, Mr. GREENWOOD, and Mr. BLILEY.

H.R. 4587: Mr. HUNTER and Mr. PETERSON of Pennsylvania.

H.R. 4597: Mr. OBEY, Ms. BROWN of Florida, Ms. DELAURO, Ms. PELOSI, Mr. OLVER, Mr. VENTO, Mr. MOAKLEY, Mr. FROST, and Mr. POMEROY.

H.J. Res. 125: Mr. BACHUS.

H.J. Res. 126: Mr. CUMMINGS, Ms. KILPATRICK, Mr. HASTINGS of Florida, Mrs. CAPPS, Mr. WATT of North Carolina, and Mr. FALEOMAVAEGA.

H. Con. Res. 52: Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mr. BLUNT, and Mr. EVERETT.

H. Con. Res. 243: Mr. BALDACCI.

H. Con. Res. 283: Mr. MILLER of California, Mrs. KENNELLY of Connecticut, Mr. CHRISTENSEN, Mr. ACKERMAN, Mr. INGLIS of South Carolina, Ms. FURSE, and Ms. KILPATRICK.

H. Con. Res. 286: Mr. KUCINICH.

H. Con. Res. 295: Mr. DOOLITTLE.

H. Con. Res. 302: Mr. POMEROY and Mr. JONES.

H. Con. Res. 314: Mr. JONES.

H. Con. Res. 315: Mr. MCGOVERN, Mr. HASTINGS of Florida, and Mr. HOYER.

H. Con. Res. 316: Mr. RIGGS, Mr. JENKINS, Mr. RADANOVICH, Mr. LIVINGSTON, Mr. ROMERO-BARCELO, and Mr. FORBES.

H. Con. Res. 317: Ms. HOOLEY of Oregon and Mr. LANTOS.

H. Con. Res. 322: Mr. CAMPBELL, Mr. CONYERS, Mr. DINGELL, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. HAMILTON, Mr. KILDEE, Mr. LANTOS, Ms. LOFGREN, Mr. MEEKS of New York, Mr. MORAN of Virginia, Mr. OLVER, and Mr. RODRIGUEZ.

H. Con. Res. 328: Mr. SHERMAN, Ms. RIVERS, Mr. LAFALCE, Mr. GILLMOR, Mr. GREENWOOD, Mr. FRANK of Massachusetts, and Mrs. THURMAN.

H. Res. 460: Mr. JEFFERSON, Ms. MCCARTHY of Missouri, Mr. FORBES, and Ms. BROWN of Florida.

H. Res. 483: Mr. KANJORSKI, Mr. KLECZKA, Mr. COSTELLO, Mr. ACKERMAN, Mr. HASTINGS of Washington, Mr. RANGEL, Ms. HOOLEY of Oregon, Mr. MALONEY of Connecticut, and Mr. GEJDENSON.

H. Res. 519: Mr. DOOLITTLE, Mr. CANNON, and Mr. BATEMAN.

H. Res. 533: Mr. BROWN of Ohio and Mr. ENGLISH of Pennsylvania.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1991: Ms. DUNN of Washington.

H.R. 4236: Ms. DUNN of Washington.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

[Omitted from the Record of September 22, 1998]

76. The SPEAKER presented a petition of Bobby E. Yates, of Brownsville, TX, relative to a report to Congress on the Falsification of official public records in the Police Department and other public offices of this city, in attempts to cover-up crimes in city offices, and, in attempts to stifle my just complaints; to the Committee on the Judiciary.

[Submitted September 23, 1998]

77. The SPEAKER presented a petition of The Legislature of Rockland County, relative to Resolution No. 215 of 1998 petitioning Congress to support the Credit Union Membership Act to clarify the position of credit unions and to protect their ability to serve American Working men and women; to the Committee on Banking and Financial Services.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2621

OFFERED BY: MS. MCKINNEY

AMENDMENT NO. 1: In section 102(b)(7), add the following at the end:

(C) To ensure that any entity that receives benefits under any trade agreement entered into under this title adopts and adheres to the following principles in all domestic and foreign operations:

(i) Provide a safe and healthy workplace.

(ii) Ensure fair employment, including the prohibition on the use of child and forced labor, the prohibition on discrimination based upon race, gender, national origin, or religious beliefs, the respect for freedom of association and the right to organize and bargain collectively, and the payment of a living wage to all workers.

(iii) Uphold responsible environmental protection and environmental practices.

(iv) Promote good business practices, including prohibiting illicit payments and ensuring fair competition.

(v) Maintain, through leadership at all levels, a corporate culture that respects free expression consistent with legitimate business concerns, does not condone political coercion in the workplace, encourages good corporate citizenship and makes a positive contribution to the communities in which the entity operates, and promotes ethical conduct that is recognized, valued, and exemplified by all employees.

(vi) Require, under terms of contract, partners, suppliers, and subcontractors of the entity to adopt and adhere to the principles described in clause (v).

