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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. GUTKNECHT).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 28, 1997.

I hereby designate the Honorable GIL GUTKNECHT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 833. An act to designate the Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, as the ''Howard M. Metzenbaum United States Courthouse'';

S. 1000. An act to designate the United States courthouse at 500 State Avenue in Kansas City, Kansas, as the ''Robert J. Dole United States Courthouse'';

S. 1043. An act to designate the United States courthouse under construction at the corner of Las Vegas Boulevard and Clark Avenue in Las Vegas, Nevada, as the ''Lloyd D. George United States Courthouse''; and

S. Con. Res. 43. Concurrent resolution urging the United States Trade Representative immediately to take all appropriate action with regards to Mexico's imposition of anti-dumping duties on United States high fructose corn syrup.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader, or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Indiana [Mr. VISCLOSKY] for 5 minutes.

BALANCING THE BUDGET

Mr. VISCLOSKY. Mr. Speaker, the most important thing that we can do for our children and their children is to balance the Federal budget. Unfortunately, I fear that we will snatch defeat from the jaws of victory by enacting expensive new tax cuts before the budget is actually balanced.

Mr. Speaker, it is clear to me that the best tax cut we can give to the American people is to balance the Federal budget. It has been shown that by balancing the budget we can stimulate economic growth and reduce interest rates on everything from home mortgages to car loans. Keeping these considerations in mind, I firmly believe that we must resist the destructive idea of granting tax cuts at this time.

There is little question that we have made tremendous progress in reducing the deficit in the past 5 years. From a record high of $290 billion in 1992, projections cited last week indicate that the deficit may fall below $45 billion by the end of this year.

Unfortunately, this body missed a golden opportunity last week to make sure that we would finally reach a balanced budget by the year 2002. By rejecting a commonsense measure that would have applied enforcement procedures to the budget resolution, both parties put other interests above that of balancing the budget. This raises serious questions about a real willingness to make the tough choices needed to get us to a balanced budget.

Given the failure of the House to enact enforcement legislation, it is now more important than ever to keep our eyes on the goal of balancing the budget and finishing the job. Achieving this goal can only happen one step at a time. The first step should be to reduce spending by reforming entitlement programs.

With America's population aging and people living longer, the number of beneficiaries in programs such as Medicare is growing much faster than the working population. For this reason, Medicare and other entitlement programs are projected to run out of money early in the next century unless we make basic reforms to these programs right now.

Secondly, if no changes are made to Medicare and other spending programs, all the progress we have made in reducing the deficit will be in vain.

It should also be pointed out that the enormous growth of entitlement spending is threatening the discretionary programs that allow us to invest in the future of this country. Estimates from the Congressional Budget Office show that by the year 2002 mandatory spending will consume 70 percent of the Federal budget.

We depend on discretionary programs for building roads, putting more police officers on the street, and making our economy more productive. We must use the opportunity before us to slow the growth of mandatory spending and achieve a more sustainable balance.

While cutting spending is the first step in balancing the budget, I believe we will take a giant leap backward if we compound our current fiscal problems by granting significant new tax cuts that will increase the deficit. Studies show that the cost of the tax bill approved by the House on June 26 is heavily backloaded, hiding the bill's true cost and threatening to unbalance

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the budget shortly after it is designed to be balanced.

It is clear to me that many Members of this body are only interested in using the balanced budget debate as a pretense to grant expensive new tax cuts. We are now so close to finally balancing the budget, it makes absolutely no sense to me to start moving in the opposite direction with tax measures that will drive up the deficit.

If we would simply pass the spending reforms called for by this year's budget resolution, and do no harm by enacting new tax cuts, we would balance the budget before the end of the century and achieve a surplus of at least $20 billion in the year 2002. This, I believe, is the wisest course of action because it allows us to invest for the future needs of this country, and ensure that we do not produce a budget that is a 1-year wonder, balancing in the year 2002, but becoming unbalanced shortly thereafter.

Mr. Speaker, now more than ever it is imperative that Members of both parties, along with the President, come together in a unified effort. We must take this opportunity to pass meaningful entitlement reform, hold off on granting expensive tax cuts until we can afford them, and keep our promise to balance the budget once and for all.

THE SPECTRUM GIVEAWAY IS A MISNOMER

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

Mr. STEARNS. Mr. Speaker, you might title my 5 minutes this afternoon ''The Spectrum Giveaway is a Misnomer.'' The spectrum issue has generated a lot of misinformation, and as a member of the Subcommittee on Telecommunications, Trade and Consumer Protection, I feel obliged to clear up the confusion. Some pundits and politicians have the notion that providing broadcasters access to the digital spectrum represents a massive giveaway. They are not understanding the point.

But first let us talk about what the spectrum is. It is broadcast airwaves, a series of frequencies for transmitting signals. The spectrum had no impact on human life until Mr. Farnsworth developed broadcast television. I might add, Mr. Speaker, that there is a statue of Mr. Farnsworth in Statuary Hall here in the Capitol.

Almost literally, something was made from nothing. Over the years, the media have invested billions of dollars to put the previously idle analog spectrum to productive use. As a Nation, we have benefited from these broadcasts through weather alerts, political debates and coverage of the first Moon walk.

With the advent of high definition technologies, the broadcasters need access to a new spectrum, the digital spectrum. Again, the broadcasters will invest billions of dollars to deliver free TV over these frequencies. Individual stations will also have to convert at a cost of up to $20 million each.

Now, obviously, this is a huge cost, particularly for most broadcasters in small- and medium-sized markets like many in my home State of Florida, where they have assets under $10 million. However, there are many who want broadcasters to give up the old analog spectrum, spend billions of dollars on new equipment to convert to digital TV, and then continue to deliver free TV and pay for the digital spectrum all together. Well, it cannot be done.

Mr. Speaker, heaping auction costs on top of this transition cost will make it virtually impossible for many local broadcasters to provide free, over-the-air programming in the digitized world. It does not take a genius to figure out that if enough broadcasters are forced out of these auctions by these costs, consumers will have fewer choices in their viewing options.

Mr. Speaker, I do not agree with those advocating the up-front auction of the digital spectrum loaned to broadcasters. These advocates should look at this issue in the proper context. In the 1980's, the government and broadcasters developed an understanding to develop and promote high definition television over digital transmissions. The Federal Communications Commission, with the endorsement of Congress, agreed to provide broadcasters an additional 6 megahertz of spectrum. This added 6 megahertz of spectrum is necessary to assure that the old analog transmissions, current over-the-air TV, is not disrupted in the transition to digital transmission.

This does not mean that I support a government giveaway to the media. We can still, Mr. Speaker, generate government revenue from this exchange, and let me explain.

Once the transition from analog to digital is completed, we can then auction off the analog spectrum for cellular and other transmissions. In addition, the government may charge broadcasters a fee if they provide ancillary service such as paging or faxing in the new digital spectrum.

Last week William Safire, a leading columnist, called this exchange a sweet payoff to broadcasters and compared it with the prospect of, ''giving Yellowstone National Park to the timber companies.'' Mr. Speaker, I wish to offer a different analogy this afternoon: The Homestead Act of 1862.

Mr. Speaker, through this act, the Federal Government parceled out billions of acres of what it considered worthless western land. Now a settler received a 160-acre plot of land and the government got a pledge that the land would be cultivated and put to productive use. What was then considered the ''great American desert'' is now among the most valuable land in the world.

My position is that a rational approach providing a win-win situation for all should be involved. The government wins because its coffers will be filled with analog action proceeds and fees from supplemental digital services. Those who care about free, over-the-air broadcasting win because television will not be interrupted in the transition from analog to digital. Broadcasters win because they will remain competitive in the new information age. But above all, consumers win with continued free access to news and information and more competition among information and entertainment providers.

The up-front auction of the digital spectrum could be a roadblock to the new era of communications. Combined with other technologies, digital TV will yield a single box sitting in our living rooms; one device functioning as our TV, telephone, computer, modem, radio, and VCR. Mr. Speaker, let us not let misguided policies stand in the way of progress.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. GOODLATTE] at 2 p.m.

PRAYER

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

O God, as You have brought us together from many backgrounds and diverse traditions, so we may strive to demonstrate a unity of spirit that reflects the solidarity You have given us at creation. We are grateful that we are blessed by our diversity and we learn from each other. We accept the challenge of celebrating our own heritage even as we celebrate the heritage of others. We thank You, gracious God, for our history as we pray that Your spirit will lead and guide us in the days ahead. This is our earnest prayer. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida [Mr. HASTINGS]

come forward and lead the House in the Pledge of Allegiance.

Mr. HASTINGS of Florida 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.

DEMOCRATS AND TAX CUTS

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

Mr. BARTLETT of Maryland. Mr. Speaker, when the Democrats on the other side make their arguments explaining why they oppose our tax cut package, I listen to them. It is not fun, but I do listen.

The problem is their arguments are extremely weak. The first argument is that most of the benefits go to the rich. My response to that argument is that they speak as if there is a pot of money that is distributed to people, that the Government divides up some amount of benefits and decides where the benefits go.

This is simply wrong. A tax cut simply means that the Government will take less. It will take less from upper income people. It will take less from lower income people. And let us please try to remember, it is their money to begin with; no one is giving them anything.

The second argument is that the tax credit should apply to the working poor who pay no income taxes but who do pay payroll and other taxes. But low-income workers already receive a subsidy for the payroll taxes through the EITC, and payroll taxes are for Medicare and Social Security anyway, for which they will also get a subsidy. So that is why their arguments simply do not add up.

LAKE TAHOE

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

Mr. GIBBONS. Mr. Speaker, Mark Twain once described Lake Tahoe as the fairest picture the whole Earth affords. But with an estimated 30 percent of Lake Tahoe surrounding forests that are dead and dying and the lake losing a foot of clarity each year, many vital environmental changes must be made to ensure that we pass on to our children the same wonderful gift of nature in the same pristine fashion as which we once found it.

A very important first step in this battle was taken when the President hosted the Lake Tahoe environmental summit this weekend. As a result of these meetings, $48 million in Federal funds were committed to the Lake Tahoe Basin for cleanup and conservation efforts. But most important, the majority of these dollars will be made available to the people of Lake Tahoe and not to a Federal bureaucratic agency.

Mr. Speaker, the agreement reached at Lake Tahoe is a shining example that the concerns of environmentalists and private property owners are not mutually exclusive. I applaud all those involved in this weekend's activities.

CHILDREN'S HEALTH CARE

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

Mrs. MORELLA. Mr. Speaker, as budget negotiators work to finalize the details of our historic agreement, we must make bolstering children's health coverage for low-income children a top priority. It is unconscionable that the most developed country in the world has 10 million uninsured children, including 167,000 in my State of Maryland.

I strongly urge my conference committee colleagues to adopt the Senate bill's provisions which contain an additional $24 billion for children's health and the guarantee that the funds cannot be used for other purposes. We must also insist on a meaningful benefits package, including vision and hearing coverage. It is about time we used an increased tobacco tax to fund children's health insurance. Smoking dramatically affects children's health and drains our health care system. Raising cigarette taxes is one of the best ways to keep children from smoking, which translates into fewer deaths later in life from smoking-related illnesses.

Mr. Speaker, 90 percent of uninsured children have working parents, and oftentimes these parents must choose between paying rent or buying private insurance or quitting their jobs to qualify for Medicaid. Let us seize this opportunity.

POLITICIZATION OF THE JUDICIARY

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

Mr. DUNCAN. Mr. Speaker, before coming to Congress I spent 7½ years as a circuit court judge in Tennessee. I tried the felony criminal cases, the murders, the rapes, the armed robberies, burglaries, drug cases, the attempted murder of James Earl Ray, many serious cases.

I have several years of experience with our criminal justice system. Yet never have I seen such a partisan political use of our legal system as is presently going on.

The worst is the action being taken against the gentleman from Indiana [Mr. BURTON], the chairman. His committee subpoenaed records from the Justice Department on July 8. Then his campaign records were subpoenaed just 3 days later. Blatant political retribution just because he was trying to do his job.

The Justice Department should not be used as a tool for partisan political purposes. Attorney General Reno should be embarrassed by this politicization of her department, and she should not allow to it proceed any further.

The White House enemies list from many years ago was just talk and did not come close to the partisan political use of our legal system that is being done against the gentleman from Indiana [Mr. BURTON] today, or, I might add, the political IRS audits of the Heritage Foundation and 11 other conservative think tanks while no similar action is being taken against liberal think tanks.

FOUR YEARS' DIFFERENCE

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

Mr. GUTKNECHT. Mr. Speaker, what a difference 4 years can make. Four years ago, with the other team in charge, they were about to vote on the largest tax increase in American history, while the other problems of welfare and Medicare reform were being ignored. The Congressional Budget Office was projecting $200 billion deficits as far as the eye could see. As we speak, negotiators are putting the finishing touches on a plan that will guarantee the first balanced budget in a generation and the first tax relief for working families in more than 16 years.

We have reformed welfare, and 1.3 million families are on payrolls rather than on the welfare rolls. Medicare is being saved. Mr. Speaker, what a difference 4 years have made.

MEDICARE

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

Mr. STEARNS. Mr. Speaker, I call all my colleagues' attention to the Medicare spending graph I have here. In 1995, this is what the President said. He said the plan of the Republicans was excessive, and he vetoed our bill because of these excessive cuts.

Now in 1997, he says, this budget over here keeps our fundamentals intact, protects Medicare for our parents, preserves and protects the program. Notice that this program is less spending than the one he vetoed in 1995. Let us review, Mr. Speaker. He vetoed a welfare bill three times, calling it extreme; yet he signed the identical welfare bill and tries to take credit. Then he goes on and talks about this Medicare program, this one with less spending, and says it protects our seniors whereas this one, which he vetoed, says it is extreme.

Now he goes on to say, our tax cuts are excessive and will blow a hole in the deficit. Mr. Speaker, I think the President has credibility problems. Let us remember this history in this budget debate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken at a later time.

MORATORIUM ON LARGE FISHING VESSELS IN ATLANTIC

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1855) to establish a moratorium on large fishing vessels in Atlantic herring and mackerel fisheries, as amended.

The Clerk read as follows:

H.R. 1855

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

SECTION 1. MORATORIUM.

(a) IN GENERAL.—Notwithstanding any provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), no large fishing vessel may engage in fishing for Atlantic herring or Atlantic mackerel within the United States exclusive economic zone until—

(1) the National Marine Fisheries Service has completed a new population survey into the abundance of the discrete spawning stocks of Atlantic herring and Atlantic mackerel; and

(2) the Secretary of Commerce has approved and implemented fishery management plans developed by the appropriate regional fishery management council for Atlantic herring and Atlantic mackerel, which specifically allow large fishing vessels to participate in those fisheries.

(b) LARGE FISHING VESSEL DEFINED.—In this section, the term ''large fishing vessel''—

(1) except as provided in paragraph (2), means a fishing vessel (as that term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)) of the United States that is equal to or greater than 165 feet in length overall and has an engine of more than 3,000 horsepower; and

(2) does not include such a vessel that engages only in processing fish harvested by fishing vessels of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume. Let me just begin my very brief remarks by thanking the gentleman from Hawaii for his ardent and helpful effort with regard to moving this bill swiftly through the committee and bringing it here to the floor. The gentleman from Hawaii [Mr. ABERCROMBIE] and I have worked very closely together and I want to express my deep appreciation to him at this point.

Mr. Speaker, I rise in strong support, obviously, of H.R. 1855, a simple and straightforward measure that will place a moratorium on large fishing vessels in the Atlantic mackerel and herring fisheries.

Why is congressional intervention and management of these two species needed? Well, herring and mackerel are the two fisheries on the east coast that have not been fished to death yet. Mackerel, the mackerel world market and the prices have increased substantially because the eastern European countries can no longer depend on Government support and because the demand for mackerel and herring in those societies has grown to an unprecedented level.

This has created an economic reason to fish on these two species and it has created therefore new fishing pressure.

Herring has just recently recovered from being badly overfished. This recovery caused serious pain among the New England fishermen who had to find an alternative source of fish in order for them to survive. They increasingly turned to cod and haddock at Georges Bank, which has since been overfished and that fish stock has now crashed. Now herring is being targeted once again.

Now it looks as though the Atlantic herring and mackerel fisheries are faced with a new disastrous threat. Large fishing vessels are poised to enter these fisheries. High prices and the apparent abundance of these species has attracted the attention of fishermen and businessmen throughout the world who have responded by investing in large fishing vessels to harvest this American resource for sale overseas because there is no market here. The market is overseas.

The capacity of each of these vessels exceeds 50 metric tons per year. That is a large fishing vessel, to say the least. One such vessel plans to begin harvesting this fall. It is therefore imperative that we establish safeguards to prevent another fishing disaster like those suffered by redfish, shark, striped bass, as well as cod and haddock, which I mentioned before.

There are a number of things that we need to point out. Fact No. 1, we do not know with any certainty how many fish, that is, mackerel and herring, there are. The National Marine Fisheries Service, which we know as NMFS, has not done a stock assessment specifically on herring and mackerel stocks. The only information we have on these species is from a complex large pelagic survey that was done and incidentally, just incidentally, mentions herring and mackerel. Therefore, fact No. 1 is that we do not know how many fish there are.

Fact No. 2, the moratorium is temporary in nature but it is also an emergency measure. The moratorium on large fishing vessels will only last as long as it takes the National Marine Fisheries Service to do a separate stock assessment on herring and mackerel to find out how many fish there are, two tremendously important east coast fisheries. Imagine that, knowing how many fish there are before we begin to take them in large numbers.

□ 1415

So fact No. 2, we need to do stock assessments before additional fishing pressure is brought to bear on these species.

Fact No. 3, the councils that care for these fisheries or regulate these fisheries are moving quickly to preserve them as well, but they need more time. The mid-Atlantic and New England fisheries management councils have passed resolutions and motions to protect these fisheries from overharvest. The councils need the time to react to what could be a sudden unsustainable increase in the harvest. This bill gives them the time to develop fishery management plans which do not exist at this time.

Fact No. 4, the National Marine Fisheries Service has guessed that the mackerel fishery can sustain only about 150,000 metric tons of annual harvest. Three of these large vessels, which are poised to enter this fishery, could easily meet and possibly exceed this harvest within a single year. It is not clear that the resource can withstand this fishing effort and remain healthy and viable. Therefore, we need to take care of the management plan before this fishing pressure starts.

The National Marine Fisheries Service seems content to wait until the stocks crash before taking action to protect these fisheries. That is why we need this moratorium. As someone who has witnessed the pain and suffering experienced by fishermen from New England, I do not believe that we should fish now and pay later. We must end this cycle of destroying our resources without knowing how much fishing pressure they can endure. Help to conserve the Atlantic herring and mackerel stocks by voting ''yes'' on this bill, H.R. 1855.

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

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

(Mr. ABERCROMBIE asked and was given permission to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, before I begin, I would like to thank the gentleman from New Jersey [Mr. SAXTON] for his kind remarks. I would like, in addition, to cite the work of the staff with regard to this and other bills, Mr. Speaker. It is outstanding work always.

Mr. Speaker, the remarks of the gentleman from New Jersey are such that I think they make a compelling case in and of themselves. I would like not to reiterate them but to amplify them somewhat.

The temporary moratorium on the entry of large fishing vessels into these two fisheries will provide the East

Coast councils the opportunity they need to develop management plans to protect the resources without the threat of overcapitalization. I think that the gentleman from New Jersey has made a clear and compelling case in that regard.

Too many fisheries in the United States are already overcapitalized, and seasons that used to last for months are now over in days. In New England, coastal communities have been devastated by the crash of cod and haddock stocks. Mackerel and herring will be the only healthy fisheries if they can survive the next several years, but not if those stocks are suddenly being harvested by an influx of large vessels. Four or five of these boats could eliminate the opportunities for fishermen that have little else to depend upon.

It is time that we learn from the mistakes of the past and encourage the proactive approach by the councils to the problems of overcapitalization. This bill does that by giving the councils the time to do their job. It will be good for the fishing industry and the fish, and I urge Members to support the bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Maine [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Hawaii [Mr. ABERCROMBIE] for yielding me this time, I thank the gentleman from New Jersey [Mr. SAXTON] for his leadership on this issue, and I thank both of them on behalf of fishermen all throughout the State of Maine.

Mr. Speaker, I rise today as an original cosponsor of H.R. 1855. This bill establishes a moratorium on the introduction of large fishing vessels into the Atlantic Coast herring and mackerel fisheries until comprehensive studies are conducted on the health of the spawning stocks.

Several initiatives financed by foreign countries have surfaced which focus on the use of very large offshore factory trawlers on the Atlantic Coast to catch and process large quantities of mackerel and herring. This is of great concern to local fishermen in Maine, Massachusetts, Rhode Island, and New Jersey who are working to develop these fisheries locally.

We are all aware of the devastating effect overfishing has had on our ecosystem. European stocks have been severely overfished, accounting for world interest in U.S. stocks. While our stocks are considered to be strong, stocks of mackerel and herring, many in the industry do not believe they are robust enough to withstand the take of large factory trawlers. There is no Federal fishery management plan for herring and the scientific information on the abundance of both species is questionable.

Mr. Speaker, we simply cannot repeat the mistakes of the past by overfishing and overcapitalizing our marine resources. This is responsible legislation and I urge its passage.

Mr. ABERCROMBIE. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. DELAHUNT].

Mr. DELAHUNT. Mr. Speaker, I want to extend my gratitude to the chairman of the subcommittee, who has really provided some leadership in this matter that concerns us all here.

More than 20 years ago my predecessor, Gerry Studds, in this Chamber helped enact landmark legislation to ensure that foreign fleets would no longer be allowed to deplete fish stocks off our coasts. Well, here we go once more. Unless we vote today to approve H.R. 1855, factory trawlers will return and will bring with them an updated high-tech version of overfishing aimed at two of the few healthy stocks we still have left, Atlantic herring and mackerel.

As the House deliberates today, at least one displaced factory trawler is being retrofitted in Norway in preparation to set sail for the waters off the New England coast. This one vessel alone is capable of harvesting 50,000 metric tons of mackerel in 1 year, one-third of the maximum sustainable yield for the whole Atlantic coast, not to mention the likely impact of bycatch on haddock and scores of other marine species.

We just do not know enough about the population dynamics of herring and mackerel to risk placing such enormous new pressures on these species, species on which the industry, marine mammals, coastal communities and the entire coastal ecosystem depend. Without this bill, we stand to repeat the mistakes of the past.

In the late 1960's and 1970's, large Russian and Polish vessels plied our shores and threatened to decimate our fishing industry and our stocks. It took the passage of the Magnuson Act to push them from our waters, leaving what we thought was plenty of fish to go around.

Meanwhile, however, we allowed our own industry to expand. Soon it was vastly overcapitalized, putting renewed pressures on groundfish. We are all too aware of the consequences.

Yet less than a year after reauthorizing the Magnuson Act, we are watching factory trawler vessels again prepare to invade our fisheries. New England fishermen, stressed by declining stocks, higher prices and a shortened season, face bleak times as we await the slow process of rebuilding groundfish stocks.

Already, we have too many boats chasing too few fish and far too many vessels that will never again go to sea at all. Without this bill, local fleets trying to diversify their interests will be rewarded only by drastic levels of new competition that will remain with us forever.

For the sake of both fish and the fishermen, it is my own hope that the Fisheries Council will develop and implement management plans that make further congressional action unnecessary. I strongly support H.R. 1855 because it encourages the council to complete this important work and because it shows that we can learn from our mistakes.

Mr. ABERCROMBIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. TIERNEY].

Mr. TIERNEY. Mr. Speaker, I want to thank the ranking member for yielding me this time, and also the chairman, who was kind enough to carry through on his pledge made to me during the subcommittee hearings in addressing my concerns with the unintended loopholes that were originally in the legislation.

Mr. Speaker, before I comment on the present status of the issue, or even the future, I feel it is important to take a look back at the recent history of the fishing history in the United States, specifically in the New England area.

It was barely 20 years ago that we faced the decimation of fishing stocks because of overfishing. We face the prospect of repeating that mistake. This time, however, the threat could be much larger.

While I respect my colleagues from the west coast who might oppose this legislation, it is, in fact, the very current condition of the North Pacific Pollock Fishery, located off the west coast, that leads me to be concerned about the havoc these trawlers could wreak on the herring and mackerel fisheries found in the Atlantic.

Mr. Speaker, we are trying to ensure the viability of our fishing industry in the Northeast by preventing the factory trawlers from overfishing the waters at the expense of fishermen whose very livelihoods depend on a well-plenished fishery. While the herring and mackerel stock are currently thriving, my concern is shared with the gentleman from Massachusetts [Mr. DELAHUNT] that by allowing these factory trawlers in the area, we will place the smaller fishing boats at risk once again. And these are, in fact, the same sized fishing boats that suffered the blunt of the depleted stocks that occurred in the 1970's.

Once these factory boats are in our waters, it would be extremely difficult to control the size and scope of their catch. Our fishing industry will never survive if we make that mistake.

Protecting the natural resource is intelligent public policy, whether we are talking about the industry's interest or the public interest or the interest of the conservation community. I support this moratorium to allow the National Marine Fisheries Service and the Department of Commerce time to complete the requirements as outlined in the bill.

Mr. Speaker, many of my constituents up in Gloucester, as well as other areas of my district, are extremely concerned about this issue. In fact, I know many of these people who have worked tirelessly on the issue and support this bill are now watching the debate at this very moment. I join them

in pressing for the necessary protection to continue the fishing tradition that has been passed down from family to family, from generation to generation. It is my hope that we will not inherit from a previous generation the problem of depleting these much-needed resources.

Again, I thank the ranking member and the chairman for providing me a chance to have input in this process.

Mr. ABERCROMBIE. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from Hawaii [Mr. ABERCROMBIE] has 10 minutes remaining and the gentleman from New Jersey [Mr. SAXTON] has 14 minutes remaining.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentleman from Maine [Mr. BALDACCI].

□ 1430

Mr. BALDACCI. Mr. Speaker, I thank the gentleman from Hawaii [Mr. ABERCROMBIE] for yielding me the time.

Mr. Speaker, I rise today in support of H.R. 1855. As a cosponsor of this legislation, I know that it is going to establish a moratorium on entry of large fishing vessels in the Atlantic for herring and mackerel fisheries.