(vii) Implement and monitor compliance with the principles described in clauses (i) through (vi) through a program that is designed to prevent and detect conduct that is not in compliance with such principles by any employee of the entity, or any employee of the partner, supplier, or subcontractor of the entity, and that includes—

(I) standards for ethical conduct of such employees which refer to the principles;

(II) procedures for assignment of appropriately qualified personnel at the management level to monitor and enforce compliance with the principles;

(III) procedures for reporting violations of the principles by such employees;

(IV) procedures for selecting qualified individuals who are not employees to monitor compliance with the principles, and for auditing the effectiveness of such compliance monitoring;

(V) procedures for disciplinary action in response to violations of the principles;

(VI) procedures designed to ensure that, in cases in which a violation of the principles has been detected, reasonable steps are taken to correct the violation and prevent similar violations from occurring;

(VII) procedures for providing educational and employment-related counseling to any child employee in violation of the principles; and

(VIII) communication of all standards and procedures with respect to the principles to every employee, by requiring the employee to participate in a training program, or by disseminating information in writing that explains the standards and procedures.

H.R. 3736

OFFERED BY: MR. SMITH OF TEXAS

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 3: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.

(a) SHORT TITLE.—This Act may be cited as the "Temporary Access to Skilled Workers and H–1B Non-immigrant Program 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, amendments to Immigration and Nationality Act.

TITLE I—PROVISIONS RELATING TO H–1B NONIMMIGRANTS

Sec. 101. Temporary increase in access to temporary skilled personnel under H–1B program.

Sec. 102. Protection against displacement of United States workers in case of H–1B dependent employers.

Sec. 103. Changes in enforcement and penalties.

Sec. 104. Collection and use of H–1B nonimmigrant fees for scholarships for low-income math, engineering, and computer science students and job training of United States workers.

Sec. 105. Computation of prevailing wage level.

Sec. 106. Improving count of H–1B and H–2B nonimmigrants.

Sec. 107. Report on older workers in the information technology field.

Sec. 108. Report on high technology labor market needs, reports on economic impact of incresae in H–1B nonimmigrants.

TITLE II—SPECIAL IMMIGRANT STATUS FOR CERTAIN NATO CIVILIAN EMPLOYEES

Sec. 201. Special immigrant status for certain NATO civilian employees.

TITLE III—MISCELLANEOUS PROVISION

Sec. 301. Academic honoraria.

(c) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this Act, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to that section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

TITLE I—PROVISIONS RELATING TO H–1B NONIMMIGRANTS

SEC. 101. TEMPORARY INCREASE IN ACCESS TO TEMPORARY SKILLED PERSONNEL UNDER H–1B PROGRAM.

(a) TEMPORARY INCREASE IN SKILLED NONIMMIGRANT WORKERS.—Paragraph (1)(A) of section 214(g) (8 U.S.C. 1184(g)) is amended to read as follows:

"(A) under section 101(a)(15)(H)(i)(b), may not exceed—

"(i) 65,000 in each fiscal year before fiscal year 1999;

"(ii) 115,000 in fiscal year 1999;

"(iii) 115,000 in fiscal year 2000;

"(iv) 107,500 in fiscal year 2001; and

"(v) 65,000 in each succeeding fiscal year; or".

(b) EFFECTIVE DATES.—The amendment made by subsection (a) applies beginning with fiscal year 1998.

SEC. 102. PROTECTION AGAINST DISPLACEMENT OF UNITED STATES WORKERS IN CASE OF H–1B-DEPENDENT EMPLOYEES

(a) PROTECTION AGAINST LAYOFF AND REQUIREMENT FOR PRIOR RECRUITMENT OF UNITED STATES WORKERS.—

(1) ADDITIONAL STATEMENTS ON APPLICATION.—Section 212(n)(1) (8 U.S.C. 1182(n)(1)) is amended by inserting after subparagraph (D) the following:

"(E)(i) In the case of an application described in clause (ii), the employer did not displace and will not displace a United States worker (as defined in paragraph (4)) employed by the employer within the period beginning 90 days before and ending 90 days after the date of filing of any visa petition supported by the application.

"(ii) An application described in this clause is an application filed on or after the date final regulations are first promulgated to carry out this subparagraph, and before October 1, 2001, by an H–1B-dependent employer (as defined in paragraph (3)) or by an employer that has been found under paragraph (2)(C) or (5) to have committed a willful failure or misrepresentation on or after the date of the enactment of this subparagraph. An application is not described in this clause of the only H–1B non-immigrants sought in the application are exempt H–1B nonimmigrants.

"(F) In the case of an application described in subparagraph (E)(ii), the employer will not place the nonimmigrant with another employer (regardless of whether or not such

other employer is an H-1B-dependent employer) where—

"(i) the nonimmigrant performs duties in whole or in part at one or more worksites owned, operated, or controlled by such other employer; and

"(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer;

unless the employer has inquired of the other employer as to whether, and has no knowledge that, within the period beginning 90 days before and ending 90 days after the date of the placement of the nonimmigrant with the other employer, the other employer has displaced or intends to displace a United States worker employed by the other employer.

"(G)(i) In the case of an application described in subparagraph (E)(ii), subject to clause (ii), the employer, prior to filing the application—

"(I) has taken good faith steps to recruit, in the United States using procedures that meet industry-wide standards and offering compensation that is at least as great as that required to be offered to H-1B nonimmigrants under subparagraph (A), United States workers for the job for which the nonimmigrant or nonimmigrants is or are sought; and

"(II) has offered the job to any United States worker who applies and is equally or better qualified for the job for which the nonimmigrant or nonimmigrants is or are sought.

"(ii) The conditions described in clause (i) shall not apply to an application filed with respect to the employment of an H-1B nonimmigrant who is described in subparagraph (A), (B), or (C) of section 203(b)(1).".

(2) NOTICE ON APPLICATION OF POTENTIAL LIABILITY OF PLACING EMPLOYERS.—Section 212(n)(1) (8 U.S.C. 1182(n)(1)) is amended by adding at the end the following: "The application form shall include a clear statement explaining the liability under subparagraph (F) of a placing employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.".

(3) CONSTRUCTION.—Section 212(n)(1) (8 U.S.C. 1182(n)(1)) is further amended by adding at the end the following: "Nothing in subparagraph (G) shall be construed to prohibit an employer from using legitimate selection criteria relevant to the job that are normal or customary to the type of job involved, so long as such criteria are not applied in a discriminatory manner.".

(b) H-1B-DEPENDENT EMPLOYER AND OTHER DEFINITIONS.—

(1) IN GENERAL.—Section 212(n) (8 U.S.C. 1182(n)) is amended by adding at the end the following:

"(3)(A) For purposes of this subsection, the term 'H-1B-dependent employer' means an employer that—

"(i)(I) has 25 or fewer full-time equivalent employees who are employed in the United States; and (II) employs more than 7 H-1B nonimmigrants;

"(ii)(I) has at least 26 but not more than 50 full-time equivalent employees who are employed in the United States; and (II) employs more than 12 H-1B nonimmigrants; or

"(iii)(I) has at least 51 full-time equivalent employees who are employed in the United States; and (II) employs H-1B nonimmigrants in a number that is equal to at least 15 percent of the number of such full-time equivalent employees.

"(B) For purposes of this subsection—

"(i) the term 'exempt H-1B nonimmigrant' means an H-1B nonimmigrant who—

"(I) receives wages (including cash bonuses and similar compensation) at an annual rate equal to at least $60,000; or

"(II) has attained a master's or higher degree (or its equivalent) in a specialty related to the intended employment; and

"(ii) the term 'Nonexempt H-1B nonimmigrant' means an H-1B nonimmigrant who is not an exempt H-1B nonimmigrant.

"(C) For purposes of subparagraph (A)—

"(i) in computing the number of full-time equivalent employees and the number of H-1B nonimmigrants, exempt H-1B nonimmigrants shall not be taken into account during the longer of—

"(I) the 6-month period beginning on the date of the enactment of the Temporary Access to Skilled Workers and H-1B Nonimmigrant Program Improvement Act of 1998; or

"(II) the period beginning on the date of the enactment of the Temporary Access to Skilled Workers and H-1B Nonimmigrant Program Improvement Act of 1998 and ending on the date final regulations are issued to carry out this paragraph; and

"(ii) any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as a single employer.

"(4) For purposes of this subsection:

"(A) The term 'area of employment' means the area within normal commuting distance of the worksite or physical location where the work of the H-1B nonimmigrant is or will be performed. If such worksite or location is within a Metropolitan Statistical Area, any place within such area is deemed to be within the area of employment.

"(B) In the case of an application with respect to one or more H-1B nonimmigrants by an employer, the employer is considered to 'displace' a United States worker from a job if the employer lays off the worker from a job that is essentially the equivalent of the job for which the nonimmigrant or nonimmigrants is or are sought. A job shall not be considered to be essentially equivalent of another job unless it involves essentially the same responsibilities, was held by a United States worker with substantially equivalent qualifications and experience, and is located in the same area of employment as the other job.

"(C) The term 'H-1B nonimmigrant' means an alien admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b).

"(D) The term 'lays off', with respect to a worker—

"(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract (other than a temporary employment contract entered into in order to evade a condition described in subparagraph (E) or (F) of paragraph (1)); but

"(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under paragraph (1)(F), with either employer described in such paragraph) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(E) The term 'United States worker' means an employee who—

"(i) is a citizen or national of the United States; or

"(ii) is an alien who is lawfully admitted for permanent residence, is admitted as a refugee under section 207, is granted asylum under section 208, or is an immigrant otherwise authorized, by this Act or by the Attorney General, to be employed.".

"(2) CONFORMING AMENDMENTS.—Section 212(n)(1) (8 U.S.C. 1182(n)(1)) is amended by striking "a nonimmigrant described in section 101(a)(15)(H)(i)(b)" each place it appears and inserting "an H-1B nonimmigrant".

(c) IMPROVED POSTING OF NOTICE OF APPLICATION.—Section 212(n)(1)(C)(ii) (8 U.S.C. 1182(n)(1)(C)(ii)) is amended to read as follows:

"(ii) if there is no such bargaining representative, has provided notice of filing in the occupational classification through such methods as physical posting in conspicuous locations at the place of employment or electronic notification to employees in the occupational classification for which H-1B nonimmigrants are sought.".