Herring have provided a living for Mainers for well over 100 years. From sardines and exports to lobster bait, the fishery continues to play a prominent role in the economies of coastal communities. Estimates and anecdotes suggest that a large herring fishery exists, but the resource is poorly understood.

The National Marine Fisheries Service has not yet done a stock assessment. While the resource appears to have potential, it is of grave concern to most of the maritime community that there is no fishery management plans in place and that there is no way to ensure that the harvest is conducted at a sustainable rate.

The absence of sound science clearly impacts the ability of the councils to develop or amend the appropriate fishery management plans. It is clear that the councils are moving in that direction. I believe that it is essential to develop the research that will serve as the foundations for sound plans. This bill does just that. It calls for the science to be conducted. It gives the councils the breathing room necessary to develop solid plans.

What makes congressional action necessary is the prospect that fishing efforts for the two species may rapidly overdevelop and include very large freezer trawlers. This troubling scenario is compounded by the very real possibility that this could all occur before comprehensive plans are in place.

I would add that the moratorium would be temporary. It would remain in place until the completion of population survey and the approval of management plans. I urge my colleagues to support H.R. 1855.

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

Mr. SAXTON. Mr. Speaker, yielding myself such time as I may consume, as has been stated here with regard to the species in question, there is a significant population of herring and mackerel, and we believe that it is important that we maintain a balance within the ocean ecosystem and that this species should be protected from overharvesting.

We do not want, in other words, history to repeat itself, as it did with the shark population, when the National Marine Fishery Service, in the 1980's, declared it an underutilized species. The species was fished on with very, very heavy fishing pressure. And by 1993, the National Marine Fisheries Service had to declare the shark fishery an endangered fishery.

As with regard to other historical precedents, red fish in the Gulf of Mexico, in 1980 it was declared an underutilized species, and by 1986, with the taking of more than 10 million tons a year, the species became overutilized, overfished, and endangered.

Another example is with regard to an international problem with regard to the Atlantic blue fin tuna. During the 1970's, blue fin were abundant all over the north Atlantic and the south Atlantic, as well. Today, the blue fin population, because of overfishing, is just 13 percent of what it was back in those years.

So, in order to avoid this occurrence with regard to herring and mackerel, I urge passage of this bill.

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is will the House suspend the rules and pass the bill, H.R. 1855, 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.

FURTHER MESSAGE FROM THE SENATE

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

H. Con. Res. 123. Concurrent resolution providing for the use of the catafalque situated in the crypt beneath the rotunda of the Capitol in connection with memorial services to be conducted in the Supreme Court Building for the late honorable William J. Brennan, former Associate Justice of the Supreme Court of the United States.

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

S. Con. Res. 33. Concurrent resolution authorizing the use of the Capitol Grounds for the National SAFE KIDS Campaign SAFE KIDS Buckle Up Car Seat Check Up.

NEW MEXICO STATEHOOD AND ENABLING ACT AMENDMENTS OF 1997

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 430) to amend the act of June 20, 1910, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds.

The Clerk read as follows:

S. 430

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

SECTION 1. PERMANENT TRUST FUNDS OF THE STATE OF NEW MEXICO.

(a) SHORT TITLE.—This Act may be cited as the ''New Mexico Statehood and Enabling Act Amendments of 1997''.

(b) INVESTMENT OF AND DISTRIBUTIONS FROM PERMANENT TRUST FUNDS.—The Act of June 20, 1910 (36 Stat. 557, chapter 310), is amended—

(1) in the proviso in the second paragraph of section 7, by striking ''the income therefrom only to be used'' and inserting ''distributions from which shall be made in accordance with the first paragraph of section 10 and shall be used'';

(2) in section 9, by striking ''the interest of which only shall be expended'' and inserting ''distributions from which shall be made in accordance with the first paragraph of section 10 and shall be expended''; and

(3) in the first paragraph of section 10, by adding at the end the following: ''The trust funds, including all interest, dividends, other income, and appreciation in the market value of assets of the funds shall be prudently invested on a total rate of return basis. Distributions from the trust funds shall be made as provided in Article 12, Section 7 of the Constitution of the State of New Mexico.''.

(c) CONSENT OF CONGRESS.—Congress consents to the amendments to the Constitution of the State of New Mexico proposed by Senate Joint Resolution 2 of the 42nd Legislature of the State of New Mexico, Second Session, 1996, entitled ''A Joint Resolution proposing amendments to Article 8, Section 10 and Article 12, Sections 2, 4 and 7 of the Constitution of New Mexico to protect the State's permanent funds against inflation by limiting distributions to a percentage of each fund's market value and by modifying certain investment restrictions to allow optimal diversification of investments'', approved by the voters of the State of New Mexico on November 5, 1996.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

Mr. Speaker, S. 430 is identical to H.R. 1051, a bill introduced by my colleague, the gentleman from New Mexico [Mr. SKEEN]. S. 430 is a result of very hard work by the gentleman from New Mexico [Mr. SKEEN] and the entire New Mexico delegation and has no opposition from the Administration. Furthermore, this bill is very beneficial to citizens of New Mexico.

I would also like to commend my other colleague, the gentleman from New Mexico [Mr. SCHIFF], who has added his support to the bill. S. 430 would amend the New Mexico Enabling Act of June 20, 1910, in order to protect the permanent trust funds of the State of New Mexico from erosion due to inflation by modifying the basis on which distributions are made from those funds and by loosening the current investment restrictions. The modifications include changing the payout to a fixed percentage of the fund, thereby allowing a portion of the interest and dividend income received to be reinvested. This bill would also loosen investment restrictions and allow broader investments options and opportunities.

Mr. Speaker, this bill has already been overwhelmingly endorsed by the voters of New Mexico, has been passed by the Senate, and I urge my colleagues to support S. 430.

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

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

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

Mr. Speaker, S. 430 is an important housekeeping measure that amends the act of June 20, 1910, which provided statehood to the territory of New Mexico. The bill changes the manner in which State permanent funds are invested and also changes the distribution formula for fund revenues.

Mr. Speaker, the voters of New Mexico approved these changes to the New Mexico State Constitution in 1996 in an effort to maximize the returns of the funds, which are used for education and the care of the poor and needy in the State of New Mexico. Since the revenues in the two New Mexico funds are derived from activities that occur on former Federal lands granted to the State under the Enabling Act of 1910, it is necessary to obtain the consent of Congress before the State's constitutional amendments can be implemented.

The Subcommittee on National Parks and Public Lands held a hearing on H.R. 1051, the House companion bill to S. 430, on June 17, 1997. The legislation is supported by the entire New Mexico congressional delegation. The administration has no objection to the measure, and I am not aware of any controversy associated with this bill. I support S. 430 and recommend that the House approve this proposed legislation.

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

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. SKEEN], the author of the House bill, who has worked untiringly to bring this bill to the floor, and my gratitude to the gentleman from New Mexico [Mr. SKEEN] for the hard work that he has pursued on this measure.

Mr. SKEEN. Mr. Speaker, I thank the gentleman from New Jersey [Mr. SAXTON] for yielding me the time. Also, I want to thank majority and minority groups for the rapidity with which they have responded to an emergency situation insofar as this kind of enabling act is concerned. I want to express the greatest appreciation to the majority and minority leadership for their help in expediting the consideration, and I also want to express my sincere thanks to the leadership of the House of Representatives committee and their staffs.

Members on both sides of the aisle have gone out of their way to help New Mexico, and I want to express our greatest appreciation to all of them for doing this in a timely fashion. I am not going to spend a lot of time on this because I think the responses from the two gentleman that are handling the bill today indicates the nature and why it is here before us.

And once again, I will say it over and over again, this proves that this body can move rapidly to a situation and with much appreciation for the rapidity in which they have done this because it was becoming an emergency kind of situation for New Mexico.

Thanks once again to the entire body and members of the staff and those folks who support this bill.

Mr. Speaker, I am here today to support passage of S. 430, a bill amending the New Mexico Statehood and Enabling Act of 1910. The entire New Mexico delegation supports this legislation as well as Gov. Gary Johnson and the State legislature.

I do want to express our State's greatest appreciation to the majority and minority leadership for their help in expediting the consideration of the legislation. I also want to express my sincere thanks to the leadership of the House Resources Committee and their staffs.

Members on both sides of the aisle have gone out of their way to help New Mexico and I want to express our appreciation.

This legislation is identical to H.R. 1051 which was cosponsored by Representative STEVE SCHIFF and Representative BILL REDMOND. The Parks and Public Lands Subcommittee of the House Resources Committee held a hearing on the legislation June 17. There is no opposition to the legislation and the administration has no objection to the legislation. S. 430 passed the Senate on May 22, 1997.

Basically the issue behind this legislation involves the manner in which the State of New Mexico invests its money and how it then disperses the funds to our public schools, higher education, State hospitals, the School for the Visually Handicapped, the School for the Deaf, and others. The Enabling Act has governed the distribution of State investment funds and related activities since statehood. However as investment patterns changed it became apparent to New Mexico that the system no longer was keeping pace with modern investment strategies. Following an intensive review the issue was placed before the voters last year as an amendment to the New Mexico Constitution. The amendment passed by a 2 to 1 margin. All this legislation does is amend the New Mexico Statehood and Enabling Act so it is in conformity with this new change in the New Mexico Constitution.

In 1957 Congress amended the Enabling Act to allow State permanent fund investments in corporate stocks for the first time. However, that amendment made no provision regarding how distributions were to be made from investment returns from the stock. So in fact it was ruled that only dividends from stocks could be distributed which has the effect that no significant investments were made in stocks. The real impact meant that investments were in fact basically limited to investments that were income based.

Mr. Speaker, New Mexico's budget year begins on July 1. Passage of this legislation now will allow the State to disburse last year's earnings for the benefit of meeting the educational needs of the State's children. It is important that the New Mexico permanent fund be managed in a modern and effective manner. These changes will allow that to happen and further it will allow the State to preserve the two permanent funds the State maintains for future generations. In closing I once again want to thank everyone involved in helping New Mexico gain passage of this important legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, I too certainly would like to commend the gentleman from New Mexico [Mr. SKEEN] as the chief sponsor of this piece of this legislation. I am sure that on a bipartisan basis we are able to work very well in getting this piece of legislation through this Chamber. I thank the gentleman for being here and for the comity on the work that both subcommittee members have tried earnestly to get this legislation through.

Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I am in support of the bill at hand, but I really got up because I would like to speak on H.R. 1855, which I know just passed. I am very pleased over the fact that it did. This is an important bill, H.R. 1855, that protects an important resource to fishermen in my district from overutilization and depletion.

I would like to just summarize by saying that H.R. 1855 serves to prohibit large fishing vessels from engaging in the harvest of Atlantic herring and Atlantic mackerel within our EEZ waters. Mr. Speaker, these large vessels should be temporarily restricted from the Atlantic herring and Atlantic mackerel fishery until accurate information has been collected. To date, no ship of this size has fished this vulnerable fishery.

I must inform this Chamber that I am not concerned as to whether NMFS has declared these stocks to be fully utilized or even underutilized. These vessels have the potential of making any fishery overutilized in a short period of time. Large fishing trawlers are highly efficient and can catch five to six times more than any vessel currently registered with NMFS on the Atlantic coast. Furthermore, the processing capacity of large vessels is so great that they can fill quotas. As a result, these ships will compromise the

Atlantic herring and the Atlantic mackerel fishing seasons.

As members of our committee are aware, stock quotas are spread over a number of ships and are not meant to be filled by a small percentage of ships. My fear is that a large, highly efficient ship could close a fishery and reduce its stock simply because of the number of fish it can catch. I am concerned with NMFS's ability to react if overutilization occurs and this fishery needs to be shut down. If we allow a ship of this size into a forage fishery and we are mistaken as to the size of the stock, we will have a problem. And I would prefer that we err on the side of conservation, not exploitation.

In the past, we have encouraged highly efficient gears to fish underutilized stocks. I do not want to get into examples. But I have to say that in the 1980's we encouraged the fishing gears to redirect efforts toward the shark species. At the time, sharks were considered to be underutilized. Since then, we have witnessed a drop in various shark species as a result of this redirected effort.

Mr. Speaker, we should learn from that mistake and be cautious of redirecting any highly efficient gear. I want to say, Mr. Speaker, that a vote in favor of H.R. 1855 is a vote for protecting one of our Nation's largest public resource. We have the opportunity to save the fish stock not only for those fishermen who depend on this resource along the Atlantic coast, but for future generations of fishermen as well. That is why I strongly urge my colleagues to support and pass H.R. 1855.

I want to thank the gentleman from New Jersey [Mr. SAXTON] for all the work that he has done on this legislation.

I would also like to note that with the depleted state of the North Atlantic groundfish, and restrictions on other fisheries, certain New England fishermen have been forced into the mackerel and herring fishery. It is my belief that this highly efficient gear will most likely compromise their needs and whatever relief these fishermen have experienced through herring and mackerel fisheries.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no additional speakers at this time, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, we have no additional speakers at this 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 Jersey [Mr. SAXTON] that the House suspend the rules and pass the Senate bill, S. 430.

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

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS REGARDING ACTS OF ILLEGAL AGGRESSION BY CANADIAN FISHERMEN WITH RESPECT TO PACIFIC SALMON FISHERY

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 124), expressing the sense of the Congress regarding acts of illegal aggression by Canadian fishermen with respect to the Pacific salmon fishery, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 124

Whereas Pacific salmon migrate across international boundaries, allowing United States salmon stocks and Canadian salmon stocks to intermingle as they travel through the waters of the North Pacific Ocean;

Whereas after many years of negotiations, in 1985 the United States and Canada signed the Pacific Salmon Treaty based on a primary principle of conservation and a secondary principle of equity;

Whereas the United States and Canada formed the Pacific Salmon Commission to implement the Pacific Salmon Treaty;

Whereas the Pacific Salmon Commission does not regulate the Pacific salmon fishery, but provides regulatory advice and recommendations to the United States and Canada;

Whereas since the signing of the Pacific Salmon Treaty, the United States and Canada have not agreed on the definition of ''equity'' for purposes of the principle of equity underlying the Treaty, and this disagreement has created a rift between the 2 governments and the regional stakeholders of the Pacific salmon fishery;

Whereas Pacific salmon fishery regulatory regimes have not been in place since 1994 because of a lack of agreement;

Whereas an illegal fee in violation of international agreements was assessed on the United States fishermen traveling to Alaska, and neither the United States Government nor United States fishermen have been reimbursed for that fee;

Whereas since 1994, the United States and Canada have used special negotiators, a mediation process, and the current stakeholders process to attempt to resolve past disputes and negotiate annual and long-term Pacific salmon fishery regimes;

Whereas the good faith efforts of the United States in attempting to resolve differences under the Pacific Salmon Treaty have not been matched, as demonstrated in particular by the rejection of continued attempts by the United States to reach agreement and the withdrawal from negotiations in June 1997 when an agreement seemed imminent;

Whereas Canadian fishermen have been frustrated with their own government's effort to resolve the Pacific Salmon Treaty disputes and have used the harassment of United States citizens as a way to get attention;

Whereas Canadian fishermen, in protest over the lack of an agreement regarding various issues under the Pacific Salmon Treaty, recently undertook acts of illegal aggression against United States citizens by blocking the passage of a United States vessel, and there was a failure to act quickly to end those acts; and

Whereas those acts and that failure should be condemned: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the recent acts of illegal aggression by Canadian fishermen with respect to the Pacific salmon fishery and the slow response to those acts should be condemned;

(2) the President should immediately take steps to protect the interests of the United States with respect to the Pacific salmon fishery and should not tolerate threats to those interests;

(3) the President should use all necessary and appropriate means to prevent any further illegal or harassing actions against the United States or its fishermen with respect to the Pacific salmon fishery; and

(4) negotiations with the stakeholders with respect to the Pacific salmon fishery should resume in good faith in the fall following the 1997 fishing season.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

□ 1445

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

Mr. Speaker, House Concurrent Resolution 124 is introduced in response to illegal actions taken by Canadian fishermen on the weekend of July 19, 1997. Two hundred and fifty Canadian fishermen illegally blockaded an Alaskan ferryboat leaving from Prince Rupert, British Columbia. By taking these actions, Canada has escalated the Pacific salmon treaty negotiations beyond the scope of the treaty.

The gentleman from Alaska [Mr. YOUNG], the chairman of the Committee on Resources, has referred to the blockade as goon squad tactics. While I do not go quite that far, I find the blockade very unfortunate and very disruptive to negotiations, negotiations which are extremely important to another species, several species actually, of the Northwest salmon population.

House Concurrent Resolution 124 asks the President to use all necessary and appropriate means to compel the Government of Canada to prevent any further illegal actions. In addition, the resolution urges Canada to return to the negotiations this fall after the fishing season has ended. I would also like to urge Canada to return to the negotiations without further incidents.

Mr. Speaker, this is an extremely important matter. It affects the livelihood and the lives of American citizens, many of whom live in the State of Alaska. It is also important because this House, along with the other House and our Government, and I am sure the Canadian Government as well, would like to take appropriate and necessary steps to provide for the rebuilding of salmon stock in the Northwest. This incident that occurred just a few days ago stands in the way of that process. We believe that it should be brought to a hasty end.

Mr. Speaker, House Concurrent Resolution 124 was originally referred to the Committee on Resources and the Committee on International Relations. The version we are taking up today under the suspension of the rules has been

modified to address concerns raised by the Committee on International Relations and is now referred solely to the Committee on Resources. I urge my colleagues to support this timely and much needed resolution.

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

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

(Mr. ABERCROMBIE asked and was given permission to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, the gentleman from New Jersey [Mr. SAXTON] has referred to the gentleman from Alaska [Mr. YOUNG], our great chairman, and in the context of his remarks quoted one or two of them from the gentleman from Alaska.

Mr. Speaker, I am sure it is known that the gentleman from Alaska [Mr. YOUNG] has a well-deserved reputation for being blunt and direct. It remains for the gentleman from New Jersey [Mr. SAXTON] and myself to take up the diplomatic mantle with respect to our committee and those elements expressed to us by the Committee on International Relations.

May I say in any context, Mr. Speaker, that the Canadian Government is indeed fortunate that the gentleman from Alaska [Mr. YOUNG] is in the process of recuperating and recovering from a recent operation, and I am sure all Members join with me in wishing the gentleman from Alaska a speedy recovery and a quick return to us here in the Congress. We need his leadership. We need his dynamism here.

In this particular instance, Mr. Speaker, the long-running debate over the Pacific salmon treaty has been contentious without a doubt. But both the United States and Canada share responsibility for the continuing impasse. As such, the recent blockade of an Alaskan ferryboat, as referred to by the gentleman from New Jersey [Mr. SAXTON], by Canadian fishermen was not only illegal, it was counterproductive to the ongoing negotiations.

This resolution condemns the actions of the Canadians, but, more importantly, it urges them to return to the bargaining table that they abandoned this past June. Proper conservation and management of the Pacific salmon is more important to both the United States and Canada than confrontation. We cannot reach a meaningful agreement unless both sides are willing to come to the table and negotiate in good faith.

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

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

Mr. Speaker, I would just like to close by saying that on the domestic side in the United States and on the Canadian side in Canada, it is extremely important that we reach agreement internally in this country as well as in Canada and between our two countries on a plan that will reverse the decline in the population of the Northwest Pacific salmon. We are working diligently with Members from four northwestern States to try to arrive at an American plan. We are working with the gentleman from Alaska [Mr. YOUNG] because a very important part of the salmon stock comes from Alaska. And we are hopeful that the folks in British Columbia will be able to put in place a conservation plan for that part of the stock.

But it goes without saying that unless we have not only domestic cooperation, and, incidentally, we have tentatively scheduled a hearing in Idaho on this very matter during the break, during the August break for, I believe, the 15th of the month, and so we are diligently doing what we can to try to reverse the population decline of this species.

I personally appeal to the Canadian Government and to others who may be aware of our discussions here today to move as rapidly as we possibly can on an international basis to bring this very important conservation matter to a conclusion. We care about American fishermen, we care about Canadian fishermen, and we care about the salmon stock very much. That is why we are moving so diligently to try to accomplish the goals outlined here today.

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

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

Mr. Speaker, I would say only in conclusion that the gentleman from Alaska [Mr. YOUNG] is a man of resolute purpose, and so I advise both Governments that they should take this opportunity to come to a quick conclusion. Otherwise, I think when the gentleman from Alaska gets back, he will be happy to volunteer to solve the whole problem all by himself.

The remarks of the gentleman from New Jersey [Mr. SAXTON] are well-taken, Mr. Speaker, and I trust that both Governments will take this opportunity, particularly over the break that we have coming, and bring the issue to a conclusion.

Mr. DICKS. Mr. Speaker, I rise in strong support of the resolution being presented by the gentleman from Alaska.

This resolution is necessary because of an unfortunate and unacceptable situation that took place 2 weeks ago, when certain Canadian fishermen took the law into their own hands through an act of aggression aimed at the United States commercial fishing industry, allegedly in retaliation and frustration over the lack of progress in the renegotiation of the United States-Canada Pacific Salmon Treaty.

Specifically, 2 weeks ago in Prince Rupert, British Columbia, more than 150 Canadian fishing vessels surrounded the Alaskan ferry *Malaspina*, forming a blockade and would not let the ferry leave port for 3 days, stranding 300 innocent passengers, and disrupting a key transportation link on the Alaska Marine Highway. The fishermen conducting the illegal blockade of the ferry claimed that they were conducting the disruptive act of aggression to bring attention to their government because of their frustrations and claims that Alaska is overharvesting sockeye salmon headed for spawning waters in the Fraser River.

As outrageous as this act was by the Canadian fishermen, equally unacceptable was the slow response by the Canadian Government to enforce its own laws. Canada allowed this situation to go on for 3 days. Even after a Canadian Federal judge ordered the blockade ended, Royal Canadian Mounted Police took no immediate action to enforce the order and end the blockade.

Canada is our neighbor and valued ally. We respect her sovereignty, and we support a free trade relationship that benefits the long-term stability and growth of both our nations' economies. This is why I have been a strong supporter of the North American Free Trade Agreement [NAFTA]. My State borders Canada, and my State benefits from open access to Canadian markets. My State also has a significant fishing industry as a component of its economy, and this industry has been hard hit by a variety of unfortunate factors such as endangered species listings and El Nino conditions that have closed and reduced access to key fisheries. Many fishermen have gone out of business and the survivors are struggling.

Our fishermen recognize that the migratory patterns of salmon means that Canada, Alaska, and the Pacific Northwest States have a shared responsibility for the conservation and management of salmon populations moving through adjacent waters. Progress and completion of a new United States-Canada Treaty is the best insurance possible to provide stability for the commercial fishing industry on both sides of the border.

Our fishermen are frustrated as well. They want progress and they want results. But they have respected the rule of law, and have communicated their concerns through the administration and their elected officials. Canadian fishermen are going to have to do the same, and the Canadian Government is going to have to discourage future illegality by moving swiftly to enforce its own laws.

We encourage the President to join us in condemning the actions taken by Canadian fishermen 2 weeks ago, and urge the Canadian Government to condemn such acts as well.

I believe that Canada should be justifiably criticized for the deterioration of the present situation regarding progress on treaty negotiations. It was Canada that walked out on negotiations this past June, when the United States side was making significant moves toward a resolution. The only way that this situation is going to be resolved is if everyone stays at the table.

Our side is working to make progress and I urge the Canadians to work to do the same. Regarding the southern issues involved in the Pacific Salmon Treaty, the last United States proposal on coho, built on detailed scientific analysis, would have provided for sound conservation and rebuilding of the depleted coho stocks by reducing the harvest rate by approximately 50 percent. It would also have provided a west coast Vancouver Island coho troll fishery approximately three times as large as the United States fishery, and would have enabled Canada to intercept approximately 30 percent more United States-origin coho than U.S. fishers take in Washington and Oregon.

In contrast, State Department negotiators indicate that the proposal that Canada put on the table failed to meet even the minimum requirements necessary to conserve coho.

Regarding sockeye, the last proposal put on the table by the United States would have assured Canada received more than 80 percent of the Fraser River sockeye harvest. To accomplish this, the United States negotiators proposed a major restructuring of the sockeye fleet to reduce the nontreaty commercial fishery by 40 percent. This would have led to significant sacrifice on the United States side, but Canada would not recognize this and accept the proposal, and instead pushed for an even greater reduction.

The point is that our side has been trying and is continuing to push for an overall renegotiation of the treaty that benefits both nations. I believe that Mary Beth West, the lead U.S. negotiator on the treaty, is working in good faith to reach an expeditious resolution to the major sticking points in the negotiations. Recently, she appointed former EPA Director and Washington resident William Ruckelshaus, to serve as a mediator to help get the negotiations back on track.

We all want to see progress and a long-term resolution to problems associated with the extension of the United States-Canada Pacific Salmon Treaty. However, illegal acts and attempts at blackmail are not the way to make the situation better and to move us forward. The negotiations are complex, the underlying issues have enormous economic implications for the commercial and recreational fishing industry on both sides of the border. But we must deal with these matters and resolve tensions through good faith negotiations.

The Canadian fishermen were wrong to blockade the Alaskan ferry *Malaspina*, and the Canadian Government was wrong not to act to enforce laws against that illegal action.

I support this resolution condemning these events and urge Canada to return to good faith negotiations on the Pacific Salmon Treaty.

Mr. YOUNG of Alaska. Mr. Speaker, I have introduced House Concurrent Resolution 124 to respond to what I call goon squad tactics taken by Canadian fishermen on the weekend of July 19, 1997.

Canadian fishermen, frustrated with their Government's effort to resolve Pacific Salmon Treaty disputes, further escalated the salmon strife by illegally blockading the M/V *Malaspina*, an Alaskan ferry, in Prince Rupert, British Columbia. What I find most reprehensible, is the failure of the Canadian Government to enforce a court order to end the blockade. Innocent passengers were held hostage while the Government of Canada turned a blind eye.

This isn't the first time the Government of Canada has condoned illegal actions. In 1994, 258 United States fishermen were unfairly charged an illegal transit fee by the Canadian Government to transit from Washington to Alaska through the Inside Passage. U.S. fishermen have only two choices when traveling from Washington to Alaska. The safe route is through the Inside Passage, while the alternate is traveling in the treacherous waters of the Pacific Ocean. This illegal fee forced U.S. vessels to either risk their safety or be illegally fined.

In 3 years, the Canadian Government or its citizens have purposefully ignored and violated international law and harassed United States citizens. How many times are we supposed to put up with Canada's disregard for international law? House Concurrent Resolution 124 asks the President to use all necessary and appropriate means to compel the Government of Canada to prevent any further illegal actions.

Mr. Speaker, Canada's past actions are serious and I would hope that Congress and the administration can work together to develop and implement measures to help protect the interests of the United States with respect to the Pacific salmon fishery. The United States should not tolerate threats to those interests from the action or inaction of a foreign government or its citizens.

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 124, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the legislation just considered, H.R. 1855, S. 430 and House Concurrent Resolution 124.

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

There was no objection.

AUTHORIZING USE OF CAPITOL GROUNDS FOR SAFE KIDS BUCKLE UP CAR SEAT SAFETY CHECK

Mr. KIM. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 98) authorizing the use of the Capitol Grounds for the SAFE KIDS Buckle Up Car Seat Safety Check.

The Clerk read as follows:

H. CON. RES. 98

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS.

The National SAFE KIDS Campaign (in this resolution referred to as the ''sponsor'') shall be permitted to sponsor a public event, the SAFE KIDS Buckle Up Car Seat Safety Check, on the Capitol grounds on August 27 and 28, 1997, or on such other dates as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized to be conducted under section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may erect upon the Capitol grounds such stage, sound amplification devices, and other related structures and equipment, and may take such other actions, as may be required for the event authorized to be conducted under section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board may make such additional arrangements as may be required to carry out the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Texas [Mr. LAMPSON] 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, I rise in support of House Concurrent Resolution 98, authorizing the use of the Capitol Grounds for the Safe Kids Car Seat Check on August 28, 1997. This event is sponsored by the National Safe Kids Campaign. This campaign will educate families about the importance of the proper installation and use of car seats for children. Parents will have the opportunity to have an expert inspect car seats for proper installation.

There is a nationwide effort to conduct these inspections. This campaign is a grassroots effort intended to deliver important safety messages through more than 200 Safe Kids Coalitions and other private service organizations nationwide. This event is open to the public and free of charge and will be arranged not to interfere with the needs of Congress under the conditions prescribed by the Architect of the Capitol and the Capitol Police Board.

I urge my colleagues to support this important resolution.

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

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

Mr. Speaker, I join the gentleman from California [Mr. KIM] and other members of the Committee on Transportation and Infrastructure in bipartisan support for House Concurrent Resolution 98, which would authorize use of the Capitol Grounds for the Safe Kids Buckle Up program. The event is scheduled for August 28 and is part of a national effort to assist parents in protecting young children from the leading cause of unintentional death of children, which is motor vehicle injury.

Each year, approximately 1,400 children die as motor vehicle passengers and more than 280,000 are seriously injured. I am deeply saddened to report that in my State of Texas, Mr. Speaker, 86 children age 8 and under died in motor vehicle crashes in 1995. Because

many of those children were completely unrestrained, many of those deaths could have been prevented.

This event will focus on proper installation of car seats and provide other important preventive tips to reduce injury and increase child safety. Educating our families is critical to protecting our children from becoming national statistics. It is a very worthwhile event. It deserves our support. Mr. Speaker, it could prove to save lives.

I also want to thank the gentleman from California [Mr. KIM] and the gentleman from Pennsylvania [Mr. SHUSTER] as well as the gentleman from Minnesota [Mr. OBERSTAR] for their expeditious handling of this matter.

In closing, I would like to thank both the gentleman from Maryland [Mr. HOYER] and the gentlewoman from Maryland [Mrs. MORELLA] for their introducing the resolution and for focusing national attention on the importance of child safety seat use. Unfortunately the gentleman from Maryland [Mr. HOYER] could not come here this afternoon because of his involvement with the Committee on Appropriations.

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

Mr. KIM. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I appreciate the opportunity to bring House Concurrent Resolution 98 to the House floor. This resolution will allow the National Safe Kids Campaign to use a small portion of the Capitol Hill Grounds to conduct a car seat safety check.

I particularly want to thank the gentleman from California [Mr. KIM], the subcommittee chairman. I want to thank also the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the Committee on Transportation and Infrastructure, and the gentleman from Minnesota [Mr. OBERSTAR], the ranking member, for their leadership and support in moving this bill through the House in a timely manner.

The Safe Kids Buckle Up initiative is a joint project between the National Safe Kids Campaign and General Motors Corp. to educate all families across America about the importance of buckling up on every ride. Child passenger safety is on the minds of citizens nationwide.

This program will provide parents and care givers with essential information about properly securing children in an automobile. It is not an insignificant issue, Mr. Speaker. Motor vehicle crashes are the leading cause of unintentional injury-related death to children ages 14 and under. Yet 40 percent of children are still riding unrestrained.

More disturbing is the fact that of children who are buckled up, 8 out of 10 are restrained incorrectly. Each year, more than 1,400 children die as motor vehicle passengers and an additional 280,000 are injured. Tragically, most of these injuries could have been prevented. Car seats are proven life savers, reducing the risk of death by 69 percent for infants and 47 percent for toddlers.

Since 1990, the National Highway Traffic Safety Administration has reported that 43 children have died as a result of air bag deployment. This is a statistic that has prompted nationwide concern about air bags. But let me tell my colleagues the rest of the story. Thirty-nine of these children would have lived if they had been properly restrained in a child safety seat in the rear of their car. Eleven of those children were infants placed in the front seat of a car in a rear-facing child seat, and 27 of those children were totally unrestrained, while two others were only wearing their lap belts.

It will take a nationwide effort to combat this problem. Safe Kids Buckle Up is a grassroots effort that will disseminate key safety messages through more than 200 Safe Kids Coalitions, health and education outlets like hospitals and community health centers, and GM dealerships in all 50 States. In addition, educational workshops and car seat checkup events will be available at participating GM dealerships.

The car seat checkup will be the highlight of the program which will take place at the foot of the Capitol on Thursday, August 28, to kick off the Labor Day weekend, one of the busiest travel weekends of the year. Federal employees, congressional Members and staff, and parents from the metropolitan area are all invited to participate. I am honored to say that I am supporting this event and the overall program along with the gentleman from Maryland [Mr. HOYER], the other chief sponsor of this legislation.

□ 1500

We urge everyone to support this concurrent resolution allowing this event to take place. Protecting our children is a national issue that deserves national attention.

Mr. JONES. Mr. Speaker, I rise in support of House Concurrent Resolution 98, authorizing the use of the Capitol for the safe kids buckle-up car seat safety check.

I have always believed, that it is of the utmost importance, that we protect those who are unable to protect themselves—our Nation's children.

Sadly, in 1995, in North Carolina alone, 39 children, ages 8 and under died, as occupants in motor vehicle accidents. Of these, only nine, were restrained in child safety seats, and six were restrained by seat belts. Twenty-two of these children were completely unrestrained.

In other words, many of these deaths could have been prevented, by proper child safety precautions.

The safe kids buckle-up car seat safety check will help parents learn the importance of child safety seats, and it will help them ensure that the seats are used properly, so that we can prevent such tragic deaths in the future.

This program will save children's lives.

As a member of the bipartisan Missing and Exploited Children's Caucus, working for the safety of America's children, I strongly support House Concurrent Resolution 98.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning in support of House Concurrent Resolution 98, legislation authorizing the use of Capitol grounds for the safe kids buckle-up car seat safety check.

The car seat safety check is an excellent program worthy of our support. At the event, parents will be able to bring their cars and have an expert verify that their car seat is properly installed. This service is performed free of charge so that it will be accessible to all families regardless of their income level.

The car seat safety check will be sponsored by the National Safe Kids Campaign and by General Motors Corp. and is scheduled to be held on August 28. With a ''yes'' vote today we can ensure that it is held here on Capitol grounds thereby reinforcing the critical importance of properly restraining and protecting our Nation's children.

It is a tragic fact that motor vehicle crashes are the leading cause of unintentional injury related death among children ages 14 and under in the United States, accounting for more than 40 percent of all unintentional injury related deaths. In 1995, 2,900 children ages 14 and under died, and more than 330,000 were injured, in motor-vehicle-related crashes. Children ages 4 and under account for nearly 40 percent of all childhood motor vehicle occupant deaths and nearly 30 percent of injuries. In my home State of Texas, 86 children, ages 8 and under, died as occupants in motor-vehicle-related crashes in 1995. Of these only 10 were restrained in child safety seats.

The majority of these deaths and injuries are preventable. For while motor vehicle safety features are designed for the comfort and protection of an adult-sized body, these same devices may place children at greater risk. Child safety seats and seat belts, however, when correctly used and installed, can prevent injury and save children's lives.

Child safety seats when correctly installed and used, reduce the risk of death by 69 percent for infants under age 1 and by 47 percent for toddlers ages 1 to 4. In fact, it is estimated that if all child passengers ages 4 and under were restrained, 200 of those children could be saved from death and an additional 20,000 from injury a year. Sadly, however, almost 40 percent of children ride unrestrained by either child car seats or seat belts, and even when installed, 8 out of 10 car seats are installed improperly.

I urge my colleagues to vote with me this afternoon in support of House Concurrent Resolution 98 and the safe kids buckle-up car seat safety check. This is a vote for our children's lives. Thank you.

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

Mr. LAMPSON. Mr. Speaker, I have no further speakers either, so I yield back the balance of my time.

The SPEAKER pro tempore [Mr. GOODLATTE]. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 98.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. 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 House Concurrent Resolution 98.

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

There was no objection.

CONCERNING THE CRISIS IN CAMBODIA

Mr. KIM. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 195) concerning the crisis in Cambodia, as amended.

The Clerk read as follows:

H. RES. 195

Whereas during the 1970s and 1980s Cambodia was wracked by political conflict, civil war, foreign invasion, protracted violence, and a genocide perpetrated by the Khmer Rouge from 1975 to 1979;

Whereas the Paris Agreement on a Comprehensive Political Settlement of the Cambodia Conflict led to the end of 2 decades of civil war and genocide in Cambodia, demonstrated the commitment of the Cambodian people to democracy and stability, and established a national constitution guaranteeing fundamental human rights;

Whereas the 1991 Paris Peace Accords set the stage for a process of political accommodation, national reconciliation, and the founding of a state based on democratic principles;

Whereas the international donor community contributed more than $3,000,000,000 in an effort to secure peace, democracy, and stability in Cambodia following the Paris Peace Accords and currently provides over 40 percent of the budget of the Cambodian Government;

Whereas the Cambodian people clearly demonstrated their support of democracy when over 93 percent of eligible Cambodian voters participated in United Nations sponsored elections in 1993;

Whereas since the 1993 elections, Cambodia has made significant progress, as evidenced by the decision last month of the Association of Southeast Asian Nations to extend membership to Cambodia;

Whereas notwithstanding the notable societal and economic progress since the elections of 1993, concern has increasingly been raised regarding the fragile state of democracy in Cambodia, in particular the quality of the judicial system, which has been described in a United Nations report as thoroughly corrupt; unsolved attacks in 1995 on officials of the Buddhist Liberal Democratic Party; and the unsolved murders of journalists and political activists;

Whereas tensions within the Cambodian Government have erupted into violence in recent months;

Whereas on March 30, 1997, 19 Cambodians were killed and more than 100 were wounded in a grenade attack on a peaceful political demonstration in Phnom Penh;

Whereas preliminary reports by eyewitnesses and reports in Phnom Penh to the FBI of witness intimidation indicate that forces loyal to Hun Sen were involved in the March 30, 1997, grenade attack;

Whereas in June 1997 fighting erupted in Phnom Penh between military and paramilitary forces loyal to First Prime Minister Prince Norodom Ranariddh and Second Prime Minister Hun Sen;

Whereas on July 5, 1997, Second Prime Minister Hun Sen deposed the First Prime Minister in a violent military coup d'etat;

Whereas at least several dozen opposition politicians have died in the custody of Hun Sen's forces, some after being tortured, and hundreds of others have been detained due to their political affiliation;

Whereas democracy and stability in Cambodia are threatended by the continued use of violence to resolve political differences;

Whereas internal Cambodian Government reports and investigations by United States drug enforcement agencies have reported that Hun Sen and his forces have received millions of dollars in financial and material support from major international drug dealers; that Hun Sen has publicly threatened violence against any Cambodian official who attempts to arrest alleged drug barons Teng Bumma and Mong Rethy; and in a July 23, 1997, press conference in Cambodia Teng Bunma admitted to providing $1,000,000 to Hun Sen to fund the ongoing coup and is providing his personal fleet of helicopters flown by Russian pilots to ferry Hun Sen's troops to suppress democratic forces in western Cambodia;

Whereas representatives of the United Nations and the Government of Thailand estimate at least 30,000 Cambodian refugees (including wounded civilians and malnourished children) displaced by the ongoing fighting are massed, without assistance, in northwest Cambodia near the border of Thailand;

Whereas the administration has suspended assistance to Cambodia for 1 month in response to the deteriorating situation in Cambodia; and

Whereas the Association of Southeast Asian Nations (ASEAN) has decided to delay indefinitely Cambodian membership: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the forcible assault upon the democratically elected Government of Cambodia is illegal and unacceptable;

(2) the recent events in Cambodia constitute a military coup against the duly elected democratic Government of Cambodia;

(3) the authorities in Cambodia should take immediate steps to halt all extralegal violence and to restore fully civil, political, and personal liberties to the Cambodian people, including freedom of the press, speech, and assembly, as well as the right to a democratically elected government;

(4) the United States should release the report by the Federal Bureau of Investigation concerning the March 30, 1997, grenade attack in Phnom Penh;

(5) the United States should declassify and release all reports by the United States Drug Enforcement Agency related to Cambodia that were compiled between 1994 and the present;

(6) the United States should press the authorities in Cambodia to investigate fully and impartially all abuses and extralegal actions that have occurred in Cambodia since July 4, 1997, and to bring to justice all those responsible for such abuses and extralegal actions;

(7) the administration should immediately invoke section 508 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208), as it is required to do;

(8) the United States should urgently request an emergency meeting of the United Nations Security Council to consider all options to restore peace in Cambodia;

(9) the United States should encourage the Secretary General of the United Nations to expand the monitoring operations of the United Nations Special Representative on Human Rights in Cambodia;

(10) the United States and the Association of Southeast Asian Nations (ASEAN) should coordinate efforts to restore democracy, stability, and the rule of law in Cambodia;

(11) direct United States assistance to the Government of Cambodia should continue to be suspended until violence ends, a democratically elected government is reconstituted, necessary steps have been taken to ensure that the election scheduled for 1998 takes place in a free and fair manner, the military is depoliticized, and the judiciary is made independent;

(12) at least a substantial share of previously appropriated United States assistance to the Government of Cambodia should be redirected to provide humanitarian assistance to refugees and displaced persons in western Cambodia through nongovernmental agencies or through Cambodian civilian, political, or military forces that are opposing the coup; and

(13) the United States should call for an emergency meeting of the Donors' Consultative Group for Cambodia to encourage the suspension of assistance as part of a multilateral effort to encourage respect for democratic processes, constitutionalism, and the rule of law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

[Mr. KIM asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this resolution, House Resolution 195.

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

There was no objection.

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

Mr. Speaker, earlier this month the world watched in disbelief as violence erupted once again in Cambodia. On July 5, Second Prime Minister Hun Sen and his forces loyal to him ousted the democratically elected First Prime Minister in a classic coup d'etat.

The chairman of our committee, the gentleman from New York [Mr. GILMAN], together with the ranking minority member, the gentleman from Indiana [Mr. HAMILTON], along with several of their colleagues, introduced House Resolution 195 to express our deep concern about the tragic events that have unfolded in Cambodia. On behalf of the gentleman from New York [Mr. GILMAN], the chairman of the committee, and I express my appreciation to the gentleman from Indiana [Mr. HAMILTON] as well as to the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from California [Mr. BERMAN],

the chairman and ranking Democrat respectively on the Subcommittee on Asia and the Pacific, in seeing that this resolution was able to move to the floor.

The resolution expresses the sense of the House that the forcible change of the democratically elected government in Phnom Penh is illegal and unacceptable. The resolution also urges the administration to take specific decisive actions to return peace, stability and democracy to the Cambodian people.

We also call upon the Cambodian authorities from all political factions to halt the violence and extralegal actions, bring to justice those people responsible for the reported abuses and restore all personal and civic freedoms to the Cambodian people.

As the leader of the free world, the United States must take resolute action whenever and wherever tyranny threatens to destroy democracy. Cambodia has taken a regrettable, but hopefully temporary turn off the path to democracy, peace and prosperity. It must not stand idly by while liberty is threatened in Southeast Asia.

I urge my colleagues to support this timely and most important resolution.

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

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

Mr. Speaker, I want to commend the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations, and the gentleman from Indiana [Mr. HAMILTON], the Democratic ranking member, for introducing this timely measure concerning the deplorable crisis in Cambodia. I also would like to state that I am also an original cosponsor of this resolution.

Mr. Speaker, I wanted to join my colleagues of the Subcommittee on Asia and the Pacific, the chairman, the gentleman from Nebraska [Mr. BEREUTER], the gentleman from California [Mr. BERMAN], the gentleman from Iowa [Mr. LEACH], and the gentleman from Illinois [Mr. PORTER] as original cosponsors of this House Resolution 195. Like many of our colleagues in Congress and those watching around the world, I was shocked, appalled and saddened by the return to violence in Cambodia, a small nation still wracked by the scars of the Khmer Rouge genocidal killings of a million Cambodians and a civil war that raged for 2 decades.

As everyone knows, Mr. Speaker, the co-Prime Minister Mr. Hun Sen has ousted Prince Ranariddh from Cambodia's government, destroying the fragile democracy brokered by the 1991 Paris Peace Accords. The Paris peace plan, backed by the United States, China, the Soviet Union, Japan, Vietnam, the Asean countries, France, the United Kingdom, India, Australia and other members of the United Nations was designed to bring to an end the decades of conflict in Cambodia. Since the Paris agreement and the U.N. supervised elections in 1993, Cambodia has enjoyed relative peace and prosperity, with an economy expanding at a 7-percent rate.

During the last 6 years, the international community has invested more than $3 billion to bring about this peace and stability in Cambodia. The United States alone has contributed over $300 million, increasing foreign assistance to Cambodia to $38.4 million in 1997, with an administration request for $38.6 million for fiscal year 1998.

With the outbreak of violence again in Cambodia where scores of Cambodians have been killed, hundreds wounded and executions and torture widely used by Hun Sen's forces, it begs the question, Mr. Speaker, whether anything has changed in that country and whether the international community has achieved anything by the massive investment of time and resources in Cambodia.

Given the serious setbacks to Cambodia's democracy, I support the administration's freeze of United States assistance to Cambodia and applaud the cutoff and reduction in aid from Germany and Australia.

As to Japan, Cambodia's top donor of aid, I hope they eventually will heed our call for the international community to suspend assistance until the return of law and democratic government in Cambodia. With foreign aid paying for half of Cambodia's budget, cutting off assistance sends the strongest and most effective statement of objection to Hun Sen's military rule in Phnom Penh.

Likewise, the decision of the Asean nations to stop Cambodia's entry into Asean this month is an appropriate condemnation of Hun Sen's resort to violence.

I applaud Secretary of State Albright's appointment of Stephen Solarz as her special envoy to Cambodia and am confident that our former colleague, a greatly respected Asia-Pacific policy expert, shall work with Secretary of State Albright and the Asean ministers delegation to mediate a political solution to Cambodia's crisis.

Mr. Speaker, while I am hopeful that these efforts of the international community will help in bringing peace and stability back to Cambodia, ultimately the matter will have to be decided by the Cambodian people themselves. I would hope that we learned that from our tragic experience in Vietnam, which resulted from shortsighted United States foreign policy. In the end it is the will of the people in the country that will determine whether democracy is to prevail.

Mr. Speaker, I would ask my colleagues to adopt this worthy legislation before us, which calls for our Nation and the international community to support efforts leading to the resolution of peace, the rule of law and the democratic government in Cambodia.

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

Mr. KIM. I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I rise in strong support of this resolution and thank the gentleman from New York [Mr. GILMAN] and the original cosponsors for introducing this important legislation.

Several months ago a number of Cambodian emigres, now my constituents, approached me with their concerns about Second Prime Minister Hun Sen and the fragility of democracy in Cambodia. When I asked the State Department about this, I was informed that in their view the allegations that had been brought to my attention against Mr. Sen were, quote, merely part of the partisan bickering between the parties. History, I am sad to say, has now proven my constituents correct, certainly more knowledgeable than those in the State Department who downplayed the concern.

This resolution makes it clear that the United States will not tolerate the violence that has hit Cambodia or the anti-democratic actions of Hun Sen. Mr. Sen's killing spree, directed against those who would oppose him or who would seek to bring to light his relations with the narcotic trade, has resulted in the murder of hundreds of Cambodians.

Last fall I had the privilege of meeting in San José, at home, a number of prominent Cambodian ministers, including the Minister of the Interior Hou Sok. The Minister of the Interior has now been murdered by Hun Sen forces because of the reporting that he did linking Sen to drug lords who are, it is reported, bankrolling the new regime and trying to turn Cambodia, to quote the Washington Post, into a narco state.

Mr. Speaker, the rampages in the killing fields of Cambodia have gone on for far too long. We must stand firm to prevent history from repeating itself yet again. I support the suspension of the assistance to Mr. Sen's regime, I support the call for the U.N. Security Action to take some action. I strongly support the calls for justice and democracy in Cambodia.

For the sake of the Minister of the Interior who has now been murdered and the others who have already died and for the victims of torture, I urge my colleagues to support this resolution. I hope this marks merely the first of many actions this Congress will take on this vital issue. We do know that the Cambodian people love peace and democracy. We must support their efforts, and we must not tolerate or entertain the notion that Hun Sen, who is the perpetrator of a coup, could play a part in democratic Cambodia any more than his predecessor Pol Pot could do so.

Mr. LEACH. Mr. Speaker. I rise in strong support of this important and timely resolution. I would just offer a few thoughts on the very disturbing recent events in Cambodia.

First, there should be no doubt the United States and the international community have important interests at stake in Cambodia. The United States helped lead the negotiations among the Permanent Five members of the U.N. Security Council leading up to the Cambodian peace agreement. We did so in order to create a legitimate and internationally recognized government, to reduce foreign interference, advance regional peace and stability, and avert the return to power of the genocidal Khmer Rouge. It remains in the U.S. interest to see that those objectives are met.

Second Prime Minister Hun Sen's coup d'etat in Cambodia—and there can be no doubt this was a coup, a sudden and decisive exercise of force in politics—and subsequent resort to murder, torture, and political intimidation has betrayed the hopes for peace and prosperity by the Cambodian people. It has undermined the interests of the United States and the broader international community in a politically and economically stable Cambodia in which fundamental human rights are respected. It has set back Cambodia's efforts to join ASEAN and hindered its re-integration into the world community. Vietnam's role, if any, in this affair may be troubling for regional stability. The coup also raises the specter of civil war. Tragically, it may also very well help resuscitate the Khmer Rouge at a moment of maximum peril for the movement, when it appeared that its collapse was imminent, and that Pol Pot and other senior leaders—evidently now under house arrest—might be turned over to an international tribunal for crimes against humanity.

Hence it is paramount that the United States, ASEAN, Japan, and other parties to the Paris accords promptly engage in a full court press to make Hun Sen—and other leaders within the CPP—understand that no Cambodian Government will not receive significant international support if it uses political intimidation and violence against its opponents. Until very recently, I have been less than impressed by the vigor and determination that the administration has brought to bear on this issue.

Hun Sen and his colleagues in the CPP, as well as Prince Ranariddh and his supporters, need to understand that their mutual miscalculations and zero-sum struggle for political supremacy has driven a stake in the heart of a Cambodia's economic recovery and reconstruction.

Prior to the recent deterioration in the political and security environment, Cambodia's prospects were brighter than at any time in the last 25 years. But unless the political process created by the Paris accords is sustained, marcroeconomic instability, inflation, heightened levels of already widespread corruption, and a substantial decrease in aid from bilateral donors as well as the international financial institutions are likely to result. Without foreign external assistance, foreign investment, or significant revenues from tourism, Cambodia's already difficult external debt situation will be exacerbated. In short, the Cambodian economy will be seriously set back. These consequences need to be very carefully considered by the Hun Sen and his colleagues in Phnom Penh.

The deteriorating situation in Cambodia has occasioned much criticism of the U.N. peacekeeping effort in Cambodia. Some of this criticism is well-founded, but much of it is not. Perhaps the biggest flaw in the U.N. effort was the failure to assert control over the security apparatus of Hun Sen in the run up to the election. As to the failure to disarm the parties, I would remind Members that disarmament and demobilization did not occur because the Khmer Rouge did not live up to their obligations. There was no support from any of the countries providing peacekeeping troops for a U.N. mandate that encompassed forcible disarmament. There was and is no NATO-like coalition that could accomplish this task. And while this Member has long favored a modest U.N. standing force to fulfill some of these objectives, such a force did not then and does not now exist.

But there is also much to be proud of in what was then an unprecedented peacekeeping effort. Over 350,000 refugees were repatriated. Over five million Cambodians were registered to vote. Despite Khmer Rouge attempts to derail the election, a secret ballot was held in which the overwhelming majority of Cambodians exercised their right to vote. In the wake of the election an active opposition press sprung up, over 100 foreign and indigenous NGO's operated freely throughout the country, and the once-feared Khmer Rouge gradually diminished as a military force and began to turn in on itself. Despite tremendous poverty, and serious human rights and democracy concerns, there can be no doubt the people of Cambodia were moving forward toward better days and a better life.

The egregious failure of Cambodia's leaders to pursue the national interest instead of self-interest, most particularly on the part of Hun Sen, severely jeopardizes the hopes and dreams of the Cambodian people. The international community needs to act now to prevent a fait accompli, to use its very substantial diplomatic and economic leverage to stave off the total collapse of prospects for a peaceful and prosperous Cambodia. After 25 years of civil war, genocide, and national destruction, the people of Cambodia deserve better.