(d) REQUIREMENTS RELATING TO BENEFITS.—

(1) IN GENERAL.—Section 212(n)(1)(A) (8 U.S.C. 1182(n)(1)(A)) is amended—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following:

"(iii) is offering and will offer to H-1B nonimmigrants, during the period of authorized employment, benefits and eligibility for benefits (including the opportunity to participate in health, life, disability, and other insurance plans; the opportunity to participate in retirement and savings plans; cash bonuses and noncash compensation, such as stock options (whether or not based on performance)) on the same basis, and in accordance with the same criteria, as the employer offers benefits and eligibility for benefits to United States workers.".

(2) ORDERS TO PROVIDE BENEFITS.—Section 212(n)(2)(D) (8 U.S.C. 1182(n)(2)(D)) is amended—

(A) by inserting "or has not provided benefits or eligibility for benefits as required under such paragraph," after "required under paragraph (1),"; and

(B) by inserting "or to provide such benefits or eligibility for benefits" after "amounts of back pay".

(e) EFFECTIVE DATES.—The amendments made by subsections (a) and (c) apply to applications filed under section 212(n)(1) of the Immigration and Nationality Act on or after the date final regulations are issued to carry out such amendments, and the amendments made by subsection (b) take effect on the date of the enactment of this Act.

(f) REDUCTION OF PERIOD FOR PUBLIC COMMENT.—In first promulgating regulations to implement the amendments made by this section in a timely manner, the Secretary of Labor and the Attorney General may reduce to not less than 30 days the period of public comment on proposed regulations.

SEC. 103. CHANGES IN ENFORCEMENT AND PENALTIES.

(a) INCREASED ENFORCEMENT AND PENALTIES.—Section 212(n)(2)(C) (8 U.S.C. 1182(n)(20(C)) is amended to read as follows:

"(C)(i) If the Secretary finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(B), (1)(E), or (1)(F), a substantial failure to meet a condition of paragraph (1)(C), (1)(D), or (1)(G)(i)(I), or a misrepresentation of material fact in an application—

"(I) 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 violation) as the Secretary determines to be appropriate; and

"(II) the Attorney General shall not approve petitions filed with respect to that employer under section 204 of 214(c) during a period of at least 1 year for aliens to be employed by the employer.

"(ii) If the Secretary finds, after notice and opportunity for a hearing, a willful failure to meet a condition of paragraph (1), a willful misrepresentation of material fact in an application, or a violation of clause (iv)—

"(I) 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 $5,000 per violation) as the Secretary determines to be appropriate; and

"(II) the Attorney General shall not approve petitions filed with respect to that employer under section 204 or 214(c) during a period of at least 2 years for aliens to be employed by the employer.

"(iii) If the Secretary finds, after notice and opportunity for a hearing, a willful failure to meet a condition of paragraph (1) or a willful misrepresentation of material fact in an application, in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer within the period beginning 90 days before and ending 90 days after the date of filing of any visa petition supported by the application—

"(I) 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 $35,000 per violation) as the Secretary determines to be appropriate; and

"(II) the Attorney General shall not approve petitions filed with respect to that employer under section 204 or 214(c) during a period of at least 3 years for aliens to be employed by the employer.

"(iv) It is a violation of this clause for an employer who has filed an application under this subsection to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this clause, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other persion, that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of this subsection or any rule or regulation pertaining to this subsection.

"(v) The Secretary of Labor and the Attorney General shall devise a process under which an H-1B nonimmigrant who files a complaint regarding a violation of clause (iv) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period (not to exceed the duration of the alien's authorized admission as such a nonimmigrant).

"(vi) It is a violation of this clause for an employer who has filed an application under this subsection to require an H-1B nonimmigrant to pay a penalty (as determined under State law) for ceasing employment with the employer prior to a date agreed to by the nonimmigrant and the employer. If the Secretary finds, after notice and opportunity for a hearing, that an employer has committed such a violation, the Secretary may impose a civil monetary penalty of $1,000 for each such violation and issue an administrative order requiring the return to the nonimmigrant of any amount required to be paid in violation of this clause, or, if the nonimmigrant cannot be located, requiring payment of any such amount to the general fund of the Treasury.".

"(b) USE OF ARBITRATION PROCESS FOR DISPUTES INVOLVING QUALIFICATIONS OF UNITED STATES WORKERS NOT HIRED.—

(1) IN GENERAL.—Section 212(n) (8 U.S.C. 1182(n)), as amended by section 102(b), is further amended by adding at the end the following:

"(5)(A) This paragraph shall apply instead of subparagraphs (A) through (E) of paragraph (2) in the case of a violation described in subparagraph (B).

"(B) The Attorney General shall establish a process for the receipt, initial review, and disposition in accordance with this paragraph of complaints respecting an employer's failure to meet the condition of paragraph (1)(G)(i)(II) or a petitioner's misrepresentation of material facts with respect to such condition. Complaints may be filed by an aggrieved individual who has submitted a resume or otherwise applied in a reasonable manner for the job that is the subject of the condition. No proceeding shall be conducted under this paragraph on a complaint concerning such a failure or misrepresentation unless the Attorney General determines that the complaint was filed not later than 12 months after the date of the failure or misrepresentation, respectively.