Mr. PORTER. Mr. Speaker, I rise today to express my strong support for the resolution offered by the gentleman from New York, [Mr. GILMAN] and to urge all Members to give this matter their attention. As an original cosponsor of House Resolution 195, I am pleased that the House has moved quickly to consider this resolution and to take a firm and principled position regarding the violent, anti-democratic coup which recently took place in Cambodia.

In April of this year, I sent a letter to Secretary of State Madeleine Albright expressing grave concerns about events that were going on in Cambodia at that time. A copy of this letter follows these remarks. Second Prime Minister Hun Sen, who gained his position in the Cambodian Government not through elections but by threatening violence, appeared to be orchestrating a parliamentary coup by attempting to split the governing coalition which had won the U.N.-sponsored 1993 elections. This letter followed an earlier one which seven of my colleagues and I sent to the co-prime ministers after the tragic March 30th grenade attack on Sam Rainsy and the Khmer National Party during a peaceful demonstration calling for judicial reform. It was my hope that Secretary Albright would visit Cambodia during her trip to the region and, in her trademark manner, ''tell it like it is'' when she met with Hun Sen and First Prime Minister Ranariddh, urging them to renounce political violence and work together to prepare for democratic elections in 1998.

Unfortunately, Secretary Albright's trip to Cambodia never happened and, just days after she had been scheduled to visit, Cambodia again plunged into armed conflict. This country, which has suffered so much, went from euphoria over reports that Pol Pot had been captured and might soon be brought to trial, to the despair of another strongman taking power through illegitimate means. Cambodia's fragile democracy was being dismantled by armed thugs and political assassination. While this is an old story for the people of Cambodia, we had hoped it would be one that remained in their past.

The United States and the international community have been implicit in allowing this latest tragedy. In 1993, the royalist-led democratic coalition decisively won the first elections held in Cambodia, soundly defeating Hun Sen's formerly communist Cambodian People's Party. These elections were marked by high voter turnout, despite the deadly political violence which preceded them. The people of Cambodia spoke out strongly in favor of democratic self-government, but the international community denied their aspirations by allowing the loser of these elections—Hun Sen and the CPP—to threaten and bully its way into maintaining a large share of power in the new government. I believe this decision was the root cause of this latest assault on Cambodian democracy because it sent the message to Hun Sen that we are not willing to back up democracy in the face of force, and it was just a matter of time before he could discard with impunity the democratic structures we were building.

Now, our Government is preparing to make the same mistake again. Since 1993, we have allowed Hun Sen to build a legacy of intimidation and corruption, and to strengthen his hold on power, by ignoring belligerent and anti-democratic tendencies on his part. Our administration has refused to call Hun Sen's power grab by its proper name—a coup. They have suspended assistance to Cambodia for 30 days to sort things out, but have not yet tied resumption of assistance to the restoration of the legitimate government, as the law would if this had been declared a coup.

I welcomed Secretary Albright's strong words to ASEAN over the weekend and I hope that this signals a firm resolve to stand with and for the people and the democratic forces in Cambodia. That is certainly the intention of the Congress by passing this resolution today. This resolution lays out a fair and flexible approach to this difficult situation by calling for actions which send the right message not only to Hun Sen, but also to those others who would choose violence and thuggery over democracy and the rule of law. I want to especially commend my friend, the chairman of the International Relations Committee, for including in this resolution a statement concerning the redirection of assistance away from the Cambodian Government to those who are in need as a result of this conflict. This is certainly the least our Government can do after failing the Cambodian people so miserably up to this point.

I believe that we have a duty to the Cambodian people, perhaps like no others, as a result of our involvement in so much that has gone wrong in the recent history of the Cambodian state. We owe the people of Cambodia

our moral support and strength. I am hopeful that 1998 will bring free and fair elections where the Cambodian people can again express their longing for democracy, freedom, and a brighter future. I am also hopeful that the international community, led by the United States, will give them this opportunity and respect their choices by defending them from the threat of violence, rather than giving in to it.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 23, 1997.

Secretary MADELEINE ALBRIGHT,
U.S. Department of State, Washington, DC.

DEAR MADELEINE: I am writing to express my grave concerns about recent and emerging events in Cambodia, and to urge that the United States take all appropriate actions to ensure that the situation there does not deteriorate further.

It is my understanding that the situation in Phnom Penh is extremely tense at this time, and that Hun Sen seems to be attempting to orchestrate some sort of parliamentary coup in an effort to wrest control of the Cambodian government from the present coalition. It is also my understanding that parliamentarians from the FUNCINPEC coalition are currently in hiding at the home of First Prime Minister H.R.H. Prince Ranariddh, and that there are credible reports that FUNCINPEC members have been kidnapped by military units loyal to Hun Sen.

If accurate, such developments are extremely disturbing, particularly in light of the recent violent attack on Sam Rainsy during a Khmer National Party rally. It would appear that certain parties are refusing to maintain their commitments to the democratic political process, and thereby seriously jeopardizing the very future of the Cambodian nation. I urge the administration in the strongest possible terms to call on the parties to renounce political violence and manipulation, and to use peaceful, democratic means to settle any disputes.

The United States has invested a great deal in the retrieval of the Cambodian state. Should events continue to unfold as they are presently doing, our efforts would most likely be completely lost. We cannot afford, from a financial or moral perspective, to allow this to happen. I thank you for your attention to this extremely urgent matter, and I would appreciate your keeping me apprised of events and U.S. actions in the wake of this volatile situation.

Sincerely,

JOHN EDWARD PORTER,
Member of Congress.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no additional speakers, so 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 agree to the resolution, House Resolution 195, as amended.

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

A motion to reconsider was laid on the table.

DEATH ON THE HIGH SEAS ACT

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2005) to amend title 49, United States Code, to clarify the application of the act popularly known as the Death on the High Seas Act to aviation incidents, as amended.

The Clerk read as follows:

H.R. 2005

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

SECTION 1. CLARIFICATION AMENDMENT

(a) IN GENERAL.—Section 40120(a) of title 49, United States Code, is amended by inserting ''(including the Act entitled 'An Act relating to the maintenance of actions for death on the high seas and other navigable waters', approved March 30, 1920, commonly known as the Death on the High Seas Act (46 U.S.C. App. 761–767; 41 Stat. 537–538))'' after ''United States''.

(b) APPLICABILITY.—The amendment made by subsection (a) applies to civil actions commenced after the date of the enactment of this Act and to civil actions that are not adjudicated by a court of original jurisdiction or settled on or before such date of enactment.

SEC. 2. FAMILY ASSISTANCE TASK FORCE REPORT.

Section 704(c) of the Federal Aviation Reauthorization Act of 1996 (49 U.S.C. 41113 note; 110 Stat. 3269) is amended by striking ''model plan'' and inserting ''guidelines''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, this legislation was introduced on June 20 by our very distinguished colleague from Pennsylvania [Mr. MCDADE], along with 40 bipartisan colleagues. The gentleman from Pennsylvania [Mr. MCDADE] introduced this legislation in response to the TWA 800 tragedy last year.

Let me just add that the gentleman from Pennsylvania [Mr. MCDADE] has been reelected time and time again because he really cares about his constituents and tries to help them in every way that he can. This legislation is another example of that because many young people from his district died tragically in the TWA 800 crash. But this legislation will help people all over this Nation, and it could help families years from now if, God forbid, we have another similar crash in the ocean.

Mr. Speaker, this legislation is designed simply to clarify that application of the Death on the High Seas Act to aviation accidents. This issue arises because the Supreme Court last year decided in the case of Zuckerman versus Korean Airlines that the Death on the High Seas Act applies to lawsuits that arise out of an aircraft crash in the ocean more than 3 miles from land. The effect of this decision is to treat families differently depending on whether their relative died in an aircraft that crashed into the ocean or one that crashed on land. I think it is fair to say almost no one in the aviation or legal communities believed this Death on the High Seas Act would apply to the TWA crash until the recent decision in the Zuckerman case.

□ 1515

However, as a matter of simple fairness and equity, a 1920 maritime shipping law should not apply to the victims of the TWA crash, and this is the injustice that this legislation will correct if we pass this bill.

As of now, if we do not enact the bill of the gentleman from Pennsylvania [Mr. MCDADE], if a plane crashes into the ocean, the Death on the High Seas Act applies. This act denies families the ability to seek compensation in a court of law for the loss of companionship of a loved one, their relatives' pain and suffering, or punitive damages. Basically, they are limited to recovering only lost wages.

Thanks to the Zuckerman decision and this law, it means that parents will receive almost no compensation in the death of a child. On the other hand, if a plane crashes on land, State tort laws apply. These would permit the award of nonpecuniary damages such as loss of companionship and pain and suffering.

Simply put, Mr. Speaker, H.R. 2005 amends the Federal Aviation Act so the Death on the High Seas Act does not apply to airline crashes. It would accomplish this by specifically stating that the Death on the High Seas Act is one of the navigation and shipping laws that do not apply to aircraft.

With this legislation, we will ensure that all families will be treated the same, regardless of whether a plane crashes into the ocean or onto land.

Again, Mr. Speaker, let me thank the gentleman from Pennsylvania [Mr. MCDADE] for his very swift response in introducing this legislation, which will help a number of constituents in his district, and others across the Nation who were devastated by the loss of their loved ones in the TWA Flight 800 tragedy.

Let me also thank the distinguished chairman of the full committee, the gentleman from Pennsylvania [Mr. SHUSTER], for his outstanding leadership on this legislation, as well as the ranking member, the gentleman from Minnesota [Mr. OBERSTAR], and especially my good friend, the gentleman from Illinois [Mr. LIPINSKI], the ranking member of the Subcommittee on Aviation.

This is a good bill, and I urge all Members to support it.

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

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

Mr. Speaker, on July 10, 1997, the Subcommittee on Aviation held a very emotional hearing regarding TWA Flight 800. Family members of the victims were there to tell the stories of their loved ones and how, 1 year later, they are still struggling with their loss. The family members' main objective that day was to bring to our attention the gross inadequacy that is created when the Death on the High Seas Act is applied to aviation accidents.

As Chairman DUNCAN said, if a plane crashes into the ocean more than 3 miles from land, as did TWA Flight 800, the Death on the High Seas Act applies. This act denies families the ability to win noneconomic damages in a lawsuit. This means that a family member could not be compensated, for example, for the loss of companionship of a loved one; parents could not be compensated for the loss of their teenaged sons and daughters; sons and daughters could not be compensated for the loss of their elderly parents. However, if a plane crashed on land, State tort law or the Warsaw Convention would apply. Both permit the award of noneconomic damages.

The effect of applying the Death on the High Seas Act to aviation accidents is a threat to families, definitely depending on whether their loved ones died in an air crash into the sea or one that crashed on land. This is obviously absurd and unfair. The value of an individual's life does not change depending on where the plane happens to come down. H.R. 2005, as amended, intends to correct this critical flaw of the Death on the High Seas Act.

First, the bill simply adds the act to the list of shipping laws that do not apply to aviation.

Second, the bill makes this change applicable to all cases still pending in the lower courts, which includes the family members of the victims of TWA Flight 800.

I strongly urge all Members to support this bill. It is a simple piece of legislation that will fix the harmful inadequacies that result when the Death on the High Seas Act is applied to aviation disasters.

I want to congratulate the gentleman from Tennessee [Mr. DUNCAN] for spearheading this bill through the subcommittee and the full committee, and I want to state once again, it is an honor and privilege to work with him. His cooperation is always outstanding.

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

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

Mr. Speaker, I want to thank the gentleman from Illinois [Mr. LIPINSKI] again for his very kind remarks. I do not know of any other subcommittee in the entire Congress where the chairman and the ranking member have a better relationship than do the gentleman from Illinois [Mr. LIPINSKI] and I, and I know that I treasure that relationship personally.

Mr. Speaker, I yield 5 minutes to the very distinguished gentleman from Pennsylvania [Mr. MCDADE], author of this important legislation.

(Mr. MCDADE asked and was given permission to revise and extend his remarks.)

Mr. MCDADE. Mr. Speaker, I rise in strong support of H.R. 2005, the Airline Disaster Relief Act. I want to thank my friends, Chairman SHUSTER, subcommittee Chairman DUNCAN, the ranking members, the gentleman from Minnesota, Mr. OBERSTAR, and the gentleman from Illinois, Mr. LIPINSKI, for their hard work and leadership in bringing this bill to the floor.

The measure was introduced by myself and a 40-member bipartisan coalition only 26 working days ago. The Subcommittee on Transportation and Infrastructure's swift consideration of the measure is greatly appreciated by my cosponsors, by me, and, most of all, by the families who had lost loved ones in TWA Flight 800.

Today, in my opinion, we are doing what the people sent us here to do; that is, to craft laws of pressing and immediate importance which justly empower the people from which this body's power is derived. This bill, Mr. Speaker, fulfills this mission.

On July 17, 1996, 230 people lost their lives in the tragic crash of TWA Flight 800. Included among them were 21 people from Montoursville, PA, a small community in my district. The people of Montoursville were brutally impacted by this air disaster, facing the sudden loss of 16 high school students, members of the French Club, and five chaperones, who were on their way to France to enrich their educational experience.

For the families of the victims aboard TWA Flight 800, the tragedy was made even worse by the application of an antiquated 1920 maritime law, which my colleagues have referred to, known as the Death on the High Seas Act. The act would prevent the families of TWA victims from receiving just compensation, which they would be entitled to under State law.

Ironically, the Death on the High Seas Act was passed in 1920 to help widows and orphans of sailors who were lost at sea but limits the compensation to income. The effect of that arcane statute is that claimants must appear before a district judge without the benefit of a jury and can receive compensation only for loss of income, not companionship, not pain and suffering, none of the other tort applications that exist in the State courts.

Today, when State tort laws have progressed to a point where value is placed on human life, the application of this skewed statute is inequity, unfair and inhumane. This is particularly true in the death of children, for they are generally not economic providers for their families, and thus, family members would receive virtually no compensation for the loss of a loved one who is not a wage earner.

The Death on the High Seas Act is invoked when a disaster occurs 3 miles out to sea, the old 1 league measurement from antiquity. No parent ought to be told by our Nation's legal system that longitude and latitude will determine the value of their children or determine their rights in a court of law.

For this reason, I introduced this bill, which will negate the application of the Death on the High Seas Act. It will amend the Federal Aviation Act so airline disasters at sea, as my friend, the gentleman from Illinois [Mr. LIPINSKI], just said, are treated the same as incidents on land.

The gross injustice of the Death on the High Seas Act must be changed. No law should make a loved one valueless because an aviation disaster occurs at sea and not on land. Where a plane crashed ought not to dictate a person's rights in a court of law.

Both the Supreme Court and the White House Commission on Aviation Safety and Security recommended that the Congress correct these inequities. Additionally, the CBO, in examining this legislation, points out it does not have any budgetary impact.

Mr. Speaker, it is time to bring justice to the application of Federal laws which regulate airline disaster claims. Passage of this act will be an important step in achieving this objective.

I want to thank again the distinguished chairman of the subcommittee, the gentleman from Tennessee [Mr. DUNCAN], one of the ablest Members of this body, and my friend, the gentleman from Illinois [Mr. LIPINSKI], for their cooperation.

I urge Members to overwhelmingly approve this bill.

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

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

Mr. Speaker, let me conclude by just saying that not only will this bill make changes that most people thought were in effect already, but it will correct potentially a great injustice that would have been done to the families of these victims of the TWA Flight 800 crash and change a law that should have been changed many years ago. This will potentially help families for many years to come.

This is good legislation. As the gentleman from Pennsylvania [Mr. MCDADE] said, I likewise would like to urge our colleagues to pass this legislation overwhelmingly.

Mr. ROTHMAN. Mr. Speaker, last July 17, 230 people died when TWA flight 800 exploded 9 miles off the coast of Long Island. This was and continues to be a national tragedy. For almost 1 year, the families of those who perished have had to deal with more than the pain of losing a loved one. They endured sitting for hours after the crash, waiting for the final passenger list that would confirm their worst fears. They waited anxiously for any indication that someone might have survived the fiery crash. To this day they continue to wait for an explanation for the disaster. Until questions begin to be answered, it is impossible to complete the healing process.

This tragedy is made all the worse by an outdated law that prevents survivors from suing in State court, in front of a jury, for damages like pain and suffering and loss of companionship that are traditionally available under the tort law system. Had the plane crashed seconds earlier—when the plane was only 2 miles off of New York's coast—this would not be an issue. However, at 9 miles out, the 1920 ''Death on the High Seas Act'' governs. This outdated law dictates that lawsuits arising from aviation accidents that occur

more than 3 miles off of the United States shoreline be brought in Admiralty Court and limits recovery of damages for * * * survivors to lost income only. While this may have been an appropriate law 77 years ago, in 1997 it is nothing short of outrageous today.

A constituent of mine, Carol Ziemkiewicz, lost her daughter, Jill, on that flight. Jill's lifelong dream of becoming a flight attendant became a reality when she completed her training at TWA and began her work on TWA domestic flights. After only 1½ months Jill was assigned to her first international flight. She would be going to Paris, where she was eager to visit the Garden of Versailles. An hour before TWA flight 800 left to take Jill to Paris, she called her mother and summed up her anticipation—her last words to her were ''I'm psyched.''

Jill was only 23 years old. Her life, along with everyone else on the plane, was ended too early. But the 230 people who died in that crash were not the only victims on that fateful night. Those victims left behind families, friends, and loved ones; people who continue to live but whose lives will never be the same because of this tragedy.

I am a proud cosponsor of H.R. 2005. H.R. 2005 will help to ensure that Carol Ziemkiewicz and the hundreds of other surviving family members like her know that the lives of their loved ones had value—that what happened to them was a tragedy and we all must do what we can to ease their pain and suffering. They have been through enough. I urge my colleagues to support H.R. 2005.

Mrs. ROUKEMA. Mr. Speaker, as an original cosponsor of H.R. 2005, the Airline Disaster Relief Act, I want to commend my colleague, Congressman MCDADE, for introducing this important bill. This is must-pass legislation that will ensure equitable treatment for those families who suffer the agonizing loss of a loved one resulting from international aviation disasters.

Currently, various laws exist which impact the ability of family members to seek retribution for the death of a loved one. Specifically, in 1920, the Disaster on the High Seas Act was enacted for the immediate family of sailors lost at sea to obtain compensation for lost income. This act is applicable when the aviation accidents occurs more than 3 miles from the shoreline. Because TWA 800 crashed 9 miles off the Long Island coast, the Supreme Court has ruled, in similar cases, that the High Seas Act would apply.

What that means for family members of the TWA 800 air disaster is that they will only be allowed to receive minimal compensation from TWA because this antiquated law restricts compensation to loss of income. Under the 1920 act, plaintiffs are not entitled to damages for pain and suffering, loss of companionship, or loss to society. In fact, those families that lost children, like the 16 students from Montoursville High School in Montoursville, PA, who were participating in a long-awaited French Club trip to France, would receive almost no compensation because children do not contribute any income to the family. Senior citizens fall into the same category as children. Moreover, victims' family members would be restricted from having a jury trial and would have to present their claim to a judge under maritime law.

Justice Scalia stated that the Supreme Court feels the law is antiquated but it's up to Congress to change it. Furthermore, the White House Commission on Aviation Safety and Security has stated:

> Certain statutes and international treaties, established 50 years ago, historically have not provided equitable treatment for families of passengers involved in international aviation disasters. Specifically, the Death on the High Seas Act of 1920, although designed to aid families of victims of maritime disasters, have inhibited the ability of family members of aviation disasters to obtain fair compensation.

At a time when so many Americans are traveling abroad, either taking part in the global economy or seeing the sights of other country's cultures, it is important that Americans know that their court system is accessible to them should the unthinkable happen.

Over 200 families lost loved ones on TWA flight 800. It is unconscionable that those families will not be provided the same access and compensation available to the families involved in the Value-Jet tragedy. This despite the fact that both disasters happened roughly the same time after take off and the same distance from the respective airports. The only difference being that TWA 800 was past the 3-mile limit allowed by the 1920 act. Finally, it is interesting to note that this 1920 act was designed to address maritime disasters and was enacted at a time when there were no transoceanic flights. However, it is being applied to circumstances relating to airline disasters.

I would like to take this opportunity to pay tribute to two of my constituents, Robert Miller and his wife of 30 years Betty were two of the 230 people aboard flight TWA 800. Robert Miller had been Tenafly's popular and affable borough administrator for almost 5 years, and his wife was a school teacher in Dumont. While this legislation will not ease the pain of their loss, it will provide their daughter the same access and compensation available to other families involved in similar tragedies.

In addition, I would like to commend one of my constituents who has worked hard to see that this legislation received the attention it so deserves. Mr. Hans Ephraimson-Abt. lost a 23-year-old daughter when a Soviet fighter plane disabled Korean Airline Flight 007. Since that personal tragedy, Mr. Ephraimson has devoted himself to assisting other families involved in similar tragedies. He has served as the chairman of the American Association for Families of KAL 007 Victims, a support group that has extended its activities to assist families involved in other air accidents to cope better with their tragedies' aftermath.

He has been an active participant in the efforts to improve after-crisis management, as well as to update and modernize laws and treaties. In that regard, yesterday, Mr. Ephraimson testified before the U.S. Department of Transportation's Task Force on Assistance to Families of Aviation Disasters. Year after year he has continued to fight for the rights and needs of families who have suffered as a result of airline disasters. He has pushed for comprehensive regulations, and to improve domestic and international civil aviation.

It is through the hard work and diligence of people like Mr. Ephraimson that we have learned of the need to change the provisions of the 1920 act to make it more applicable to today's modern disasters. He and others like him are to be commended for their unselfish dedication to making all of our lives better and safer, and he is to be commended for his tireless dedication to helping ease the pain of those that have suffered a family tragedy due to an airline disaster.

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the bill, H.R. 2005, as amended.

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

The title of the bill was amended so as to read: ''A bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the 'Death on the High Seas Act' to aviation incidents, and for other purposes.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 2005, the bill just considered.

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

There was no objection.

CONCERNING THE SITUATION BETWEEN THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA AND THE REPUBLIC OF KOREA

Mr. KIM. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 74) concerning the situation between the Democratic People's Republic of Korea and the Republic of Korea, as amended.

The Clerk read as follows:

H. CON. RES. 74

Whereas the Korean demilitarized zone remains extremely tense 44 years after the ending of the Korean War, as evidenced most recently by a mortar attack and exchange of gunfire on July 17, 1997;

Whereas with more than 1,000,000 soldiers in the Democratic People's Republic of Korea and 600,000 soldiers in the Republic of Korea, both militaries are on a constant high alert;

Whereas the threat of North-South military confrontation between the Democratic People's Republic of Korea and the Republic of Korea is of grave concern to the United States;

Whereas 37,000 United States troops are stationed on the Korean Peninsula;

Whereas the United States and the Republic of Korea have long had a close relationship based on mutual respect, shared security goals, and shared interests;

Whereas as a result of an invitation extended last year by President Clinton and Republic of Korea President Kim Young Sam, four-party preparatory talks involving the United States, the Republic of Korea, the Democratic People's Republic of Korea, and the People's Republic of China are likely to begin in August 1997 to determine timing, venue, level of representation, and broad agenda categories for forthcoming talks;

Whereas the participation of China is integral to the success of any agreement; and

Whereas it will be impossible to resolve the conflict on the Korean Peninsula and fashion a lasting solution unless the Democratic People's Republic of Korea and the Republic of Korea engage in direct dialogue, without depending on other parties to act as intermediaries: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports United States troops who have faithfully served the interests of the United States by ensuring stability on the Korean Peninsula;

(2) supports our Republic of Korea allies who have made good faith efforts to resolve this conflict; and

(3) supports four-way talks between the United States, China, the Republic of Korea, and the Democratic People's Republic of Korea to peacefully and permanently resolve the conflict between the two Koreas.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Indiana [Mr. HAMILTON] 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. KIM asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this concurrent resolution.

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

There was no objection.

Mr. KIM. Mr. Speaker, the Korean peninsula remains one of the world's most heavily militarized regions, a hot spot of potential confrontation that has endured for more than 40 years. The mortar attacks and exchange of gunfire between the North and South Korean forces that occurred on July 17, 1997, highlight the extremely tense situation that exists every day along the so-called Demilitarized Zone.

As demonstrated by the presence of 37,000 American troops on the Korean peninsula, the United States is formally committed to maintaining stability and security in the region. Our strong support for the four-party talks is a further proof that the United States Government wants to see improved relations between North and South Korea, which will hopefully bring a final and lasting peace to the peninsula.

The distinguished gentleman from Florida [Mr. HASTINGS] has introduced a timely and well-fashioned concurrent resolution that reemphasizes the support of the Congress for our brave service men and women stationed in the peninsula and for continued diplomatic efforts to bring the two parties together to resolve the conflict. House Concurrent Resolution 74 also, quite properly, recognizes our South Korean allies for their good-faith efforts at achieving peace.

I fully support the passage of House Concurrent Resolution 74 and commend the gentleman from Florida [Mr. HASTINGS] for his leadership in authorizing this resolution.

I thank the gentleman from Nebraska [Mr. BEREUTER], the chairman of the Subcommittee on Asia and the Pacific, for his prompt consideration of this measure in his subcommittee, and the ranking Democrat on the full committee, the gentleman from Indiana [Mr. HAMILTON], and on the subcommittee, the gentleman from California [Mr. BERMAN], for their cooperation in advancing it to this point.

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

□ 1530

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the resolution.

First I want to express my appreciation to the gentleman from Florida who I think was the original cosponsor or the original sponsor of this resolution, along with the gentleman from Nebraska [Mr. BEREUTER]. The Korean peninsula, I think, is the most dangerous place in the world today. Yet American troops working in close partnership with our South Korean friends and allies have helped maintain the peace there for over 44 years. So all of us owe a debt of gratitude to those who gave their lives during the Korean war and to those who stand guard today along the demilitarized zone separating North and South Korea.