"(C) If the Attorney General finds that a complaint has been filed in accordance with subparagraph (B) and there is reasonable cause to believe that such a failure or misrepresentation described in such complaint has occurred, the Attorney General shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint an arbitrator from the roster of arbitrators maintained by such Service. The procedure and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Attorney General shall pay the fee and expenses of the arbitrator.

"(D)(i) The arbitrator shall make findings respecting whether a failure or misrepresentation described in subparagraph (B) occurred. If the arbitrator concludes that failure or misrepresentation was willful, the arbitrator shall make a finding to that effect. The arbitrator may not find such a failure or misrepresentation (or that such a failure or misrepresentation was willful) unless the complainant demonstrates such a failure or misrepresentation (or its willful character) by clear and convincing evidence. The arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Attorney General. Such findings shall be final and conclusive, and, except as provided in this subparagraph, no official or court of the United States shall have power or jurisdiction to review any such findings.

"(ii) The Attorney General may review and reverse or modify the findings of an arbitrator only on the same bases as an award of an arbitrator may be vacated or modified under section 10 or 11 of title 9, United States Code.

"(iii) With respect to the findings of an arbitrator, a court may review only the actions of the Attorney General under clause (ii) and may set aside such actions only on the grounds described in subparagraph (A), (B), or (C) of section 706(a)(2) of title 5, United States Code. Notwithstanding any other provision of law, such judicial review may only be brought in an appropriate United States court of appeals.

"(E) If the Attorney General receives a finding of an arbitrator under this paragraph that an employer has failed to meet the condition of paragraph (1)(G)(i)(II) or has misrepresented a material fact with respect to such condition, unless the Attorney General reverses or modifies the finding under subparagraph (D)(ii)—

"(i) the Attorney General may impose administrative remedies (including civil monetary penalties in an amount not to exceed $1,000 per violation or $5,000 per violation in the case of a willful failure or misrepresentation) as the Attorney General determines to be appropriate; and

"(ii) the Attorney General is authorized to not approve petitions filed with respect to that employer under section 204 or 214(c) during a period of not more than 1 year for aliens to be employed by the employer.

"(F) The Attorney General shall not delegate, to any other employee or official of the Department of Justice, any function of the Attorney General under this paragraph, until 60 days after the Attorney General has submitted a plan for such delegation to the Committees on the Judiciary of the United States House of Representatives and the Senate with respect to such delegation.".

(2) CONFORMING AMENDMENT.—The first sentence of section 212(n)(2)(A) (8 U.S.C. 1182(n)(2)(A)) is amended by striking "The Secretary" and inserting "Subject to paragraph (5)(A), the Secretary".

(c) LIABILITY OF PETITIONING EMPLOYER IN CASE OF PLACEMENT OF H-1B NONIMMIGRANT WITH ANOTHER EMPLOYER.—Section 212(n)(2) (8 U.S.C. 1182(n)(2)) is amended by adding at the end the following:

"(E) If an H-1B-dependent employer places a nonexempt H-1B nonimmigrant with another employer as provided under paragraph (1)(F) and the other employer has displaced or displaces a United States worker employed by such other employer during the period described in such paragraph, such displacement shall be considered for purposes of this paragraph a failure, by the placing employer, to meet a condition specified in an application submitted under paragraph (1); except that the Attorney General may impose a sanction described in subclause (II) of subparagraph (C)(i), (C)(ii), or (C)(iii) only if the Secretary of Labor found that such placing employer—

"(i) knew or had reason to know of such displacement at the time of the placement of the nonimmigrant with the other employer; or

"(ii) has been subject to a sanction under this subparagraph based upon a previous placement of an H-1B nonimmigrant with the same other employer.".

(d) SPOT INVESTIGATIONS DURING PROBATIONARY PERIOD.—Section 212(n)(2) (8 U.S.C. 1182(n)(2)), as amended by subsection (c), is further amended by adding at the end the following:

"(F) The Secretary may, on a case-by-case basis, subject an employer to random investigations for a period of up to 5 years, beginning on the date that the employer is found by the Secretary to have committed a willful failure to meet a condition of paragraph (1) (or has been found under paragraph (5) to have committed a willful failure to meet the

condition of paragraph (1)(G)(i)(II)) or to have made a willful misrepresentation of material fact in an application. The preceding sentence shall apply to an employer regardless of whether or not the employer is an H-1B-dependent employer. The authority of the Secretary under this subparagraph shall not be construed to be subject to, or limited by, the requirements of subparagraph (A).".

(e) INVESTIGATIVE AUTHORITY.—Section 212(n)(2) (8 U.S.C. §1182(n)(2) is further amended by adding at the end the following:

(G)(i) If the Secretary receives specific, credible information, from a source likely to have knowledge of an employer's practices, employment conditions or compliance with the employer's labor condition application whose identity is known to the Secretary, that provides reasonable cause to believe that an employer has committed a willful failure to meet a condition of paragraph (1)(A), (1)(B), (1)(E), (1)(F), or (1)(G)(i)(I), a pattern and practice of failures to meet the [aforementioned conditions], or a substantial failure to meet the [aforementioned conditions] that affects multiple employees, the Secretary may conduct a 30 day investigation of these allegations, provided that the Secretary personally (or the Acting Secretary in the case of the Secretary's absence or disability) certifies that the requirements for conducting such an investigation have been met and approves commencement of the investigation. At the request of the source, the Secretary may withhold the identity of the source from the employer, and the source's identity shall not be disclosable pursuant to a Freedom of Information Act request.

"(ii) The Secretary shall establish a procedure for any individual who provides the information to DOL that constitutes part of the basis for the commencement of an investigation on the basis described above to provide that information in writing on a form that the Department will provide to be completed by, or on behalf of, the individual.

"(iii) It shall be the policy of the Secretary to provide to the employer notice of the potential initiation of an investigation of an alleged violation under the authority granted in this [] with sufficient specificity to allow the employer to respond before the investigation is actually initiated unless in the Secretary's judgment such notice would interfere with efforts to secure compliance.

"(iv) Nothing in this section shall authorize the Secretary to initiate or approve the initiation of an investigation without the receipt of information from a person or persons not employed by the Department of Labor that provides the reasonable cause required by this section. The receipt of the l.c.a. and other materials the employer is required in order to obtain an H-1B visa shall not constitute "receipt of information" for purposes of satisfying this requirement.".

SEC. 104. COLLECTION AND USE OF H-1B NONIMMIGRANT FEES FOR SCHOLARSHIPS FOR LOW-INCOME MATH, ENGINEERING, AND COMPUTER SCIENCE STUDENTS AND JOB TRAINING OF UNITED STATES WORKERS.

(a) IMPOSITION OF FEE.—Section 214(c) (8 U.S.C. 1184(c)) is amended by adding at the end the following:

"(9)(A) The Attorney General shall impose a fee on an employer (excluding an employer described in subparagraph (A) or (B) of section 212(p)(1) and an employer filing for new concurrent employment) as a condition for the approval of a petition filed on or after October 1, 1998, and before October 1, 2001, under paragraph (1)—

"(i) initially to grant an alien non-immigrant status described in section 101(a)(15)(H)(i)(b); or

"(ii) to extend for the first time the stay of an alien having such status.

"(B) The amount of the fee shall be $500 for each such non-immigrant.

"(C) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(s).

"(D)(i) An employer may not require an alien who is the subject of the petition for which a fee is imposed under this paragraph to reimburse, or otherwise compensate, the employer for part or all of the cost of such fee.

"(ii) Section 274A(g)(2) shall apply to a violation of clause (i) in the same manner as it applies to a violation of section 274A(g)(1).".

(b) ESTABLISHMENT OF ACCOUNT; USE OF FEES.—Section 286 (8 U.S.C. 1356) is amended by adding at the end the following:

"(s) H-1B NONIMMIGRANT PETITIONER ACCOUNT.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'H-1B Nonimmigrant Petitioner Account'. Notwithstanding any other section of this title, there shall be deposited as offsetting receipts into the account all fees collected under section 214(c)(9).

"(2) USE OF FEES FOR JOB TRAINING.—63 percent of amounts deposited into the H-1B nonimmigrant Petitioner Account shall remain available to the Secretary of Labor until expended for demonstration programs and projects described in section 104(c) of the Temporary Access to Skilled Workers and H-1B Nonimmigrant Program Improvement Act of 1998.

"(3) USE OF FEES FOR LOW-INCOME SCHOLARSHIP PROGRAM.—32 percent of the amounts deposited into the H-1B nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended for scholarships described in section 104(d) of the Temporary Access to Skilled Workers and H-1B Nonimmigrant Program Improvement Act of 1998 for low-income students enrolled in a program of study leading to a degree in mathematics, engineering, or computer science.

"(4) USE OF FEES FOR APPLICATION PROCESSING AND ENFORCEMENT.—2.5 percent of the amounts deposited into the H-1B non-immigrant Petitioner Account shall remain available to the Secretary of Labor until expended for decreasing the processing time for applications under section 212(n)(1), and 2.5 percent of such amounts shall remain available to such Secretary until expended for carrying out section 212(n)(2). Notwithstanding the preceding sentence, both of the amounts made available for any fiscal year pursuant to the preceding sentence shall be available to such Secretary, and shall remain available until expended, only for carrying out section 212(n)(2) until the Secretary submits to the Congress a report containing a certification that, during the most recently concluded calendar year, the Secretary substantially complied with the requirement in section 212(n)(1) relating to the provision of the certification described in section 101(a)(15)(H)(i)(b) within a 7-day period.".

(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

(1) IN GENERAL.—Subject to paragraph (3), in establishing demonstration programs under section 452(c) of the Job Training Partnership Act (29 U.S.C. 1732(c)), as in effect on the date of the enactment of this Act, or demonstration programs or projects under section 171(b) of the Workforce Investment Act of 1998, the Secretary of Labor shall establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

(2) GRANTS.—Subject to paragraph (3), the Secretary of Labor shall award grants to carry out the programs and projects described in paragraph (1) to—

(A)(i) private industry councils established under section 102 of the Job Training Partnership Act (29 U.S.C. 1512), as in effect on the date of the enactment of this Act; or

(ii) local boards that will carry out such programs or projects through one-stop delivery systems established under section 121 of the Workforce Investment Act of 1998; or

(B) regional consortia of councils or local boards described in subparagraph (A).