This resolution gives voice to our gratitude, expresses our strong backing for both American troops in Korea and our stalwart South Korean allies. The resolution also supports the four-way talks between the United States, China, the Republic of Korea, and the democratic People's Republic of Korea to peacefully and permanently resolve the conflict between the two Koreas. I think this legislation deserves our support. I ask my colleagues to vote ''yes'' on the resolution.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. HASTINGS], the chief sponsor of this resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

I would like to thank the gentleman from California [Mr. KIM], the gentleman from Nebraska [Mr. BEREUTER], my friend and colleague, and the gentleman from California [Mr. BERMAN] as well for their expeditious handling of this matter in the Subcommittee on Asia and the Pacific.

I especially point to the gentleman from California [Mr. KIM], my good friend, for this resolution was conceived by me when the gentleman from California [Mr. KIM] and myself and other Members of the House, along with the Speaker of the House, visited South Korea. It was a moving experience to go there and to go there with the gentleman from California [Mr. KIM], who obviously understands and understood the dynamics in that area better than any of us could.

It really is just a sense of the Congress expressing our support for and encouragement of four-party talks between the United States, South Korea, North Korea, and China. Since the Korean peninsula was divided at the end of World War II, between the North and South, repeated attempts at reunification have failed. The 1950 through 1953 Korean war ended in an armistice agreement which altered hostilities but left the two sides technically at war, divided by a heavily fortified demilitarized zone that the gentleman from California [Mr. KIM] and myself and others had an opportunity to visit recently.

Since 1970 there have been several attempts to replace the 1953 armistice agreement with a peace deal that could lead to a unified Korean peninsula. But as you know, Mr. Speaker, these attempts have been fragile if not precarious, yet at times the dialogue between North and South Korea has produced cooperation in various forms such as cultural exchanges, a unified sports team, reunions of separated families and limited trade.

With this resolution, it is our hope that the nothing ventured nothing gained outlook prevails at the four-party talks initiated by the United States and our stalwart ally, South Korea. Without the participation of each and every one of the invited parties, these talks will become moot. This resolution loudly and clearly states that the U.S. Congress strongly encourages all parties to come to the table and stay there until a formal peace treaty is developed.

For its part, North Korea is already plagued by food shortages and economic mismanagement. Most nations avoid the North because its leaders can be and at most times are unreliable. It has no legal system. Its roads and railways are crumbling. Its work force is starving and its huge military is a constant threat to peace and stability in that region.

By encouraging these four-party talks, our goal is to alleviate the immense threat that a dangerous, unstable region poses to our ally, South Korea. Yet we must do so in a manner which does not necessarily condemn North Korea. Rather, our solution must relieve the pain and suffering in the region by replacing it with peace and security.

Forty-four years after the ending of the Korean war, the border between the two countries remains extremely tense. The border remains extremely tense as evidenced by the recent mortar attack and gunfire exchange on July 17. Last August, when the gentleman from California [Mr. KIM] and others and I traveled to South Korea with Speaker GINGRICH, we stood on that border and visited our troops stationed at the demilitarized zone.

This amendment is also about American soldiers and South Korean soldiers. It is an expression of support for the men and women stationed over there with the hope that these four-party talks will lead to a unified Korea, eliminating the need for their deployment.

Reunification is a goal claimed by both North and South Korea. Let us encourage this ambition by making reunification a sincere goal of our foreign policy. I urge all of our colleagues to support this resolution. I thank the gentleman, once again, for yielding me the time.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

Mr. Speaker, I rise this afternoon in strong support of the resolution introduced by our colleague from Florida [Mr. HASTINGS], which supports our U.S. troops who faithfully served the interests of the United States by ensuring stability on the Korean peninsula and the four-way talks between the United States, China, South Korea and North Korea.

Mr. Speaker, I represent a very unique American community. The American citizens of Guam live in the Asia-Pacific region, and Guam is the closest American community to the events occurring on the Korean peninsula and would be a crucial part of any effort to deal with any hostilities on the peninsula.

Mr. Speaker, as part of my ongoing work in the Committee on National Security, I have traveled to Korea for on-site briefings and witnessed firsthand our challenge there. As America remains engaged in the effort to peacefully settle the conflict between North and South Korea, we must commend and vigorously support the recent efforts to begin the four-way talks. These talks will contribute to greater security in the Asia-Pacific region and are of tremendous importance to Guam and the rest of the United States.

Mr. Speaker, this House has taken many steps in directing United States policy in Korea. At a time of severe starvation and growing internal strife in North Korea, we must resolve to act on our commitments and demonstrate international leadership.

Passage of this resolution will again reassure Koreans that we in the United States are working to establish a concrete and lasting peace on the Korean peninsula by living up to our responsibility as a signer of the armistice agreement. As we support the resolution, let us not forget the distinguished service of our men and women in uniform who have been the main force for peace in that part of the world.

I urge this body to pass this very important resolution.

Mr. KIM. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. ROYCE], a member of the Subcommittee on Asia and the Pacific, my good friend.

Mr. ROYCE. Mr. Speaker, I want to thank my colleague, the gentleman from California [Mr. KIM], for yielding to me this time. I want to commend the gentleman from Florida [Mr. HASTINGS] for offering this resolution.

This resolution makes an important statement that the House of Representatives supports our troops on the Korean peninsula. We support our friends and allies in the Republic of Korea and we support the proposed North-South four-party talks that at long last seem to be moving forward.

We are all hopeful that the recent agreement of the North Korean Government to sit down and agree to the final details of four-party talks will lead to substantive negotiations. Now more than ever, it is important to have such channels of communication open to discuss the future of North Korea, and future relations between the North and South. And I really want to take this opportunity to urge all of my colleagues to support this resolution.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from American Samoa [Mr. FALEOMAVAEGA].

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I rise to support House Concurrent Resolution 74, as introduced by my good friend and colleague, the gentleman from Florida [Mr. HASTINGS].

Mr. Speaker, after that terrible conflict commonly known as the Korean war, for some 44 years now our Nation has had to maintain an effective presence in the demilitarized zone that is separating North Korea from South Korea. Even until now, Mr. Speaker, the crisis in the Korean Peninsula remains one of the most tense in the world. North Korea has an army of over 1 million soldiers, compared to South Korea's 600,000 sailors and soldiers.

Mr. Speaker, history has demonstrated several times that all the bullets, the guns, the cannons, and all other manner of military weapons are not worth a dime if the country cannot feed its soldiers. Recent reports indicate, Mr. Speaker, that there is currently a shortfall of approximately 2.3 million tons of grain in North Korea. What this simply means is that the North Korean people are starving and there is serious concern if the crisis has been alleviated or do we expect more problems in the future.

Mr. Speaker, I believe it is only proper that the People's Republic of China, our Nation, and the two Koreas should engage in meaningful dialog.

Mr. Speaker, I have been to South Korea, and I was very impressed with its economic and political developments in recent years. With South Korea's development in technology and industrialization, and with the tremendous potential of resources available to North Korea, a unified Korea could really become a great nation to provide for the needs of some 60 million people living in both North and South Korea.

I want to commend the gentleman from California [Mr. KIM], my good friend, for also being a part of the management of this legislation. I urge my colleagues to support this piece of legislation.

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

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 74, as amended.

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

A motion to reconsider was laid on the table.

EXPRESSING CONCERN OVER VIOLENCE IN REPUBLIC OF CONGO

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 175) expressing concern over the outbreak of violence in the Republic of Congo and the resulting threat to scheduled elections and constitutional government in that country, as amended.

The Clerk read as follows:

H. RES. 175

Whereas President Pascal Lissouba defeated former President Denis Sassou-Nguesso in a 1992 election that was determined to be free and fair;

Whereas losing candidates raised questions concerning the results of the 1993 legislative election and used those concerns to cast doubt on the entire democratic process in the Republic of Congo and as the rationale for creating private militias;

Whereas thousands of citizens of the Republic of Congo have been killed in intermittent fighting between Government soldiers and private militiamen since 1993;

Whereas there are concerns about the unfinished census and resulting electoral list to be used in the scheduled July 27 election;

Whereas the recent fighting resulted from the Government's attempt to disarm former President Sassou-Nguesso's ''Cobra'' militia in advance of the scheduled July 27 election;

Whereas the fighting and uneasy peace has caused serious loss of life and diminished ability to care for those who are without access to adequate medical care or food and water;

Whereas the fighting between Government troops and militiamen have forced the evacuation from the country of foreign nationals and endangered refugees from both Rwanda and the former Zaire; and

Whereas African governments have attempted to bring about a negotiated settlement to the current crisis: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the current fighting and urges the warring parties to reach a lasting ceasefire that will allow for humanitarian needs to be addressed as soon as possible;

(2) calls on all private militia to disarm and disband immediately to end the continuing threat to peace and stability in the Republic of Congo;

(3) commends African leaders from Gabon, Equatorial Guinea, Cameroon, Benin, Central African Republic, Senegal, and Chad for their efforts to negotiate a peaceful settlement and encourages their continuing efforts to find a sustainable political settlement in this matter;

(4) supports the deployment of an African peacekeeping force to the Republic of Congo if deemed necessary;

(5) urges the Government of the Republic of Congo, in cooperation with all legal political parties, to resolve in a transparent manner questions concerning the scheduled elections and to prepare for open and transparent elections at the earliest feasible time; and

(6) encourages the United States Government to provide technical assistance on election related matters if requested by the Government of the Republic of Congo.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. ROYCE], and the gentleman from Indiana [Mr. HAMILTON], each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. ROYCE].

(Mr. ROYCE asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

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

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

There was no objection.

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

Since violence in the Republic of Congo escalated several weeks ago, an estimated 3,000 lives have been lost there. What started as an effort by Congo President Pascal Lissouba to safeguard upcoming elections by neutralizing the so-called Cobra militia, operated by a political rival, has degenerated into ethnic cleansing.

All this has developed beneath the media's radar. As the world watched the unraveling of the Mobutu regime in the neighboring country then known as Zaire, the Republic of Congo was seen as a safe haven for refugees from that collapsing nation.

But today nearly a quarter of the population of the city of Brazzaville has left town to avoid being caught in the fighting. Unfortunately, these refugees have found themselves stopped along the way and killed if they belong to the wrong ethnic group. This resolution is a reinforcement of our Government's commitment to the democratic process in Congo-Brazzaville. It calls for a disengagement of forces and a lasting cease-fire and applauds the African efforts to resolve this crisis. It unanimously passed the Committee on International Relations several weeks ago.

□ 1545

Mr. Speaker, when this resolution was before the House last week, there was some confusion over whether it called for an international peacekeeping force. Let me say clearly that this resolution calls for any such force to be an African force.

Mr. Speaker, a resolution of the crisis in Congo-Brazzaville is not only a priority for regional strategic reasons, but the example of a democracy unraveling is a poor one for other African nations. I ask for my colleagues' support.

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

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume and I rise in support of the resolution.

Mr. Speaker, I support the resolution because I believe it does draw attention to an explosive situation in central Africa, and I want to express my appreciation for the leadership of the distinguished gentleman from California [Mr. ROYCE], for his sponsorship of the resolution and for putting the resolution forward.

I do think the gentleman's explanation is important to notice. There was a misunderstanding on the floor of the House last week. This resolution supports the deployment of an African peacekeeping force to the Republic of Congo, and only supports it if it is deemed necessary. I think the resolution was not fully understood at the time of the vote last week.

This resolution reflects the views of the U.S. Congress on the importance of this issue. I hope the resolution will encourage the parties to maintain the current cease-fire and to reach a political solution in the ongoing talks. I urge the adoption of the resolution.

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

Mr. ROYCE. Mr. Speaker, I yield myself the balance of my time to thank the gentleman from Indiana [Mr. HAMILTON] and ask my colleagues to support this resolution, which sends an important message to the region.

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from California [Mr. ROYCE] that the House suspend the rules and agree to the resolution, H. Res. 175, as amended.

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

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

BANKRUPTCY JUDGESHIP ACT OF 1997

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1596) to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges, and for other purposes.

The Clerk read as follows:

H.R. 1596

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 ''Bankruptcy Judgeship Act of 1997''.

SEC. 2. PERMANENT JUDGESHIPS.

Section 152(a)(2) of title 28, United States Code, is amended—

(1) in the item relating to the central district of California, by striking ''21'' and inserting ''25'';

(2) in the item relating to the district of Maryland, by striking ''4'' and inserting ''5'';

(3) in the item relating to the district of New Jersey, by striking ''8'' and inserting ''9''; and

(4) in the item relating to the western district of Tennessee, by striking ''4'' and inserting ''5''.

SEC. 3. TEMPORARY JUDGESHIPS.

(a) APPOINTMENTS.—The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(1) 1 additional bankruptcy judgeship for the eastern district of California.

(2) 1 additional bankruptcy judgeship for the southern district of Florida.

(3) 1 additional bankruptcy judgeship for the district of Maryland.

(4) 1 additional bankruptcy judgeship for the eastern district of Michigan.

(5) 1 additional bankruptcy judgeship for the southern district of Mississippi.

(6) 1 additional bankruptcy judgeship for the eastern district of New York.

(7) 1 additional bankruptcy judgeship for the northern district of New York.

(8) 1 additional bankruptcy judgeship for the southern district of New York.

(9) 1 additional bankruptcy judgeship for the eastern district of Pennsylvania.

(10) 1 additional bankruptcy judgeship for the middle district of Pennsylvania.

(11) 1 additional bankruptcy judgeship for the eastern district of Virginia.

(b) VACANCIES.—The first vacancy occurring in the office of a bankruptcy judge in each of the judicial districts set forth in subsection (a) which—

(1) results from the death, retirement, resignation, or removal of a bankruptcy judge, and

(2) occurs 5 years or more after the appointment date of a judge appointed under subsection (a), shall not be filled.

SEC. 4. EXTENSION.

The temporary bankruptcy judgeship position authorized for the district of Delaware by section 3(a)(3) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) is extended until the first vacancy occurring in the office of a bankruptcy judge in that district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring 10 years or more after October 28, 1993. All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 remain applicable to such temporary judgeship position.

SEC. 5 TECHNICAL AMENDMENT.

The first sentence of section 152(a)(1) of title 28, United States Code, is amended to read as follows: ''Each bankruptcy judge to be appointed for a judicial district as provided in paragraph (2) shall be appointed by

the United States court of appeals for the circuit in which such district is located.''.

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

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1596.

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

There was no objection.

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

Mr. Speaker, I rise in favor of this legislation, the Bankruptcy Judgeship Act of 1997, and urge its adoption by the House.

We would think it is an anomaly, Mr. Speaker, to have a request for new bankruptcy judges at a time when the gross national product seems to be in good shape and inflation is down and the economy is in fairly good shape, yet the evidence is sound that bankruptcies, personal and otherwise, are on the rise. Therefore, the Judicial Conference, on whom we rely in the Committee on the Judiciary for the general themes of what we can best do to serve the Federal judiciary, has requested that these new judgeships be created.

There would be 7 permanent new judges and 11 temporary judges across the 14 Federal judicial districts. It would extend one temporary judgeship already in existence in another district.

Because I personally put so much stock in the findings of the Judicial Conference, those findings have formed the basis for the hearings that we held in this regard over the last two terms and the reports on which we based some of our recommendations.

The bill that is in front of us has been cosponsored by Members on both sides of the aisle. The gentleman from Illinois [Mr. HYDE], the chairman of the full Committee on the Judiciary, and the gentleman from Michigan [Mr. CONYERS] the ranking member on the minority, as well as the gentleman from New York [Mr. NADLER] the subcommittee ranking member, and this individual, all of us have cosponsored and have urged the passage of this legislation.

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

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

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Mr. LOFGREN. Mr. Speaker, I rise in support of the motion to suspend the rules and pass the bill, H.R. 1596, the Bankruptcy Judgeship Act of 1997.

This legislation is both urgently necessary and long overdue. Although bankruptcies continue to rise, over 1 million filings in 1996, Congress has failed to provide the necessary resources to do the job. We have not provided for any new bankruptcy judgeships since 1992. When the cases pile up in bankruptcy court, businesses that are owed money are left holding the bag, families trying to straighten out their lives face delay, and many cases will receive less attention than they merit.

I would note that this year the Administrative Office of the U.S. Courts has recommended an increase in the number of permanent bankruptcy judgeships in the Central District of California by four and the addition of a temporary bankruptcy judgeship in the Eastern District of California.

This bill also reflects the improved method instituted by the Administrative Office of the U.S. Courts for measuring the work required to adjudicate the huge chapter 11 cases. Until recently, the largest unit of measure used for the purpose of calculating judicial workload was a $1 million chapter 11.

Under that system of measuring judicial workload, a case involving $1 million worth of debt was statistically indistinguishable from a $1 billion case. By failing to measure the actual workload in these cases, the Administrative Office of the U.S. Courts consistently failed to recommend adequate resources for courts that heard the massive chapter 11 cases. This bill reflects the newer and more accurate measure.

We cannot afford to have debtors and creditors held up in court because there are not enough judges to hear the cases. H.R. 1596 is a measured response to the need for additional bankruptcy judges. I urge its adoption and join with the chairman in pointing out that this is indeed a measure that has received bipartisan support among its sponsors and on the committee.

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

Mr. GEKAS. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in support of the bill, H.R. 1596, and I want to thank the gentleman from Pennsylvania [Mr. GEKAS] for yielding me time to speak on the personal bankruptcy crisis in America.

In 1996 alone over one million cases for bankruptcy were filed, an increase of 27 percent over the 1995 filings, which equaled 926,000. In 1997 bankruptcy filings have exceeded 100,000 per month across the country.

While the entire Nation needs additional bankruptcy judges to help manage the increased caseload, H.R. 1596 is targeting areas most in need for additional assistance, with temporary judgeships to be authorized for the Eastern District of California, the Southern District of Florida, the District of Maryland, the Eastern District of Michigan, the Southern District of Mississippi, the Eastern District of New York, the Northern District of New York, the Southern District of New York, the Eastern District of Pennsylvania, the Middle District of Pennsylvania, and the Eastern District of Virginia.

Also, the legislation calls for an additional four permanent judges to be authorized for California, Maryland, New Jersey, and Tennessee.

Why are we in a personal bankruptcy crisis in America? A recent study conducted by SMR Research Corp. in Hackettstown, NJ, looked at the bankruptcy crisis and found that while there is no single prime cause of bankruptcy, there is a connection between bankruptcy and gambling.

That study states, and I quote, Mr. Speaker,

> It now appears that gambling may be the single fastest growing driver of bankruptcy. Once limited to Nevada and New Jersey, casino gambling has spread very rapidly through many States. Indian reservation casinos have been one new mode for this growth, and riverboat and coastal gambling boats have been added.

This is a fascinating and enlightening study which I will submit for the RECORD for all our colleagues to read.

When we look at the areas where H.R. 1596 targets the need for additional bankruptcy court assistance, we can see a link to the areas where gambling has proliferated in recent years. The SMR Research study states, and I quote,

> The bankruptcy rate was 18 percent higher in counties with one gambling facility and was 35 percent higher in counties with five or more gambling establishments.

The study continues, and I quote again, Mr. Speaker,

> The effect of gambling on bankruptcy seems quite clear when you look at a map. Among all the counties in Nevada, for instance, we find that the closer you come to Las Vegas and Reno, the higher the bankruptcy rate. In California the two counties with the highest bankruptcy rates are Riverside and San Bernadino. They also happen to be the two counties closest to Las Vegas. The fourth highest bankruptcy rate in California is in Sacramento County, which is closest to Reno.

If we look at H.R. 1596, we see the Central District of California will be authorized four additional permanent bankruptcy judges and the Eastern District of California will be getting an additional temporary judge to handle the swelling number of bankruptcy filings.

Mr. Speaker, I will not belabor the point, but I urge our colleagues to read the SMR Research report. We see Congress must be educated on the effects of gambling in our society. We are acting today to increase bankruptcy judgeships, which I believe can be linked to the proliferation of gambling today, but we just cannot continue to add more and more judges to solve this crisis. Getting to the heart of the problem is a challenge not only facing this Congress but the newly established National Gambling Impact Study Commission.

Mr. Speaker, the SMR information I referred to earlier follows:

THE PERSONAL BANKRUPTCY CRISIS, 1997

(Published by SMR Research Corporation)

THE PURPOSE OF THIS STUDY

In 1996, SMR Research issued a 56-page study on the causes of wildly rising personal bankruptcy filings. We knew the subject was timely, but little did we imagine the media coverage that would follow.

The 1996 study was mentioned in major newspapers and magazines across the land, on television, and even became the subject of two stories in the Wall Street Journal.

Fate is strange. Publicity is nice, but the 1996 study was not exactly a typical SMR production. The explosion in bankruptcies had caused a lot of demand for information from our lending industry clients, especially unsecured lenders. We put together the 56-page piece as a section of our 1996 annual credit card market study, and later offered the bankruptcy section by itself to non-credit card issuers.

Although 56 pages might look big to some folks, it was the shortest research study we have done since 1985. We found ourselves making conclusions in the 1996 study with some statistical backing, but not always definitive proof.

This study, by contrast, is indeed a standard SMR Research work. The scope is much greater, and allows us to cover the subject completely, with a meaty section on solving (or at least mitigating) the personal bankruptcy dilemma. Where the 1996 study focused solely on some of the core causes of bankruptcy, this study covers the full nature of the problem.

We look at the common misperceptions about bankruptcy and provide the statistics that show why they are such vast over-statements. Unemployment is not the primary driver of bankruptcy, nor is the overall consumer debt load. Lender marketing and easy credit also are not the prime cause.

In fact, there is no single prime cause of bankruptcy. In this study, you'll see coverage of many things that result in bankruptcy, with some quantification of which ones are in the worst. The additional space allows us to cover things we couldn't cover last year, like the connection between bankruptcy and gambling—perhaps the fastest-growing problem of all.

In addition, this study, for the first time we know of, shows the demographics of bankruptcy, using our county-level statistical database that goes back to 1989.

Regarding solutions to the problem, they are not easy. The bankruptcy spike is based at least in part on serious, intransigent, worsening, socio-economic problems. This underlying core puts upward pressure on filings, and the upward pressure really explodes when you throw lawyer advertising and bankruptcy's loss of social stigma into the mix.

Still, we are quite confident that there are steps available to creditors to help control their own bankruptcy loss exposure. We think the best solution of all may be the most radical, which is for creditors to adopt some of the risk-control techniques of the insurance industry. This would mean using actual geographic loss statistics as a supplemental aid in credit scoring, pricing, and marketing. This material appears starting on Page 157.

SMR has been following the bankruptcy subject, and has been building its database of filings, for eight years. After all that time, we finally have created a research study that we believe addresses all the central issues in the bankruptcy crisis.

We appreciate your patronage and hope you get good value from the research.

GAMBLING AND BANKRUPTCY

It now appears that gambling may be the single fastest-growing driver of bankruptcy.

Once limited to Nevada and New Jersey, casino gambling has spread very rapidly through many states. Indian reservation casinos have been one new mode for this growth, and riverboat and coastal gambling boats have added more.

If you have not been tracking the spread of gambling, you may be in for a shock about how pervasive gambling facilities have become.

Note that in the state of Nevada, there are only 17 counties (most of them very large). But across the nation, there are now 298 counties that have at least one major legal gambling facility: a casino, a horse or dog racing track, or a jai alai game. That's the count in one recent guide to U.S. gambling facilities, and it does not include such things as places where state lotteries or bingo parlors are available. The lotteries and bingo parlors tend to involve small-ticket gambling, whereas the other facilities obviously involve the larger dollars per customer.

The three addictions & changed mores

When we published our shorter study on the causes of bankruptcy in 1996, we had suspicions about gambling. But we had not yet put together enough solid data and information to make conclusions, therefore we said little about the subject.

Actually, since we were looking at events that can cause insolvency, we were suspicious in 1996 about all three of the serious addiction problems in America: alcoholism and drug and gambling addiction. We remain suspicious about all three of those problems. But of the three, it's quite clear that gambling is the fastest-growing phenomenon.

For those who make and supply alcohol, drugs, and gambling, all are very large businesses. But you don't have to be a sociologist to see that societal mores are changing most rapidly on gambling. Over the last 20 years, state governments themselves have entered the gambling business with lotteries. We see no states as yet that have gone into the heroin trade or where the government itself advertises Jim Beam. So, the concept of gambling now has the tacit blessing of government.

Meanwhile, private entrepreneurs have created dazzling and sophisticated facilities that have eliminated the ''sleazy'' from gambling and turned it into a recreation. Las Vegas is now a city-sized adult theme park with attractions for the kids, too. American Indians, operating on reservations beyond the authority of state laws, have seized on casinos as a new method to generate cash and improve their standard of living Cruise ships of all sorts have set up table games and slot machines.

Hard-bitten gamblers of old played poker at tables in a friend's kitchen or sat in cold bleachers to watch the horses. Today's gamblers only enjoy the fines food, free drinks, the best entertainment, super-quality hotels, and the widest variety of gambling adventures that have ever been available. And, of course, all of this now happens at places much closer to most of the larger population centers. Gambling can indeed be fun these days—but some smallish percentage of gamblers do develop problems that translate into bankruptcy.

STATISTICS, GAMBLING, AND BANKRUPTCY

As in so many aspects of bankruptcy, perfect data related to the gambling problem don't exist. No one has asked all the bankruptcy filers if gambling contributed to their financial problems, and we strongly suspect that if filers were asked that question, many would be too embarrassed to answer honestly.

But we can look at evidence in many other ways. Recently, for example, we input into our county-level records the number of gambling places that exist in each county, if any. We obtained the information, covering more than 800 casinos, race tracks, and jai alai ''frontons'' from the 1997 edition of The Gaming Guide: Where to Play in the US of A, published by Facts on Demand Press of Tempe, AZ. The directory provides street addresses and zip codes for the gaming establishments. We used the zips against SMR's Zip Code/County Matching database to put the right numbers of facilities in the right counties.

Then, we aggregated the bankruptcy rates of those places and compared them to those of counties that have no gambling at all. The bankruptcy rate was 18% higher in counties with one gambling facility and it was 35% higher in counties with five or more gambling establishments.

This exercise probably understates the seriousness of the problem, since many counties that have gambling facilities also have very small populations, and actually draw their customers from other places.

So, when we look only at counties with more sizable resident populations and gambling facilities, we see even greater evidence of the problem.

A look at the map

The effect of gambling on bankruptcy seems quite clear when you look at a map. Among all the counties in Nevada, for instance, we find that the closer you come to Las Vegas and Reno, the higher the bankruptcy rate.

In New Jersey, casinos are permitted only in Atlantic City—and that's also where the resident population has by far the highest bankruptcy rate. Generally speaking, the closer you come to Atlantic City, the higher the bankruptcy rate in New Jersey. One exception to this rule is Cape May County, just south of Atlantic City, where the bankruptcy rate is not so high. But Cape May also is a big retirement place with high average age in the population. As shown in our demographics section, high-age populations do not have high bankruptcy rats.

In California, the two counties with the highest bankruptcy rates are Riverside and San Bernardino. They also happen to be the two counties closest to Las Vegas. The fourth-highest bankruptcy rate in California is in Sacramento County, which is closest to Reno.

In Connecticut, the map hardly matters. Connecticut is so tiny that everyone has access to the gambling parlors in the middle of the state. This is a state that used to have a bankruptcy rate far below the national average. But Indian casino gambling is now huge and well-entrenched. The smaller of the Indian casinos, the Mohican Sun in Uncasville, boasts 3,000 slot machines. In Connecticut, the bankruptcy rate per capita has risen more than twice as fast as the national rate of increase since 1990.

WHAT THE EXPERTS SAY: SCOPE OF THE PROBLEM, AND THE CREDIT CARD CONNECTION

Aside from these observations, we set out this year to interview many of the leading U.S. experts on gambling, gambling addiction, and the financial impact of gambling.

Their studies have suggested, fairly consistently, that more than 20% of compulsive gamblers have filed for bankruptcy as a result of their gambling losses. They also show that upwards of 90% of compulsive gamblers had used their credit card lines to obtain funds for gambling and then lost. The same studies show that problem gamblers have a lot of credit cards on which to draw.

''One of the things we know about problem gamblers is that they tend to have lots and

lots of credit cards and those credit cards have been maxed out in terms of their credit limits,'' said Rachel Volberg, one of the leading researchers into problem gambling in the U.S. and internationally. Volberg is president of Gemini Research, a consulting firm in Roaring Spring, PA. She is a frequent ''expert witness'' on the problem in state legislative hearings and has done research under contract for various government units in Oregon, Colorado, New York, California, Michigan, Mississippi, Georgia, Louisiana, Iowa, Connecticut, and Canadian provinces.

Volberg is not the only researcher to note the connection with credit cards. ''It's not unusual for problem gamblers to have eight to 10 credit cards,'' adds Henry Lesieur, professor of criminal justice at the University of Illinois, Normal, another leading authority on compulsive gambling.

The amount gamblers owe is quite large. According to studies of Gamblers Anonymous members in Illinois conducted in 1993 and 1995 by Lesieur, the median average lifetime gambling debt of those surveyed was $45,000, and the median amount owed at the time they entered GA was $18,000. The median is the midpoint of a list of numbers, with 50% of the numbers being higher and the other 50% being lower.

However, the mean average debts of problem gamblers were far higher than the median amounts. The mean average lifetime gambling debt of those surveyed was $215,406, with three people saying they owed $1 million or more. The mean debt upon entering GA was $113,640, including one person who said he owed $1 million and another admitting to owing an incredible $7.5 million.

In another study dated April 1996 by the University of Minnesota Medical School, a survey of problem gamblers in Minnesota found the average lifetime gambling debt was $47,855, although individual amounts ran into the hundreds of thousands of dollars. The median amount was $19,000. Recent debts—those accumulated in the past six months—averaged $10,008, while the median amount was $4,500.

In late 1995, the Minneapolis Star Tribune examined 105 bankruptcy filings made in that city in which it was determined that gambling was a factor. The results of the study appeared in a five-part series that ran in the paper in December 1995.

The newspaper found that of the $4.2 million of total debt declared by the 105 filers, $1.14 million—or 27%—was comprised of gambling losses. Almost half of the 105 filers—52, to be exact—claimed they had gambling losses. Their average debt was $40,066, which was more than the average annual income of $35,244. The average gambling loss was more than $22,000. Filers carried an average of eight credit cards, although many had 10 or 15 cards and one person had 25. And heavy debts were being carried on each card.

Counties with gambling have higher bankruptcy rates

Let's return to the county-level data. In the table that follows, we divided up the country among counties with gambling facilities and those without. The differences in bankruptcy rates between them are striking. It's quite clear that those counties with legal big-ticket gambling have higher bankruptcy rates than those counties that don't have gambling, and those counties with many gambling houses have higher bankruptcy rates than those places with just a few.

We examined more than 3,100 counties. For the entire United States, the personal bankruptcy filing rate per 1,000 population in 1996 was 4.20. But the national rate for purposes of comparison to counties was 4.22 (using 1996 bankruptcies divided by 1995 populations; the 1996 county populations were not available when we did this analysis). For the 2,844 counties without gambling, the bankruptcy rate was lower, at 3.96.

According to The Gaming Guide, there were 298 counties that had legalized gambling within their borders. In these counties, the bankruptcy filing rate in 1996 was 4.67, or 18% higher than for those counties with no gambling. When we subdivide the universe of counties with gambling between those with five or more locations and those with four or less, we learn more. The places with the most gambling facilities have a much higher bankruptcy rate.

Of the 298 counties with gambling, 275 had only one to four facilities. Their combined 1996 bankruptcy filing rate was 4.53 per 1,000 residents, or 14% greater than the 3.96 rate among counties without gambling. However, in the 23 other counties with five or more gambling facilities, the combined bankruptcy rate was 5.33, a whopping 26% higher than the 4.22 national bankruptcy rate and 35% higher than at counties with no gambling at all. Many of these counties with 5+ gambling facilities are in Nevada, but most of them are not.

BANKRUPTCY FILING RATES IN U.S. COUNTIES WITH GAMBLING FACILITIES[1] VERSUS COUNTIES WITH NO GAMING ESTABLISHMENTS

	Number of counties	Aggregate population	1996 bankruptcy filings	1996 filings/1000
All counties with gaming facilities	298	97,385,935	454,384	4.67
Counties with 5+ gaming facilities	23	16,391,661	87,435	5.33
Counties with 1–4 gaming facilities	275	80,994,274	366,949	4.53
Counties with no gaming facilities	2,844	166,526,572	658,724	3.96
All U.S. counties	3,142	263,912,507	1,113,108	4.22

[1] Gambling facilities include land, tribal, and boat casinos; dog, horse, and harness race tracks, and jai alai frontons.

Again, these data tell only part of the story, since some gambling parlors (especially tribal casinos) are located in thinly populated places and draw almost all their customers from other places.

So, it's important to also look at more populous areas located very near to gaming facilities. Indeed, not only do many gambling facilities draw from other nearby population centers within the U.S., but in addition there are many legal casinos in several Canadian provinces. These often are located just beyond the U.S. border and cater to American gamblers in the Detroit area, upstate New York, and other northern states.

Thus, we believe many counties have high bankruptcy rates tied in part to gambling, yet the county doesn't register in our table as a ''gambling'' county. If we included counties contiguous to those places with legalized gambling, we're sure the numbers would show an even stronger correlation between high bankruptcy rates and gambling. The following mini study of the Memphis, TN, area illustrates our point.

Las Vegas East: Would you believe it's Tunica County, MS?

In the table below, we show the 24 counties in the U.S. with the worst U.S. bankruptcy filing rates in 1996 (10.0 or more filings per thousand residents) and where the population is greater than 25,000.

A significant number of these worst places share one trait—all are within easy reach of major gambling casinos. This is true of just about all of the counties on the list that are located in Tennessee, Mississippi, and Arkansas.

Neither Tennessee nor Arkansas has legal casino gambling within its borders. In fact, neither state even has a lottery, for that matter. Yet, several of their biggest counties are located near the 10 major riverboat casinos in Tunica County, MS. Tunica is located in the extreme northwest corner of Mississippi, just south of Memphis, TN. According to The Gaming Guide, Mississippi has the largest amount of ''gaming area''—that is, square feet of casino gambling—in any state outside Nevada. And most of that gaming is centered in Tunica County. Major casinos are also located in the Biloxi-Gulfport area on the Gulf of Mexico.

The profusion of super-high bankruptcy rates among the counties located near the Mississippi River casinos in Tunica County is quite remarkable. Indeed, the counties in the tristate area within the Memphis metropolitan area have some of the highest personal bankruptcy rates in the nation. We view their close proximity to the Tunica casinos as very meaningful.

Shelby County, TN, where Memphis is situated, easily had the highest county bankruptcy rate in the nation in 1996, at 17.28 per 1,000 population—more than four times the national average. It's also by far the biggest county in terms of population among the most bankrupt counties. Memphis also happens to be the headquarters of Harrah's, one of the biggest casino operators.

Also on the list of worst counties are two Mississippi counties. DeSoto, with a December 1996 filing rate of 10.65, borders Tunica County. Marshall County, at 11.47, is adjacent to DeSoto. Tunica County itself, the likely source of some of this trouble, has a population of just 8,132 souls, and a bankruptcy rate of just 5.78, less than the state average of 6.16.

Also high on the list of most bankrupt counties is Crittenden County, AR, at 11.16. It's the county located just across the Mississippi River from Shelby County. Tipton County, TN, at 10.96, is adjacent to Shelby County on the north. Madison County, TN, at 10.73, is located just east of Shelby. But other counties located near Shelby in Tennessee sport high bankruptcy rates, including Haywood, Lauderdale, Fayette, and Crockett, to name a few. These counties don't appear on our list of worst counties because their populations were less than 25,000.

The Tunica casinos aren't the only ones catering to Tennessee residents. There's also a casino located upriver in Caruthersville, MO, in that state's southeastern panhandle. It may be part of the reason for the 10.56/1,000 bankruptcy rate in Dyer County, TN, which is located just across the river. Also, Gibson County, TN, just east of Dyer, had a bankruptcy filing rate of 10.12. It's worth mentioning that both Dyer and Gibson Counties are also both within a two-hour drive of the Tunica casinos.

The next table shows that 9 of the 24 U.S. counties with the highest bankruptcy rates in 1996 also were places located very close to three gambling sites.

COUNTIES WITH HIGHEST BANKRUPTCY FILING RATES, 1996

[Minimum population 25,000]

County name	Population	Filings	Filings/1000
Shelby, County, TN [1]	865,058	14,952	17.28
Coffee County, GA	32,697	432	13.21
Jefferson County, AL	657,827	8,124	12.35
Bibb County, GA	155,066	1,912	12.33
Troup County, GA	57,882	705	12.18
Walker County, GA	60,654	705	11.62
Marshall County, MS [1]	32,078	368	11.47
Crittenden County, AR [1]	49,889	557	11.16
Clayton County, GA	198,551	2,209	11.13
Liberty County, GA	58,749	650	11.06
Coweta County, GA	72,021	789	10.96
Tipton County, TN [1]	43,423	476	10.96
Murray County, GA	30,032	325	10.82
Madison County, TN [1]	83,715	898	10.73
Baldwin County, GA	41,854	448	10.70
DeSoto County, MS [1]	83,567	890	10.65
Dyer County, TN [2]	35,900	379	10.56
Manassas City, VA	32,657	333	10.20
Gibson County, TN [2]	47,728	483	10.12
Scott County, MS [3]	25,042	253	10.10
Rhea County, TN	26,833	271	10.10
Talladega County, AL	76,737	774	10.09
Spalding County, GA	57,306	575	10.03
Ware County, GA	35,589	357	10.03

[1] Located near casinos in Tunica County, MS.
[2] Located near casino in Caruthersville, MO.
[3] Located near casino in Philadelphia, MS.

MORE EXAMPLES

Of course, scenarios like this can be seen in other areas of the country. Atlantic County, NJ, is a leading example. It is home to all of that state's legalized gambling casinos, and the 1996 bankruptcy rate was 7.10 filings per 1,000 residents. That was 71% higher than the state average bankruptcy rate of 4.16. And most of the time, counties located closest to Atlantic had higher bankruptcy rates than others further away.

Of course, Atlantic City draws customers from all kinds of places, including many from New York City. Our point is that the resident population in a gambling county has the easiest and most frequent opportunity to use the facilities, therefore we should expect to see some result in the per capita bankruptcy rate.

Similarly, the 1996 bankruptcy rate in Nevada is more than 50% higher than the national average. In Clark County, where Las Vegas is located and where more than half of the state's more than 300 casinos are based, we see the highest bankruptcy rate within the state. Nor is it surprising that the two counties with the highest bankruptcy rates in California are those just across the border from Las Vegas, San Bernardino (7.04) and Riverside (6.77). Those two counties also now have tribal casinos of their own.

Moving to Maryland, Prince Georges County has by far the highest bankruptcy rate among counties in that state—6.72 filings per 1,000 population in 1996, almost 50% higher than the state average of 4.57. By way of comparison, the next highest county bankruptcy rate in Maryland is 5.27, a significantly lower figure. What's going on in Prince Georges?

The answer is that Prince Georges is the only county in Maryland where casino gambling is legal. Legal casinos are located at charitable organizations, such as Elks and Knights of Columbus halls and volunteer fire departments. These casinos have strict limits on operating hours and betting and don't have the glitz of Las Vegas or Atlantic City, yet they do now exist and the casinos are used. Prince Georges County also has harness racing.

Gambling & low-bankruptcy States: Would they be even better without it?

All of the prior information is highly suggestive that gambling influences bankruptcy. Yet, as all the rest of this study shows, there are many other bankruptcy drivers. Therefore, the correlation between bankruptcy and the physical location of gambling facilities is certainly imperfect.

There are some states, for instance, where there are gambling facilities, yet the bankruptcy rates are reasonably low. These states include South Dakota, Minnesota, and Iowa—all located in the moderate bankruptcy ''corridor'' of the upper Midwest.

It's hard to tell in these areas whether gambling has no effect on bankruptcy, or if, on the other hand, bankruptcy would be even less of a problem without the casinos. The Minnesota university study referenced earlier in this section suggests that bankruptcies in that state are caused at times by gambling.

Indeed, the notion that gambling is a major negative for bankruptcy in all geographies is supported by information from our interviews and from a lot of local newspaper articles we have reviewed. The actual gambling debts may have become credit card debts prior to the filer entering bankruptcy court, but that doesn't change the cause of the financial trouble. The following material will add more from this review of experts and news articles.

QUANTIFYING THE PROBLEM

10% of Filings Might Be Linked to Gambling; 20% of Problem Gamblers Go Bankrupt

Articles we studied, often quoting attorneys who specialize in personal bankruptcy, suggested that about 10% of bankruptcy filings are linked to gambling losses. That figure could be higher depending on location. Most of the debt is racked up on credit cards.

According to the experts on compulsive gambling with whom we talked, no comprehensive national study on problem gambling has been conducted in the U.S. since the early 1970s. However, several state studies have been done, all concluding that 20% or more of compulsive gamblers were forced to file for bankruptcy protection because of the losses they had incurred.

In the April 1996 study of compulsive gamblers in Minnesota conducted by two professors at the University of Minnesota Medical School, the researchers reported that 21% of the people in the study had filed for bankruptcy. In addition, a disturbing 94% said they had at least one gambling-related financial problem in their lifetime. Furthermore, 9 out of 10 of the subjects said they had borrowed from banks, credit cards, and loan companies to finance their gambling. And, 77% said they had written bad checks to finance gambling sprees.

The University of Illinois in Normal conducted two surveys of members of Gamblers Anonymous in 1993 and 1995. The combined results found that 21% had filed for bankruptcy, and that another 17% had been sued for gambling-related debts. Additionally, 16% said their gambling led to divorce—another big driver of bankruptcy filings—and another 10% said it led to separation. Compulsive gamblers also have very high rates of attempted suicides, higher even than for drug addicts, the experts said.

Rachel Volberg, the Pennsylvania-based compulsive gambling consultant we referenced earlier, told us that a study in Wisconsin had found that 23% of compulsive gamblers had filed for bankruptcy, and that 85% of the gamblers said they had used credit cards for gambling money. She also said a study conducted in the Canadian province of Quebec found that 28% of problem gamblers there had sought bankruptcy protection.

One of the really scary things about these studies is that they are conducted only with people who had sought out professional help for gambling addiction. So, there may be other problem gamblers at risk, too.

According to several lawyers specializing in bankruptcy who were quoted in newspaper articles that we studied, 10% to 20% of their clients did so due to gambling debts they couldn't pay. These lawyers were located in areas near casinos, so the 10% to 20% figures probably doesn't hold for the U.S. population at large. Nevertheless, it's probably not a stretch to say that at least in those areas near major casinos, gambling-related bankruptcies account for a good 10% to 20% of the filings.

The Explosion in Iowa

It's also not a stretch to say that the number of people with financial problems stemming from gambling is on the rise, tracking the spread of legalized gambling.

Tom Coates, executive director of the nonprofit Consumer Credit Counseling Services of Des Moines, IA, told us that 10% to 15% of the people his agency counsels have financial problems ''directly related to gambling.'' That's up dramatically from 2-3% when the agency opened its doors 10 years ago, before casino gambling was legalized in Iowa. Coates also told us that his service's business is up 30-40% over a year ago, at a time when Iowa's unemployment rate is at an all-time low and its economy stronger than the nation's at large. He blames gambling for much of the surge.

Probably, much of what we've reported about problem gamblers will not surprise the experienced credit executive. People with gambling addiction are rather obviously at risk to lose a lot of money. But how many such people exist? And how many gamble occasionally? Let's take a look at the numbers, below.

2.6 million adults may have a gambling problem

According to the most recent statistics released by the American Gaming Association, the casino industry's trade group, U.S. households made 154 million visits to casinos in 1995. That number was up 23% from the previous year and up an astounding 235% from 1990.

The AGA said 31% of U.S. households gambled at a casino in 1995, up from just 17% in 1980. ''Gambling households,'' as the AGA calls them, also made an average 4.5 trips to casinos in 1995, up from 3.9 times the year before and 2.7 in 1990.

Of course, it is difficult to pinpoint how many of these people have a problem or compulsion—terms that can be a matter of degree or interpretation. Most estimates range from 1% of the adult population to as high as 7%.

The University of Minnesota study estimated that 1% of the state's entire population were ''problem pathological gamblers,'' meaning that they lose control and continue gambling in spite of adverse consequences. If this 1% figure were true for the entire U.S. population, it would represent about 2.7 million people at risk.

The gaming industry itself says that 2% to 4% of practicing gamblers develop compulsion problems. Since 31% of households gambled at a casino in 1995, the 2% to 4% range would yield numbers very similar to the Minnesota study. (31% of 265 million people 82.15 million 3% = 2.5 million compulsive gamblers.)

Needless to say, people don't become compulsive gamblers until they're first exposed to gambling. Therefore, the rapid spread of casino gambling right now is a major concern.

Coates, the credit consultant, told us that Iowa commissioned a study of problem gambling in 1989, two years before the state's first riverboat and Indian casinos opened. In that study, it was estimated that 1.7% of the state's adult population were compulsive gamblers.

In 1995, by which time many casinos had dotted the state, Iowa did a similar study. Using the same methodology, the second study found that 5.4% of the state's entire

adult population—not just the population that gambles—were problem or compulsive gamblers, a more than tripling of the rate in just six years.

Losing everything is common

For creditors, another problem with gambling-driven bankruptcy is that it is highly likely to result in total loss.

Even though most bankruptcy filings will represent near-total loss of amounts owed to unsecured creditors, the gambling-driven bankruptcies may be the worst. That's because addicted gamblers tend to ''tap out'' completely on debt and deplete savings, leading them into Chapter 7 liquidation.

These are logical observations, but also are supported by findings in a July 1996 study conducted in Wisconsin. We reviewed this study.

DEALING WITH THE GAMBLING ISSUES

Like so many of the drivers of bankruptcy, gambling is a frustratingly tough problem to solve.

Casino gambling is spreading rapidly in part because so many people enjoy it. Most gamblers also are responsible and know their limits. People like gambling and most do it safely, so how do you argue against the further spread of casinos?

The central problem for bankruptcy is that gambling adds another socio-economic minority group to the high-risk mix.

Bankruptcy is always driven by socio-economic and demographic minority groups. Most people have health insurance, but the 40 million Americans who don't are a large high-credit-risk minority. Most people don't get divorced, but the 10% of adults who are divorced are a sizeable at-risk minority. If there also are 2.6 million compulsive gamblers, this is just another high-risk group to throw in—and perhaps the most rapidly growing group. Bankruptcies are rising in part because, when you add up all these at-risk minority groups, you end up with a very large number that's no longer minor.

Still, we believe that much could be done by active creditors to combat the level of the risk. At the moment, if anything, creditors enable and even encourage the problem gambler to go too far. And some state governments seem even more eager than the casino themselves to encourage irresponsible gambling behavior—as we'll see in a moment in New Jersey.

Here are some of our thoughts on combatting the gambling/bankruptcy problem:

1. Make it tougher for customers to obtain cash advances at gambling casinos

According to the gaming industry itself, more than half of the money that gamblers play with at casinos is not money they brought with them. It is money they obtained inside the casino or close by from automated teller machines, cash advances from credit card terminals, and the like.

''It is no secret in the casino industry that patrons will continue to play a game until their cash runs out. What some operators have discovered, however, is if a consumer is provided with efficient and easy ways to access cash, often a 'last time' player will wager for longer than he or she originally planned,'' states a recent article about cash advances in International Gaming & Wagering Business, a gaming industry monthly magazine. In addition, the article says, ''credit customers tend to be more liberal money-users.''

Credit card issuers have been very accommodating to gamblers, making it easy for them to get their hands on large sums of money very quickly. And it may well be that most of this business is profitable for the card issuers. But that may be changing now. In an era of very rapidly increasing bankruptcies, it does not take long for the net losses from bankruptcy filers to exceed the profits from gamblers who responsibly use their cash advances.

Here is some admittedly over-simplified card issuer math: Let's hypothesize that 1,000 gamblers have used credit card cash advances to obtain $1,000 each. Total receivables for this group will be $1 million. At a 1.5% return on assets, this $1 million will generate $15,000 of net income.

But the gaming industry itself says that 2% to 4% of these gamblers have an addiction problem. If the average is 3%, then 3% of the 1,000 gamblers we've just looked at are very high risk. This will be 30 people. If, as the earlier data suggests, 20% of these 30 people will file for bankruptcy, then 6 of the original 1,000 gamblers will wind up in bankruptcy court. Against the $15,000 of net income, what will the loss be from the 6 bankrupt compulsive gamblers? Probably, it will be more than $15,000—or at least close enough to make this little piece of the credit card business insufficiently profitable.

This tells us that card issuers and the ATM associations they partially control may want to reconsider their placement of so many cash machines in casino hotels. Or, at least, card issuers may need to institute new early warning indicators specific to those locations. The heavy users of casino hotel cash machines should be the ones stopped sooner.

''If I were a credit guy, I would check better on the ATM transactions,'' said Edward Looney, executive director of the Council on Compulsive Gambling of New Jersey. ''Banks ought to immediately pick up on someone in trouble. You can tell just from the transactions.'' Coates was quoted in the Des Moines Register newspapers in late 1995 claiming that banking sources told him that eight of the 10 busiest ATMs in Iowa were located at the casinos.

2. Help defeat actions in states that would make it easier for gamblers to get credit card cash advances on casino floors

Here is perhaps the craziest credit risk story yet.

In New Jersey last September, the state Casino Control Commission passed a regulation that would allow casino patrons to utilize ATM and credit card cash advance machines placed right at the Atlantic City gaming tables.

Previously, customers had to walk to a different part of the building to use these machines. Under the new proposal, borrowing for blackjack would be faster than ordering a drink from a cocktail waitress. Not even Las Vegas casinos allow this. And, the Atlantic City casinos themselves don't support the measure, which they believe would lead to increased gambling compulsion and would tarnish the industry's reputation.

In other words, the state government is more eager to push money into the gamblers' hands than the casinos who would profit most in the short run. What's wrong with the New Jersey regulators—and why didn't the banking industry object?

So far, no Atlantic City casino has taken advantage of the rule change, nor is any likely to in the future, said Keith Whyte, director of research at the American Gaming Association, the industry's trade group.

''We definitely opposed in principle New Jersey's regulatory rule change that would let casinos put ATM card swipes right at the table. And in fact no casinos are doing that, and none will, I can almost guarantee you,'' Whyte told us. ''It wasn't a casino-initiated thing. Everybody [in the industry] realized that is probably not a step we would want to take.''

According to Looney, the New Jersey Compulsive Gambling Council chief, not a single credit card or banking industry representative raised any objection to this rule when it was being debated. Yet, Atlantic City has the highest concentration of big casinos outside Las Vegas and serves millions of gamblers per year. You get the feeling no one in the credit community is paying close attention to gambling's effect on bankruptcy.

3. Maybe cash machines should be moved out of the casino hotels entirely

Many of the experts we talked to for this study agreed that the worst thing for a compulsive gambler to have is immediate access to cash when he's on a binge. To the extent that banks control or influence where cash machines are placed, it may be time to reconsider their currently wide availability around the casino hotels.

If the gambler had to walk down the street to get cash, no doubt some would. But some of the people we interviewed strongly contend that the walk itself would impose a ''cooling off'' period that would stop some compulsive gambling losses.

''It's a vulnerable thing for a compulsive gambler to get credit,'' said Looney of the New Jersey council and himself a recovering gambling addict. ''They will be so focused on their gambling that they will gamble everything they can, including all the credit cards they have in their possession. It is important to have ATM and credit card terminals at least some distance from where gambling actually takes place. To some this might seem a small point, but to those of us who deal with compulsive gamblers, this is huge. For many compulsive gamblers, just being forced to walk a couple of hundred feet away from where the gambling is actually taking place is sufficient time for them to rethink whether they really want to gamble any further. That break from gambling is a crucial time for many.''

4. Challenge more aggressively those bankruptcy filings where it appears that gambling losses are the main reason why the person is filing

Inside the bankruptcy court, at least some folks contend, creditors should be even tougher on gamblers than they already are.

''I think lenders should push for slightly different treatment [in bankruptcy court] for someone who has been shown to run up his debts for gambling,'' said Tom Coates, the Des Moines credit counselor. Credit card lenders would not only be helping themselves but doing the problem gambler a favor, too, he noted.