(3) LIMITATION.—The Secretary of Labor shall establish programs and projects under paragraph (1), including awarding grants to carry out such programs and projects under paragraph (2), only with funds made available under section 286(s)(2) of the Immigration and Nationality Act, and not with funds made available under the Job Training Partnership Act or the Workforce Investment Act of 1998.

(d) LOW-INCOME SCHOLARSHIP PROGRAM.—

(1) ESTABLISHMENT.—The Director of the National Science Foundation (referred to in this subsection as the "Director") shall award scholarships to low-income individuals to enable such individuals to pursue associate, undergraduate, or graduate level degrees in mathematics, engineering, or computer science.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to receive a scholarship under this subsection, an individual—

(i) must be a citizen or national of United States or an alien lawfully admitted to the United States for permanent residence;

(ii) shall prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

(iii) shall certify to the Director that the individual intends to use amounts received under the scholarship to enroll or continue enrollment at an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965) in order to pursue an associate, undergraduate, or graduate level degree in mathematics, engineering, or computer science.

(B) ABILITY.—Awards of scholarships under this subsection shall be made by the Director solely on the basis of the ability of the applicant, except that in any case in which 2 or more applicants for scholarships are deemed by the Director to be possessed of substantially equal ability, and there are not sufficient scholarships available to grant one to each of such applicants, the available scholarship or scholarships shall be awarded to the applicants in a manner that will tend to result in a geographically wide distribution throughout the United States of recipients' places of permanent residence.

(3) LIMITATION.—The amount of a scholarship awarded under this subsection shall be determined by the Director, except that the Director shall not award a scholarship in an amount exceeding $2,500 per year.

(4) FUNDING.—The Director shall carry out this subsection only with funds made available under section 286(s)(3) of the Immigration and Nationality Act.

SEC. 105. COMPUTATION OF PREVAILING WAGE LEVEL.

(a) IN GENERAL.—Section 212 (8 U.S.C. 1182) is amended by adding at the end the following:

"(p)(1) In computing the prevailing wage level for an occupational classification in an area of employment for purposes of subsections (n)(1)(A)(i)(II) and (a)(5)(A) in the case of an employee of—

"(A) an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965), or a related or affiliated nonprofit entity; or

"(B) a nonprofit research organization or a Governmental research organization;

the prevailing wage level shall only take into account employees at such institutions and organizations in the area of employment.

"(2) With respect to a professional athlete (as defined in subsection (a)(5)(A)(iii)(II)) when the job opportunity is covered by professional sports league rules or regulations, the wage set forth in those rules of regulations shall be considered as not adversely affecting the wages of United States workers similarly employed and be considered the prevailing wage.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) supplies to prevailing wage computations made for applications filed on or after the date of the enactment of this Act.

SEC. 106. IMPROVING COUNT OF H-1B AND H-2B NONIMMIGRANTS.

(a) ENSURING ACCURATE COUNT.—The Attorney General shall take such steps as are necessary to maintain an accurate count of the number of aliens subject to the numerical limitations of section 214(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)) who are issued visas or otherwise provided nonimmigrant status.

(b) REVISION OF PETITION FORMS.—The Attorney General shall take such steps are as necessary to revise the forms used for petitions for visas or nonimmigrant status under clause (i)(b) or (ii)(b) of section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) so as to ensure that the forms provide the Attorney General with sufficient information to permit the Attorney General accurately to count the number of aliens subject to the numerical limitations of section 214(g)(1) of such Act (8 U.S.C. 1184(g)(1)) who are issued visas or otherwise provided nonimmigrant status.

(c) REPORTS.—Beginning with fiscal year 1999, the Attorney General shall provide to the Congress—

(1) on a quarterly basis a report on the numbers of individuals who were issued visas or otherwise provided nonimmigrant status during the preceding 3-month period under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)); and

(2) on an annual basis a report on the countries of origin and occupations of, educational levels attained by, and compensation paid to, individuals issued visas or provided nonimmigrant status under such sections during such period.

Each report under paragraph (2) shall include the number of individuals described in paragraph (1) during the year who were issued visas pursuant to petitions filed by institutions or organizations described in section 212(p)(1) of such Act (as added by section 105 of this Act).

SEC. 107. REPORT ON OLDER WORKERS IN THE INFORMATION TECHNOLOGY FIELD.

(a) STUDY.—The Secretary of Commerce shall enter into a contract with the President of the National Academy of Sciences to conduct a study, using the best available data, assessing the status of older workers in the information technology field. The study shall consider the following:

(1) The existence and extent of age discrimination in the information technology workplace.

(2) The extent to which there is a difference, based on age, in—

(A) promotion and advancement;

(B) working hours;

(C) telecommuting;

(D) salary; and

(E) stock options, bonuses, and other benefits.

(3) The relationship between rates of advancement, promotion, and compensation to experience, skill level, education, and age.

(4) Differences in skill level on the basis of age.