Coates, who recently testified before the National Bankruptcy Commission, tried to impress on the panel that discharging gambling debts through a bankruptcy filing doesn't do the gambler any good. ''I tried to impress on the Commission that the compulsive, problem gambler is living in a fantasy world and to go ahead and discharge this debt in bankruptcy court continues to propagate this atmosphere of fantasy land. It will abort the recovery process for that individual. The process of recovery is to bring that person out of their fantasy world into the world of reality, and by discharging those debts, none of it seems real to them.''

Indeed, in a recent article in the St. Louis Post-Dispatch about gambling and bankruptcy, one gambler was quoted counseling another with money troubles: ''Go file bankruptcy. Then you'll have money to gamble with.''

U.S. credit card issuers should consider lobbying to change U.S. bankruptcy laws to make it illegal for people to discharge gambling debts in bankruptcy court. That is the current law in Australia, according to Henry Lesieur, the University of Illinois professor. Of course, the card issuers would have to be able to prove that a card cash advance was used for gambling purposes, which might

often be difficult. On the other hand, if the law were changed, perhaps filers who lie about gambling losses would risk penalties, so at least some might be honest.

5. Finance research into problem gambling and finance help for compulsive gamblers

From time to time, creditors provide funds to all sorts of charitable outfits. If they helped finance research into compulsive gambling, such spending would play a dual role. It would be a public contribution, and it would help creditors learn more about the seriousness of the tie between gambling and bankruptcy.

Quite a bit of money is spent on alcohol and drug addiction research and rehabilitation. Both of those problems are viewed (at least by some people) as medical. Apparently, the public view toward gambling addiction is quite different. There's no drug involved, and little is spent on research or rehab. Yet, gambling addiction can indeed be viewed as a form of emotional or metal illness—and it's the one addiction that is growing most quickly in its impact on creditors.

In our research for this study, we found very little new research being conducted on compulsive gambling. The experts we interviewed said that no national survey of compulsive gamblers has been done in more than 20 years; only a handful of studies have been done by various states from time to time. Much of the available research has been done in academia with modest financial support, and it gets little followup attention.

Card issuers spend millions on sporting events, the Olympics, and even on the Smithsonian museums (Discover Card). These expenditures have a marketing value. A fractional amount diverted to gambling research could have an even better bottom line impact.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. ROTHMAN].

Mr. ROTHMAN. Mr. Speaker, I thank the gentlewoman from California for yielding me this time.

Mr. Speaker, I rise today in support of H.R. 1596, the Bankruptcy Judgeship Act of 1997. I come to the floor today to speak not only as a Member of Congress but as a former county surrogate court judge. I am very concerned about the bankruptcy system in the United States, not that it does not work but that with the sheer number of cases being filed, Americans cannot be assured of speedy bankruptcy filings.

As the gentlewoman from California said, that means that individuals and businesses who are owed money by individuals and companies that take advantage of our bankruptcy laws, they will not receive their just compensation in a timely enough fashion. So as Members of Congress, as legislators, it is our responsibility to equip the judiciary with the tools they need to ensure fair and speedy bankruptcy trials for Americans.

In 1996 there were over a million bankruptcy filings in the United States. This was an increase of 27 percent over 1995 and more than triple the number filed since 1984. In my home State of New Jersey there were more than 34,000 filings in 1996, up almost 23 percent from the previous year.

While this number continues to rise, one thing has not changed. Since 1992, no new bankruptcy judges have been added. New Jersey's 34,000 bankruptcy cases were handled by only eight bankruptcy judges. It is, therefore, unreasonable to think that eight judges can adequately handle 34,000 cases, and that turns out to be the fact.

This number is too high. We cannot expect cases of this number to be heard expeditiously as well as thoroughly and fairly and creditors to be paid promptly if the number of judges does not increase. It is unfair for all of the parties involved.

We will be increasing with H.R. 1596 the number of new bankruptcy judges by 6 percent over 1992, even though the caseload went up 30 percent. I think that this is a good start, Mr. Speaker. H.R. 1596 puts into action the Judicial Conference's recent recommendation to add 7 permanent and 11 temporary judgeships nationwide, and I strongly urge my colleagues to vote for H.R. 1596.

Mr. HOYER. Mr. Speaker, I rise in enthusiastic support of H.R. 1596, the Bankruptcy Judgeship Act of 1997.

Spurred by credit card debt, bankruptcy claims in the United States have escalated by more than 20 percent over the past 5 years, increasing from 971,000 in 1992 to 1.2 million in 1996. This has translated into expanding caseloads for U.S. bankruptcy courts and placed a substantial added burden upon bankruptcy judges and staff. The district of Maryland is among those jurisdictions affected most severely by the rise in bankruptcy filings, experiencing a staggering 35.8 percent jump in the last year, and an astounding 544 percent increase over the 12-year period beginning December 31, 1984, and ending December 31, 1996.

The Bankruptcy Judgeship Act will help to alleviate the mounting stress on the most severely overburdened U.S. bankruptcy courts by establishing an additional 7 permanent and 11 temporary bankruptcy judgeships in various jurisdictions around the country. Under H.R. 1596, Maryland would receive one permanent and two temporary bankruptcy judgeships.

I would like to commend the bill's lead sponsor, Mr. GEKAS, chairman of the Judiciary Subcommittee on Commercial and Administrative law, and the rest of my colleagues on the Judiciary Committee, including Chairman HENRY HYDE, ranking member JOHN CONYERS, and the ranking member of the subcommittee, Mr. NADLER, for taking this action to help bankruptcy courts meet the challenge of rapidly expanding caseloads.

Enactment of this legislation will bring much-needed relief to the U.S. bankruptcy court system and more expeditious adjudication of bankruptcy claims. I strongly encourage all of my colleagues to support this important and timely legislation.

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

Ms. LOFGREN. 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 Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the bill, H.R. 1596.

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.

□ 1600

CLARIFYING STATE AUTHORITY TO TAX COMPENSATION PAID TO CERTAIN EMPLOYEES

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1953) to clarify State authority to tax compensation paid to certain employees.

The Clerk read as follows:

H.R. 1953

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

SECTION 1. LIMITATION ON STATE AUTHORITY TO TAX COMPENSATION PAID TO INDIVIDUALS PERFORMING SERVICES AT FORT CAMPBELL, KENTUCKY.

(a) IN GENERAL.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following:

"§ 115. Limitation on State authority to tax compensation paid to individual performing services at Fort Campbell, Kentucky

''Pay and compensation paid to an individual for personal services at Fort Campbell, Kentucky, shall be subject to taxation by the State or any political subdivision thereof of which such employee is a resident.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 4, United States Code, is amended by adding at the end the following:

''115. Limitation on State authority to tax compensation paid to individuals performing services at Fort Campbell, Kentucky.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to pay and compensation paid after the date of the enactment of this Act.

SEC. 2. CLARIFICATION OF STATE AUTHORITY TO TAX COMPENSATION PAID TO CERTAIN FEDERAL EMPLOYEES.

(a) IN GENERAL.—Section 111 of title 4, United States Code, is amended—

(1) by inserting ''(a) GENERAL RULE.—'' before ''The United States'' the first place it appears, and

(2) by adding at the end the following:

''(b) TREATMENT OF CERTAIN FEDERAL EMPLOYEES EMPLOYED AT FEDERAL HYDROELECTRIC FACILITIES LOCATED ON THE COLUMBIA RIVER.—Pay or compensation paid by the United States for personal services as an employee of the United States at a hydroelectric facility—

''(1) which is owned by the United States,

''(2) which is located on the Columbia River, and

''(3) portions of which are within the States of Oregon and Washington,

shall be subject to taxation by the State or any political subdivision thereof of which such employee is a resident.

''(c) TREATMENT OF CERTAIN FEDERAL EMPLOYEES EMPLOYED AT FEDERAL HYDROELECTRIC FACILITIES LOCATED ON THE MISSOURI RIVER.—Pay or compensation paid by the United States for personal services as an employee of the United States at a hydroelectric facility—

''(1) which is owned by the United States,

''(2) which is located on the Missouri River, and

''(3) portions of which are within the States of South Dakota and Nebraska,

shall be subject to taxation by the State or any political subdivision thereof of which such employee is a resident.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to pay and compensation paid after the date of the enactment of this Act.

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

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. GEKAS]?

There was no objection.

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

Mr. Speaker, I urge adoption of this piece of legislation. For several years now, we heard of this very unique, very peculiar situation that exists where, on borders between two States, there happens to be a facility in which residents and nonresidents alike, each from one of the States, happen to work in that facility. Some of the States are taxing nonresidents on income taxes where nonresidents in their own State might not have to pay that kind of tax. So this has caused a kind of conflict.

We are grateful to the Members of the House from the various States which were affected to give us insight and to give testimony at the hearings that we have held on this very touchy subject. The border between Oregon and Washington comes into play, as my colleagues will hear from the representatives from that area; the border between Tennessee and Kentucky, as well, where Fort Campbell is located. Of late, we had a similar situation arise, which was brought to our attention, between South Dakota and Nebraska.

So my colleagues will hear how this has affected the people who live and work in those areas. We believe that the legislation that is before us cures this very unfortunate situation and allows the nonresidents, as it were, in these six States to have a sense of certainty about to whom they have to pay taxes and where to file, et cetera.

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

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume and I rise in support of the motion to suspend the rules and adopt H.R. 1953.

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, many responsibilities have devolved to the States in the last several years. At the same time, there has been less assistance from the Federal Government. State governments must deal with each of these new challenges while balancing their budgets every year.

Congress should only, with the greatest reluctance, interfere with the prerogative of States to tax economic activity within their borders. The three cases before us, however, present unique, narrowly defined instances in which the equities clearly argue for some relief for the very small number of workers affected. In fact, the very small number of individuals involved here probably have something to do with the fact they have been unable to find relief in the appropriate source, State governments.

In each case, a small number of workers enter a Federal facility from their home States. Because these facilities are bisected by State boundaries, their work takes them over the State line and brings them under the taxing authority of the neighboring State. As a result, they must pay income taxes to that neighboring State, even though they never actually use the roads or other State services.

Finally, unlike most States, the two neighboring States lack reciprocal tax agreements to give residents the ability not to be taxed by their home State on income taxed in the neighboring State. These are highly unusual cases. They are not simply cases of people working in neighboring States who do not want to pay taxes to that State.

The combination of these many unusual circumstances: The failure of the States to work out an equitable reciprocity agreement, along with the fact that these workers can be said to have worked in the neighboring State only in the narrowest and most technical sense, makes this legislation merited.

This legislation is in line with the very few previous instances in which Congress has taken similar actions. We are exercising a Federal power that must be used only with the greatest of care; and I believe this legislation does that, and I urge its adoption.

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

Mr. GEKAS. Mr. Speaker, I yield myself such time as I might consume just to remark that the gentleman from New York, who is the ranking member on the subcommittee in charge of these proceedings, was very helpful from an insight that he has drawn as a member of the New York State Legislature, so that he was able to present to us a certain facet of this type of legislation which he has helped to craft in the language here to help us provide the proper vehicle for what we are attempting to do here.

Mr. Speaker, I yield to the gentleman from Tennessee [Mr. BRYANT] such time as he may consume. The gentleman has been very helpful right from the beginning, and his perseverance is in no small measure responsible for the appearance of this bill on the floor here today.

Mr. BRYANT. Mr. Speaker, I thank the chairman from Pennsylvania [Mr. GEKAS] for yielding me the time.

While I fully support all the provisions in this legislation, I want to speak for just a moment on the section which would prevent the State of Kentucky from unfairly taxing the workers who live in Tennessee but who work on the Kentucky side of Fort Campbell. This is a unique situation.

Fort Campbell is the only military installation which is located in two States. In fact, over 80 percent of the base is located in Tennessee, and it might interest my colleagues to know that the only reason we call this base Fort Campbell, KY, is that the post office is on the Kentucky side.

Because of its location, if a Tennessee resident working on the base is assigned to work on the Kentucky side, she must pay Kentucky State income taxes. Reciprocal agreements between two States normally would prevent this double taxation. However, because Tennessee does not impose an income tax on its State residents, a reciprocal agreement does not exist between Tennessee and Kentucky.

Mr. Speaker, passage of this legislation will not set a precedent for Federal preemption of State income tax laws because of the uniqueness of this case and the other two cases. Because this is a military installation, everyday benefits that would normally be provided by Kentucky in return for these taxes paid by Tennesseans are actually provided by either the State of Tennessee or by the military.

For example, a person who has been assigned to work on the Kentucky side of the post does not ever have to use a Kentucky road, since these roads have been paid for by the military and the post can be entered from the Tennessee side. The same is true in the case of fire and police protection.

This is an issue of fairness for the 2,200 Tennessee residents who are seeing their annual income reduced simply because they were assigned to work in a section of the base which is located in Kentucky.

Mr. Speaker, I also want to take a moment at this time to thank my colleagues on the subcommittee, the gentleman from Pennsylvania [Mr. GEKAS], the chairman, and the gentleman from New York [Mr. NADLER], the ranking member, for working with me on this issue.

Consideration of this legislation on the House floor represents a real victory for those who have worked so hard on the issue. For the last 10 years, legislation to correct this inequity has been introduced in the House, only to die at the end of each session of Congress due to inaction. This effort was first begun by then-Representative and now-Governor Don Sundquist, a friend of mine. And I am happy to have an opportunity to carry on this fight with him.

Ms. LOFGREN. Mr. Speaker, I would just further add that, in the last Congress, this issue was discussed on the

floor of the House and there was a great deal of distress and opposition from various State officials that is not presented today. This change is worth emphasizing because this is a very narrow exception that is not a precedent for telecommuting or anything broader than the very narrow circumstances that face us here today. I think we have done a good job of moving this forward. I commend the chairman.

Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Washington, Mrs. LINDA SMITH, who herself has been instrumental in keeping this committee focused on the special problem that she and the other Members have faced on that border between Oregon and Washington.

Mrs. LINDA SMITH of Washington. Mr. Speaker, sometimes we have a law that seems insignificant because it only affects a few people. But this particular day, it is very important to many people in Washington and Oregon, especially those that live in Washington, because for many years, they have been told there are not enough of them for Congress to pay attention. So I would like to commend the gentleman from Pennsylvania [Mr. GEKAS], the chairman, for caring about justice for the few.

What has happened over the years is we have what is called a no man's land in Washington State and Oregon called a very wide river. It has many dams on it, and Federal employees work on that river. Over the years, one of the States, the State of Oregon, has decided that there is an imaginary line in the middle of the river and that they will have folks that get up each morning and pack their lunch and go to work never ever going to the State of Oregon, living in Washington, keep track of the hours as they go throughout the day, the hours that they walk onto the side of the river that Oregon has decided is their land. This has become a bone of contention over the years.

And I often hear taxation without representation. We hear this often. But really, sometimes people use it because they do not want to pay their share or they do not want to pay for services. These folks never drive on an Oregon road. They are never protected by Oregon law. There is never a fire engine that comes to protect their home. There is no service. There is nothing, except they walk across a Federal project part of the way through the day and then usually are required to pay about 10 percent tax on 50 percent of their income, without ever getting any service.

So today what we have is just common sense, but it is also justice for the few. And that is what America is about. We protect the rights of each individual. And the right to not have taxation without representation is just something we know is American.

So today I thank the chairman again and all the other Members, especially the gentleman from Washington [Mr. HASTINGS], who I am sure is on a plane coming home, if he is like so many Members, he is coming back here today because he has diligently brought it to the Chair, brought it to the committee, brought it to the limelight. And he has several of those dams, as I do, on the Columbia River, and his folks need to understand that he has been a bulldog on this. Even though it was only a few people, the gentleman from Washington [Mr. HASTINGS] has cared deeply about the few.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume to allow the RECORD to reflect what the gentlewoman from Washington, Mrs. LINDA SMITH, has said that the gentleman from Washington [Mr. HASTINGS] too has been important in the promulgation of the legislation which is now before us. And he, I believe it was almost 2 years ago, was the first who brought this matter to our attention. And here we are today in full fruition of the solution of the problem that he brought then to the floor.

We now turn to another border, South Dakota and Nebraska.

Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota [Mr. THUNE] to explain how that has occurred and how that was added to our legislation, because it reflected so much of the similarity between it and the other States in question.

Mr. THUNE. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. GEKAS], the chairman, for yielding and for working with us on this important issue. This is something that is a very commonsense bill. It helps South Dakota families.

In fact, one of the things in South Dakota that we pride ourselves on is the fact that we are a low-tax State, and we like to attract economic development and people to come to our State because we have a low-tax environment. This is something that I think addresses an issue which works against that very principle.

In fact, in this particular case, this bill will save 35 families in my State of South Dakota $1,000 a year. These are people that live in South Dakota but work on a Federal project outside the taxing authority of Nebraska and South Dakota.

South Dakota residents work at Gavins Point, which is a Federal project on the Missouri River. They do not need Nebraska roads, facilities, goods, or services to access their worksite. In fact, these 35 families receive no benefits whatsoever for the tax dollars that they pay to the State of Nebraska. They cannot vote down there, and they cannot use Nebraska services.

We just heard previously from other speakers an important principle on which this country was founded, and that is the principle that you should not have taxation without representation. That is an inequity that has certainly cost the families of my State of South Dakota a substantial amount of tax revenues over the years.

So we are very pleased that the chairman and other Members of this body are willing to work with us to address this inequity and bring some fairness to the respective tax laws that we have.

I would just simply close by saying that those of us that live in South Dakota like the State of Nebraska. Many of us are Nebraska Cornhusker fans, but we would rather live in South Dakota. And that is where we want to live and pay taxes. And since we do not have a State income tax, it does have a significant economic impact on these families. And this bill addresses that. So I thank the chairman for working with us on this.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in strong support of H.R. 1953, a bill to tax more fairly workers at Federal facilities which border two States. This bill incorporates legislation I introduced earlier in this Congress to end the double taxation of Army Corps of Engineers employees working on dams across the Columbia River between Washington and Oregon.

Mr. Speaker, these Federal employees are currently being forced to pay income taxes to a State in which they do not work, live, vote, or receive benefits. For example: These workers can enter their dams from Washington State and need not use Oregon bridges or roads; workers paying taxes to Oregon have been denied Oregon unemployment benefits when they are laid off; they and their children are denied in-State tuition at Oregon universities; and they do not qualify for in-State fees for fishing and hunting licenses. Nor are they eligible for Oregon's comparatively inexpensive vehicle registration fees.

In short, these citizens never receive a single benefit from the taxes they are compelled to pay to the State of Oregon.

Beside the burden of paying taxes to two States, these workers must also bear the administrative burden of recording the percentage of their work day spent on each half of the dam. This is an unreasonable burden on these employees, who must frequently walk back and forth across their dams to carry out routine tasks. Furthermore, this costs the American taxpayers who must pay these Federal employees to track their time and movements when they might otherwise be doing the actual work for which they were hired.

H.R. 1953 would settle this problem in a manner consistent with previous legislation. In the Amtrak Act of 1990, Congress determined that railway employees who frequently cross State lines should only be required to pay income taxes to their State of legal residence. In the 104th Congress we passed the source tax bill which stipulated that pension benefits should be taxes only in the recipient's State of legal residence. In both cases, Congress intervened to clarify an interstate tax issue.

The administration has stated that congressional action is needed. The Human Resources Department of the Army Corps of Engineers in Portland has informed their employees that: "Congressional action will be required if we are to get this situation fixed." You may recall that the House debated this

issue last fall. Since that time hearings have been held, and we have worked with the Oregon delegation to address the concerns expressed earlier about this situation.

Mr. Speaker, I would like to commend the excellent work of Mr. GEKAS, the chairman of the Subcommittee on Commercial and Administrative Law—together with Mr. NADLER, the ranking minority member of the subcommittee—in introducing H.R. 1953. Following hearings on this issue in April of this year, Mr. GEKAS prepared a bill which addresses double-taxed workers in Washington, Tennessee, and South Dakota, while preserving the right of States to collect taxes within their borders. This is an excellent bill, and deserving of all of our support.

I urge my colleagues to support this bipartisan, commonsense measure which protects working people and their families from unfair taxation.

□ 1615

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the bill, H.R. 1953.

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.

PRIVATE SECURITY OFFICER QUALITY ASSURANCE ACT OF 1997

Mr. BARR of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 103) to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes.

The Clerk read as follows:

H.R. 103

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Private Security Officer Quality Assurance Act of 1997''.

SEC. 2. FINDINGS.

Congress finds that—

(1) employment of private security officers in the United States is growing rapidly;

(2) the private security industry provides numerous opportunities for entry-level job applicants, including individuals suffering from unemployment due to economic conditions or dislocations;

(3) sworn law enforcement officers provide significant services to the citizens of the United States in its public areas, and are only supplemented by private security officers who provide prevention and reporting service in support of, but not in place of, regular sworn police;

(4) given the growth of large private shopping malls, and the consequent reduction in the number of public shopping streets, the American public is more likely to have contact with private security personnel in the course of a day than with sworn law enforcement officers;

(5) regardless of the differences in their duties, skill, and responsibilities, the public has difficulty in discerning the difference between sworn law enforcement officers and private security personnel; and

(6) the American public demands the employment of qualified, well-trained private security personnel as an adjunct, but not a replacement for sworn law enforcement officers.

SEC. 3. BACKGROUND CHECKS.

(a) IN GENERAL.—An association of employers of private security officers, designated for the purpose of this section by the Attorney General, may submit fingerprints or other methods of positive identification approved by the Attorney General, to the Attorney General on behalf of any applicant for a State license or certificate of registration as a private security officer or employer of private security officers. In response to such a submission, the Attorney General may, to the extent provided by State law conforming to the requirements of the second paragraph under the heading ''Federal Bureau of Investigation'' and the subheading ''Salaries and Expenses'' in title II of Public Law 92–544 (86 Stat. 1115), exchange, for licensing and employment purposes, identification and criminal history records with the State governmental agencies to which such applicant has applied.

(b) REGULATIONS.—The Attorney General may prescribe such regulations as may be necessary to carry out this section, including measures relating to the security, confidentiality, accuracy, use, and dissemination of information and audits and recordkeeping and the imposition of fees necessary for the recovery of costs.

(c) REPORT.—The Attorney General shall report to the Senate and House Committees on the Judiciary 2 years after the date of enactment of this bill on the number of inquiries made by the association of employers under this section and their disposition.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that States should participate in the background check system established under section 3.

SEC. 5. DEFINITIONS.

As used in this Act—

(1) the term ''employee'' includes an applicant for employment;

(2) the term ''employer'' means any person that—

(A) employs one or more private security officers; or

(B) provides, as an independent contractor, for consideration, the services of one or more private security officers (possibly including oneself);

(3) the term ''private security officer''—

(A) means—

(i) an individual who performs security services, full or part time, for consideration as an independent contractor or an employee, whether armed or unarmed and in uniform or plain clothes whose primary duty is to perform security services, or

(ii) an individual who is an employee of an electronic security system company who is engaged in one or more of the following activities in the State: burglar alarm technician, fire alarm technician, closed circuit television technician, access control technician, or security system monitor; but

(B) does not include—

(i) sworn police officers who have law enforcement powers in the State,

(ii) attorneys, accountants, and other professionals who are otherwise licensed in the State,

(iii) employees whose duties are primarily internal audit or credit functions,

(iv) persons whose duties may incidentally include the reporting or apprehension of shoplifters or trespassers, or

(v) an individual on active duty in the military service;

(4) the term ''certificate of registration'' means a license, permit, certificate, registration card, or other formal written permission from the State for the person to engage in providing security services;

(5) the term ''security services'' means the performance of one or more of the following:

(A) the observation or reporting of intrusion, larceny, vandalism, fire or trespass;

(B) the deterrence of theft or misappropriation of any goods, money, or other item of value;

(C) the observation or reporting of any unlawful activity;

(D) the protection of individuals or property, including proprietary information, from harm or misappropriation;

(E) the control of access to premises being protected;

(F) the secure movement of prisoners;

(G) the maintenance of order and safety at athletic, entertainment, or other public activities;

(H) the provision of canine services for protecting premises or for the detection of any unlawful device or substance; and

(I) the transportation of money or other valuables by armored vehicle; and

(6) the term ''State'' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia [Mr. BARR] and the gentlewoman from California [Ms. LOFGREN] each will control 20 minutes.

The Chair recognizes the gentleman from Georgia [Mr. BARR].

GENERAL LEAVE

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

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

There was no objection.

Mr. BARR of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in this great body in support of passage of the Private Security Officer Quality Assurance Act. I introduced this legislation along with the gentleman from California [Mr. MARTINEZ] at the beginning of this Congress. The gentleman from California has championed this bill not only in this Congress but in the previous Congresses as well.

This bill, Mr. Speaker, is identical to the bill that passed this House last Congress by a vote of 415 to 6. This bill will help ensure that private security officers undergo thorough and timely criminal background checks. It is straightforward and simple. It proposes an expedited procedure similar to those in use by the financial and parimutuel industries today to match the fingerprints of job applicants against records maintained by the FBI's Criminal Justice Services Division.

Mr. Speaker, there are more than 1.5 million private security officers in the United States. The security industry is

dynamic and there is great pressure to meet the ongoing need to hire qualified personnel as vacancies occur. Thorough reviews of job applicants' backgrounds are critical to employers, both to protect assets and to ensure protection for the public. Employers must depend on State and Federal agencies for criminal history information. They need this information promptly, but under existing law this process can take from 3 to 18 months.

Thirty-nine States now require security contractors to conduct background checks of their personnel, usually requiring fingerprint matches. To obtain a review of the FBI records, a cumbersome, unwieldy process is used, leading to lengthy delays.

Today an employer must submit prints to the State police agency which in turn forward them to the Bureau where they are processed. This so-called rap sheet is then sent back to the police agency, which then sends these results to the State's agency charged with regulating the industry. That agency then must judge the fitness of the applicant for employment and a decision might then be made. At that point, if a permit is issued, it is sent to the applicant.

The existing system for private security employers to learn whether an applicant's criminal history disqualifies that person is often cumbersome and almost always time consuming. The typical transaction provides many opportunities for the process to bog down. With State agencies commonly stretched thin by tight budgets, the time required for staff to forward an applicant's fingerprints to the FBI sometimes consumes months.