(b) REPORT.—Not later than October 1, 2000, the Secretary of Commerce shall submit to the Committees on the Judiciary of the United States House of Representatives and the Senate a report containing the results of the study described in subsection (a).

SEC. 108. REPORT ON HIGH TECHNOLOGY LABOR MARKET NEEDS; REPORTS ON ECONOMIC IMPACT OF INCREASED IN H-1B NONIMMIGRANTS.

(a) NATIONAL SCIENCE FOUNDATION STUDY AND REPORT.—

(1) IN GENERAL.—The Director of the National Science Foundation shall conduct a study to assess labor market needs for workers with high technology skills during the next 10 years. The study shall investigate and analyze the following:

(A) Future training and education needs of companies in the high technology and information technology sectors and future training and education needs of United States students to ensure that students' skills at various levels are matched to the needs in such sectors.

(B) An analysis of progress made by educators, employers, and government entities to improve the teaching and educational level of American students in the fields of math, science, computer science, and engineering since 1998.

(C) An analysis of the number of United States workers currently or projected to work overseas in professional, technical, and management capacities.

(D) The relative achievement rates of United States and foreign students in secondary schools in a variety of subjects, including math, science, computer science, English, and history.

(E) The relative performance, by subject area, of United States and foreign students in postsecondary and graduate schools as compared to secondary schools.

(F) The needs of the high technology sector for foreign workers with specific skills and the potential benefits and costs to United States employers, workers, consumers, postsecondary educational institutions, and the United States economy, from the entry of skilled foreign professionals in the fields of science and engineering.

(G) The needs of the high technology sector to adapt products and services for export to particular local markets in foreign countries.

(H) An examination of the amount and trend of moving the production or performance of products and services now occurring in the United States abroad.

(2) REPORT.—Not later than October 1, 2000, the Director of the National Science Foundation shall submit to the Committees on the Judiciary of the United States House of Representatives and the Senate a report containing the results of the study described in paragraph (1).

(3) INVOLVEMENT.—The study under paragraph (1) shall be conducted in a manner that ensures the participation of individuals representing a variety of points of view.

(b) REPORTING ON STUDIES SHOWING ECONOMIC IMPACT OF H-1B NONIMMIGRANT INCREASE.—The Chairman of the Board of Governors of the Federal Reserve System, the Director of the Office of Management and Budget, the Chair of the Council of Economic Advisers, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Labor, and any other member of the Cabinet, shall promptly report to the Congress the results of any reliable study that suggests, based on legitimate economic analysis, that the increase effected by section 101(a) of this Act in the number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act has had an impact on any national economic indicator, such as the level of inflation or unemployment, that warrants action by the Congress.

TITLE II—SPECIAL IMMIGRANT STATUS FOR CERTAIN NATO CIVILIAN EMPLOYEES

SEC. 201. SPECIAL IMMIGRANT STATUS FOR CERTAIN NATO CIVILIAN EMPLOYEES.

(a) IN GENERAL.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended)—

(1) by striking "or" at the end of subparagraph (J),

(2) by striking the period at the end of subparagraph (K) and inserting "; or", and

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

"(L) an immigrant who would be described in clause (i), (ii), (iii), or (iv) of subparagraph (I) if any reference in such a clause—

"(i) to an international organization described in paragraph (15)(G)(i) were treated as a reference to the North Atlantic Treaty Organization (NATO);

"(ii) to a nonimmigrant under paragraph (15)(G)(iv) were treated as a reference to a nonimmigrant classifiable under NATO-6 (as a member of a civilian component accompanying a force entering in accordance with the provisions of the NATO Status-of-Forces Agreement, a member of a civilian component attached to or employed by an Allied Headquarters under the 'Protocol on the Status of International Military Headquarters' set up pursuant to the North Atlantic Treaty, or as a dependent); and

"(iii) to the Immigration Technical Corrections Act of 1988 or to the Immigration and Nationality Technical Corrections Act of 1994 were a reference to the Temporary Access to Skilled Workers and H-1B Nonimmigrant Program Improvement Act of 1998.".

(b) CONFORMING NONIMMIGRANT STATUS FOR CERTAIN PARENTS OF SPECIAL IMMIGRANT CHILDREN.—Section 101(a)(15)(N) (8 U.S.C. 1101(a)(15)(N)) is amended—

(1) by inserting "(or under analogous authority under paragraph (27)(L))" after "(27)(I)(i)", and

(2) by inserting "(or under analogous authority under paragraph (27)(L))" after "(27)(I)".

TITLE III—MISCELLANEOUS PROVISION

SEC. 301. ACADEMIC HONORARIA.

(a) IN GENERAL.—Section 212 (8 U.S.C. 1182), as amended by section 105, is further amended by adding at the end the following:

"(q) Any alien admitted under section 101(a)(15)(B) may accept an honorarium payment and associated incidental expenses for

a usual academic activity or activities (lasting not longer than 9 days at any single institution), as defined by the Attorney General in consultation with the Secretary of Education, if such payment is offered by an institution or organization described in subsection (p)(1) and is made for services conducted for the benefit of that institution or entity and if the alien has not accepted such payment or expenses from more than 5 institutions or organizations in the previous 6-month period.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to activities occurring on or after the date of the enactment of this Act.