Still further delays can and do occur after the FBI completes the check and returns the results to the State. As I stated earlier, in many States the results of the background check review then go to a law enforcement agency, then to a separate regulatory agency responsible for security officers, thereby lengthening the process even further. The bottom line is that in some instances an employer may wait more than a year, sometimes well over a year, before learning whether an applicant has a serious criminal record.

Financial institutions, Mr. Speaker, were authorized by Congress under Public Law 92–544 to obtain criminal records directly from the FBI. Under this system, the American Banking Association has indicated the process is reduced to about 20 business days.

Congress created another so-called express lane for obtaining criminal record information in the enactment of Public Law 100–413, the Parimutuel Licensing Simplification Act of 1988. This is a similar process to the one used by the American Bankers Association [ABA], but the rap sheet is sent back to the State regulatory agency, not the employer. The system approximates that proposed in H.R. 103.

This bill will authorize the Attorney General to name an association to aggregate, or collect, fingerprint cards, screen them for legibility, and then forward them to the FBI. The results of the records search will then be forwarded back to the appropriate State officials. By sending the records to State officials rather than to employers, we avoid, Mr. Speaker, potential concerns about privacy rights of job applicants. By eliminating several steps from the process, this system should result in a far more efficient system of background checks.

This system has been endorsed by the National Association of State Security and Investigative Regulators. As under current law, fees will be assessed to compensate the FBI for their costs, and there will be no net cost to the Government for this expedited procedure. We have made that clear in the language of the bill, Mr. Speaker.

Moreover, the bill contains absolutely no mandates for the States. The States are not required to participate in any part of a proposed bill if they elect not to. I strongly urge this Congress to join in support of H.R. 103, the Private Security Officer Quality Assurance Act.

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

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

Mr. Speaker, I rise in support of the bill. This bill would permit associations representing private security firms to request FBI criminal history background checks on prospective security employees. This is a worthwhile bill because private security officers are entrusted with safety matters and it makes sense, good sense, to take advantage of the available resources to ensure that security firms do not unknowingly hire someone with a criminal background.

I do, however, want to sound two notes of caution about the bill and potentially unintended outcomes. First, I want to be absolutely clear that I do not believe private security officers are a substitute for sworn law enforcement officers. Private officers are generally less well trained, they are not sworn to protect the public, and constitutional protections do not operate with respect to them to the same degree as with police officers. There has been a trend toward private companies and even residential communities hiring more private officers as local governments are forced by budget constraints to scale back on their police forces. If this legislation were to encourage that trend, I believe we would come to regret it and would need to review and take action in the future should that unintended and unexpected outcome be the result.

Second, I do want to note that the FBI is concerned about the possible burden of dealing with hundreds of different private security firms requesting background checks. I share that concern and would urge the security firms if this bill is enacted to coordinate their background check requests through one or two trade associations that can provide a point of contact for the FBI. Again, if the firms fail to operate in a way that works best for the FBI, Congress would have to step back in and review this situation. And so I think it would be very wise for the private security firms to take every possible step to avoid adversely impacting the Federal Bureau of Investigation.

With those two caveats about potential concerns, I would like to note that I do and Democrats on the committee did support this bill. The gentleman from California [Mr. MARTINEZ], as the gentleman from Georgia noted, has introduced this bill for several Congresses and it is good to see a bipartisan team coming together in support of this bill.

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

Mr. BARR of Georgia. Mr. Speaker, I yield myself such time as he may consume to the gentleman from Florida [Mr. MCCOLLUM], distinguished chairman of the Subcommittee on Crime of the Committee on the Judiciary.

(Mr. MCCOLLUM asked and was given permission to revise and extend his remarks.)

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

Mr. Speaker, I want to simply congratulate the gentleman from Georgia for this bill. I think it is a very important piece of legislation in terms of trying to make sure that when we have security officers in private concerns, and we do all over the country, that they get their backgrounds checked. It really does not make sense to open the door for criminal behavior and conduct even in private concerns when people are supposed to be involved with highly sensitive matters and they have some kind of background that would say to the people who are hiring that we would not do that if we had known that was there.

Mr. Speaker, I think the gentleman has made an enormously valuable contribution to safety and security in this country by this bill and I strongly support it and urge its adoption.

Mr. Speaker, H.R. 103, the Private Security Officer Quality Assurance Act, represents a legislative effort to expedite and improve background checks for private security guards. Congressman BARR brought this issue to Congress' attention last year, and his bill passed overwhelmingly in the House. Unfortunately, it was not taken up by the Senate before final adjournment, and I commend him for his continuing dedication to this issue.

Mr. Speaker, the private security industry is large and continually growing. It is estimated that, by the year 2000, private security officers will outnumber sworn law enforcement officers nearly 3 to 1.

Private security guards wear uniforms much like law enforcement uniforms. Some carry guns or other weapons. They give every appearance of authority, and many citizens trust them implicitly. The public deserves some assurances that the security guards they see at the malls, or in the parking lots, or at the office buildings are all qualified individuals who do not have criminal records.

H.R. 103 directs the Attorney General to designate an association of employers of private security officers who would submit fingerprints to the Attorney General on behalf of any applicant for a private security officer position. The Federal Bureau of Investigation will then conduct the background checks on those applicants. The legislation gives the Attorney General authority to prescribe such regulations as may be necessary to implement this process, including regulations relating to confidentiality of information and the imposition of fees necessary for the recovery of costs.

This legislation does not supplant any current State background investigation process for private security officers, it simply creates a new avenue for more efficient investigations of national criminal history files. H.R. 103 will make it much more difficult for persons with criminal histories to cloak themselves with the legitimacy of a security uniform, and I urge my colleagues to support it.

Mr. BARR of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is also important to keep in mind that just a few days ago we celebrated, if that is the proper word, or at least recognized the first anniversary of the tragic bombing at Olympic Park in Atlanta. With the fact that there was a great deal of private security at those events and with the events surrounding Mr. Jewel, I cannot help but think that this is a very appropriate time to bring this bill forward to the floor because it will, I think, Mr. Speaker, go a great distance toward improving the caliber of private security officers in our community.

I would like to commend the gentlewoman from California for noting very appropriately and to remind all of our colleagues that the bill itself recognizes in its terms that despite the important role as an assistance or an adjunct to law enforcement, the role played by private security officers, they are not viewed in any way, shape or form by this legislation nor by myself or my cosponsor the gentleman from California [Mr. MARTINEZ] as usurping the authorities and duties of law enforcement officers. But that is a very important concern and one which we addressed specifically in the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I rise today in support of H.R. 103, the Private Security Officer Quality Assurance Act. I believe this legislation will help ensure that only qualified individuals are hired as private security officers, thereby improving the important public service these individuals provide.

H.R. 103 is not broad in scope. It seeks modest changes that would simply expedite the process by which States and employers can check the backgrounds of individuals applying for private security jobs.

The bill would accomplish this in two basic ways. First, it would allow the Attorney General to establish an association of private security guard employers. This association would in turn serve as an industry clearinghouse that would submit applicant information to the Federal Bureau of Investigation for purposes of doing individual background checks. This would help ensure that both the States and the employers would quickly receive important background information concerning individuals seeking to become private security officers.

Second, the bill includes provisions expressing the sense of Congress that the States should participate in the background check system.

The Private Security Officer Quality Assurance Act passed the House on September 26, 1996 by a vote of 415 to 6. The Senate, however, did not act upon the measure before the 104th Congress adjourned. Thus the gentleman from Georgia [Mr. BARR] reintroduced the identical bill this year as H.R. 103.

I would note that H.R. 103 was referred to the Committee on Education and the Workforce and, in addition, to the Committee on the Judiciary. While the Committee on Education and the Workforce has not reported H.R. 103, the Committee on the Judiciary did in fact order the bill favorably reported by a voice vote on June 18, 1997.

In light of the fact that H.R. 103 is identical to legislation passed overwhelmingly by the House last September, I agree with the gentleman from Pennsylvania [Mr. GOODLING], my committee chairman, that there is no reason to slow the legislative process. However, I also share his view that these actions should hold no precedence regarding the interest that the Committee on Education and the Workforce has regarding our jurisdiction with respect to issues raised in the bill. The committee retains its jurisdiction with respect to issues raised in the bill should its provisions be considered in a conference with the Senate.

Mr. Speaker, I would urge passage of this legislation that will help ensure the quality of the individuals who work as private security officers and help improve public safety.

Mr. GOODLING. Mr. Speaker, I rise today in support of H.R. 103, the Private Security Officer Quality Assurance Act. Modest though it may be, I believe this legislation can provide a valuable first step toward assuring that only qualified individuals are hired as private security officers.

H.R. 103 would accomplish two basic goals. First, it would allow the Attorney General to establish an association of private security guard employers that would, in turn, serve as a clearinghouse for submitting applicant information to the Federal Bureau of Investigation for purposes of doing individual background checks. This would help ensure that both the States and employers would more quickly receive important background information concerning individuals seeking to become private security officers. Second, the bill includes a sense of the Congress that simply says that the States should participate in this background check system.

I am pleased to note that H.R. 103 reflects the changes that were made to the bill in the 104th Congress at the suggestion of Members of my committee. H.R. 103 is a vast improvement over the version introduced in the 104th Congress, which included lengthy provisions declaring the sense of the Congress that States should enact statutes imposing numerous certification and training requirements on employers of private security officers. While I strongly support the notion of thoroughly checking the background of all applicants for private security officer positions, the bill's focus on achieving these improvements through proscriptive and cumbersome mandates—imposed on either the States or employers—was troubling to me as well as to other members of my committee. For that reason, I am pleased that the bill before us today does not include those provisions.

The Private Security Officer Assurance Act passed the House on September 26, 1996 by a vote of 415 to 6. The Senate, however, did not act upon the measure before the 104th Congress adjourned. Thus, Representative BARR of Georgia reintroduced the identical bill this year as H.R. 103.

Finally, I would note that H.R. 103 was referred to the Committee on Education and the Workforce, and in addition, to the Committee on the Judiciary. While the Committee on Education and the Workforce has not reported H.R. 103, the Judiciary Committee did, in fact, order the bill favorably reported by a voice vote on June 18, 1997. In light of the fact that H.R. 103 is identical to legislation passed overwhelmingly by the House last September, we saw no reason to slow the legislative process. However, these actions should hold no precedence regarding the interest that the Committee on Education and the Workforce has regarding our jurisdiction with respect to issue raised in the bill. The committee retains its jurisdiction with respect to issues raised in the bill should its provisions be considered in a conference with the Senate.

Mr. MARTINEZ. Mr. Speaker, I am once again delighted to join the gentleman from Georgia in support of the Private Security Officer Quality Assurance Act, a bill we jointly introduced earlier this year. Representative BOB BARR deserves enormous credit for his diligence, skill, and hard work in bringing this important, bipartisan measure to the floor.

I would like to take a moment to give special thanks to Chairman GOODLING and Representative CLAY for waiving committee jurisdiction over H.R. 103, and allowing this measure to be considered today.

In the waning days of the 104th Congress, the same bill that we are considering this afternoon was overwhelmingly passed by the House. The Senate simply ran out of time and adjourned before they could act on this bipartisan bill. So here we are again.

Mr. Speaker, the public deserves the assurance that the security guard they meet in the mall, the bank, or at school is not a felon or a person who has a history of violent behavior. Virtually every year the press reports on tragedies which occur when inadequate background checks are made—tragedies that involve security guards who commit murder, rape, and theft.

There are now thousands of security companies employing close to 1.8 million guards. The vast majority of these security guards are professionals, many acting heroically in performing their duties. However, right now, we cannot be sure that the security officers that

we meet in virtually every facet of our lives are not armed and dangerous.

H.R. 103 will provide an expedited procedure for State officials to check the backgrounds of applicants for guard licenses. A similar procedure is in place for the banking and parimutuel industries. By establishing an expedited procedure for State regulators of security guards to receive FBI background checks, H.R. 103 will greatly improve the safety of the public.

In some States it can take up to 18 months to complete background checks for security guards. This bill can reduce that time to the approximately 3 weeks it takes for banks to get results under their expedited procedure.

H.R. 103 contains no mandates of any kind. No State or individual is compelled to use it. Fees will be paid by the applicants or their employers. There is no cost to the FBI.

H.R. 103 has broad support, most notably from the National Association of Security and Investigative Regulators and representatives of the guard, alarm, and armored car industries.

Security should not be a partisan issue. I am therefore delighted by the bipartisan support for this bill, which was so soundly reflected last September by the House vote for the Private Security Officer Quality Assurance Act.

Mr. Speaker, I strongly urge my colleagues to support this straightforward, modest, and reasonable bill that will greatly improve public safety.

Vote for common sense. Vote for public safety. Vote for H.R. 103.

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

Mr. BARR of Georgia. 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 Georgia [Mr. BARR] that the House suspend the rules and pass the bill, H.R. 103.

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.

EXPRESSING SENSE OF CONGRESS THAT STATES SHOULD WORK MORE AGGRESSIVELY TO ATTACK PROBLEM OF REPEAT CRIMINALS

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 75) expressing the sense of the Congress that States should work more aggressively to attack the problem of violent crimes committed by repeat offenders and criminals serving abbreviated sentences.

The Clerk read as follows:

H. CON. RES. 75

Whereas a disturbing number of law-abiding citizens believe they are prisoners in their own homes because of increasing violence in our society;

Whereas law-abiding citizens have the right to be fearful knowing that violence offenders only serve on average 48 percent of the sentence they received

Whereas more than ⅔ of persons under correctional supervision are currently on parole and not incarcerated;

Whereas 1 in 3 offenders admitted to State prisons were on probation or parole violators;

Whereas the Federal Government eliminated parole in 1984 and prisoners convicted of Federal crimes now serve at least 85 percent of their sentences;

Whereas under current Federal law, States are eligible for prison construction funds if they keep felons in prison for at least 85 percent of their sentence;

Whereas in 1996, at least 25 States, among them Arizona, California, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Virginia, and Washington, have laws that meet the 85 percent of sentence served requirements set forth in the 1994 crime bill; and

Whereas the National Association of Police Organizations, the International Chiefs of Police, the Fraternal Order of Police, the National Association of Chiefs of Police, the National District Attorney's Association, and the Safe Streets Coalition support the concept of an 85 percent minimum length of service for violent criminals: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) Congress commends Arizona, California, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Virginia, and Washington for their existing efforts with respect to prison time served by criminal offenders;

(2) Congress encourages all remaining States to adopt as quickly as possible legislation to increase the time served by violent felons; and

(3) with respect to Federal crimes, Congress reemphasizes its support for the requirement that individuals who commit violent crimes should serve at least 85 percent of their sentence.

□ 1630

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Michigan [Mr. CONYERS] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, House Concurrent Resolution 75, introduced by the gentleman from Michigan [Mr. BARCIA], expresses the sense of Congress that States should work more aggressively to attack the problem of violent crimes committed by repeat offenders. It reemphasizes Congress' support for the principle that individuals who commit violent crimes should serve at least 85 percent of their sentences. It also commends the States which have enacted truth-in-sentencing legislation and encourages the remaining States to adopt such legislation.

Let us remember why we passed truth-in-sentencing legislation in the first place. Members were tired of continually hearing from frustrated and angry American citizens who knew, or were themselves, the victims of violent crimes of criminals who already had violent criminal history records. Congress recognized 2 years ago that the revolving door of justice must be stopped. Truth-in-sentencing legislation was a response to the small but deadly group of criminals who get arrested, convicted and released back into the community before they have served even half their sentences.

In fact, one of the most astonishing cases I have ever heard about: Four Milwaukee men were arrested last year for a crime spree which included two murders. Between them they had 92 prior arrests. The charges ranged from armed robbery and arson to theft and battery. In the group one 24-year-old man had 51 arrests alone. The police chief of Milwaukee was frustrated by the fact that his department was, as he told reporters, ''arresting the same individuals over and over again.''

In fiscal year 1996, 25 States met the requirements for a truth in sentencing grant award under legislation that we passed in Congress. According to the Department of Justice, several more States are attempting to pass such laws during the current legislative session. The fact that so many States have enacted truth-in-sentencing legislation since Congress took action in 1995 demonstrates clearly that incentive grants in that legislation has worked.

Mr. Speaker, let us consider the actual use of these funds. A large number of States have indicated in their fiscal year 1997 applications that they are planning to use some of the grant funds to build or expand juvenile facilities for violent juvenile offenders. In fact, four States have indicated that their entire grant award will be used for juvenile facilities. Additionally, at least 13 States plan to make a portion of the 1997 grant funds available for local jail projects. Four other States are exploring the use of grant funds for privatization of correctional facilities. This was Congress' clear intention, to allow the States some flexibility in determining where and how to spend the money necessary to fight violent crime.

States have responded positively to Congress' leadership on this issue and every citizen has benefited because more violent criminals remain where they belong, behind bars. The incentives grants are effective, and Congress must use every means possible to give

this message out to those remaining States which have not yet passed truth-in-sentencing legislation. There were about 6 or 7 States that had truth-in-sentencing legislation that required at least 85 percent of the time to be served that is given somebody in the sentence who commits a violent crime before we passed our truth-in-sentencing grants, and now we have almost 25, but there are still another 25 or so that have not passed such legislation.

The bill of the gentleman from Michigan [Mr. BARCIA] expresses the sense of Congress that all the remaining States should adopt as quickly as possible legislation to require an increase in the time served by violent felons, and I concur completely. Law-abiding citizens have the right to feel safe, and ensuring that violent criminals serve at least 85 percent of their sentences is one very effective way to do it.

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

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. LOFGREN], a distinguished member of the committee.

Ms. LOFGREN. Mr. Speaker, this resolution simply expresses the sense of the Congress that violent criminals should face severe penalties for their behavior. I think the resolution gives us an opportunity to reflect on one of the biggest success stories in memory, which is the huge decrease in the crime rate, an astonishing 34 percent reduction since 1991, and it is continuing to fall. I think it is important to realize that there are different elements contributing to the falling crime rate.

First and foremost, I think it has been aggressive community based policing, the 100,000 new cops on the beat program. Second, I agree with the gentleman from Florida [Mr. MCCOLLUM] that repeat violent offenders do need to be kept from their potential victims and that efforts to keep violent criminals incarcerated for most of their sentence have played a role in the falling crime rate.

Third, gun control efforts that we have enacted, including the Brady bill and the ban on assault weapons have done a lot to make our communities safer. Last but not least is the role of prevention programs. I would say of the four elements of a balanced program, it is prevention that has been most starved for attention and for resources. The cumulative effect, however, of the four balances, community policing, career repeat violent offenders being incarcerated, as well as the gun control, and then, finally, prevention programs has yielded this result.

I thank the gentleman from Michigan [Mr. BARCIA] for his resolution. I think it is absolutely appropriate that we recognize one of the four elements on our balanced approach, and I would also ask us to reflect that it is not just that one of the four elements, but the prevention measures and the other that have helped achieve the success that we are now starting to achieve.

Mr. MCCOLLUM. Mr. Speaker, I have no further requests for time, but I know the gentleman from Michigan [Mr. CONYERS] may.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to my distinguished colleague, the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA. Mr. Speaker, I rise today in support of House Concurrent Resolution 75, and I want to thank my good friend from Michigan, the distinguished gentleman from Detroit [Mr. CONYERS] and of course the gentleman from Florida [Mr. MCCOLLUM], the very distinguished chair of the subcommittee, who has been a strong leader on the issue of victim's rights in this Congress and previous sessions. His leadership has resulted in a number of success stories, I think, in our control of violent crime especially, and I want to thank him and the gentleman from Illinois [Mr. HYDE], the full committee chair, and the very dedicated staff of the subcommittee and committee for allowing this resolution to come before the House.

The American public is losing confidence in our judicial system. When two-thirds of convicted felons are on parole and not incarcerated they have every right to feel that way. When a small group of criminals who are responsible for a majority of the violent crimes serve substantially abbreviated sentences, the American public has a right to be concerned for their safety. Mr. Speaker, law abiding citizens deserve to feel safe, and when we keep this small but deadly group of criminals incarcerated for appropriate sentences, our streets are safer for both our citizens and for police officers as well. It is a commonsense approach to a recurring problem.

Since 1984, the Federal Government has required Federal criminals to serve 85 percent of their terms. In 1994 and again in 1995, the U.S. House of Representatives approved incentives to reward States that passed legislation to keep violent criminals imprisoned for at least 85 percent of their sentences. Any State that reaches that benchmark is eligible for Federal funds for prison construction. In 1995, only five States achieved that goal. Today some 25 States, including my home State of Michigan, have put into place harsher prison sentences for those citizens who flagrantly disregard the law and threaten our safety.

I introduced this resolution 2½ years ago to commend those States who have adopted longer sentences and to encourage the remaining States to more aggressively attack the problem of violent crime committed by repeat offenders and criminals serving abbreviated sentences.

One of my constituents, Sherry Swanson, was the victim of a cruel act by a violent repeat offender. Sherry was a vibrant 19-year-old with a bright future. Her life was drastically altered as a result of the actions of a violent repeat offender who has not only a disrespect for the law but also a disrespect for life. The predator that attempted to end Sherry's life had in the 10 months following his early release committed three sexual batteries, armed robbery, two kidnapings and two first degree murders. That was just in 10 months.

Mr. Speaker, a person with this record should not have been allowed back on the streets to commit yet another series of heinous crimes. If this habitual criminal had remained in custody, two people would be alive today. Two people would not be suffering from the results of the kidnaping, one person would not be terrified of another robbery, three people would not have been sexually abused, and a young woman, Sherry Swanson, would not be partially paralyzed.

Numerous studies have already proven that longer sentences for those who repeatedly ignore the law result in safer streets for all of our citizens. Yes, there are inequities in our judicial system. They must be corrected. But are we willing to sacrifice the rights of victims? The victim does not deserve only part of their fear or part of their injury. Why should the violent criminal serve only a small part of their penalty?

We need to send a strong message to the public that we are working hard to end the arrogance of criminals who know that they will not be punished for taking a life. We are working hard to end the ability of violent criminals to return to the streets after only serving one-third of their sentence, to strike again, taking a husband away from a wife, a child from a mother, or a father from his children. We must send a strong message to the States that not only are the incentives and financial assistance available, but the American public demands safer streets.

Lastly, we must send a strong message to criminals that they will not be able to return to the streets and that the sentence handed down will be the sentence served. We must send a message that our justice system is not a flea market where there is always a bargain to be had. Mr. Speaker, justice is not a commodity for haggling; just ask the victims.

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

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, we have a problem with this sense-of-the-Congress resolution because most of the supporters of this are the conservative Members of Congress who came to Congress talking about States rights, the rights of States to take care of their own business, and frequently the Federal Government was considered to be meddling when it imposed their requirements on the States. That is what we are continuing to do today. We ask that States rights be considered on welfare matters, on civil rights matters, on the environment; that is what

my colleagues were saying, I was not saying that, and that the States know best; that is what my colleagues were saying, I was not saying that. And now we have this sense-of-the-Congress resolution in which we tell the States that we know best.

Does anybody care to explain why we have this bifurcated policy when it comes to criminal matters that all of a sudden we know better than the States who write their own State criminal laws, and we who write our own Federal criminal laws, we are not telling the States that they ought to shape up and join the other 16 States and abolish parole.

Why?

OK, silence.

Mr. BARCIA. Mr. Speaker, would the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA. Mr. Speaker, I would just respond to the gentleman from Michigan's concerns and say that of course the Congress cannot mandate to the States increases in the length of sentences for violent predators, however the concept, of course, due to the leadership of the gentleman from Florida [Mr. MCCOLLUM] and others, the gentleman from Illinois [Mr. HYDE] in the House of Representatives who were advocates on behalf of victims rights saw legislation incorporated into the Omnibus Crime Bill of 1994, which many of us supported, which in fact would reward States with financial incentives if, in fact, they would agree to keep their violent criminals, not all criminals, but violent criminals, those who cause a serious threat to the public and to innocent citizens.

Mr. CONYERS. But how is it we knew better what they should do with their State criminals than they did?

□ 1645

Mr. BARCIA. Mr. Speaker, I think in some cases, I would say to the gentleman from Michigan [Mr. CONYERS], it was a condition where severe financial pressures at the State level allowed for overcrowding of the prison system without adequate facilities to house all of those people who were sentenced to terms in prison. So some States were actually paroling violent criminals after serving only 20 or 25 percent of their sentence, and these criminals were going out and engaging in repeat behavior, again causing great trauma and violence to other citizens that might not have been exposed had they not been paroled early in the first place.

Mr. CONYERS. That was not going on in Michigan, and the gentleman knows it. So why did the gentleman persuade Governor Engler of Michigan, who does not know particularly much about criminal law at the State or Federal level, to do something like this?

Mr. BARCIA. Mr. Speaker, we did have several instances in Michigan, I would say to the gentleman from Michigan [Mr. CONYERS], one that I can think of when I was a State legislator back in Lansing, in which a person had committed two second degree murders, served 4 years on the first sentence, 8 years or about 6 years before he was paroled to a halfway house in Lansing on the second offense, and then also continued, and strangled and raped a young lady in east Lansing and killed a police officer. As he was driving her car through downtown, he committed a small traffic infraction, was pulled over by a Lansing police officer, and was shot. The corrections department in that case had paroled him a bit earlier. By mistake, the computer had credited him with too much good time.

But I was a member of the State senate when that family brought a lawsuit against the Michigan Department of Corrections because of their losses, and the losses in two families could have been prevented had he been incarcerated for the full length of his sentence.

Mr. CONYERS. I would ask the gentleman, Mr. Speaker, is that a reason to eliminate parole for everybody in the State of Michigan? I yield to the gentleman for a response.

Mr. BARCIA. Mr. Speaker, I do not believe it totally eliminates parole. It says if you receive a determined number of years as your sentence, you shall serve 85 percent of that. In other words, if you receive a 10-year sentence, you should serve 8½ years before you are paroled back on the streets.

Mr. CONYERS. Has the gentleman examined what criminal justice authorities say about this kind of draconian addition of time to people who are incarcerated who may be rehabilitatable, and that this works in a very onerous way upon people who, as the gentleman may know, are receiving longer and longer sentences than ever before?

In other words, it may be considered counterproductive to the very thing that the gentleman is trying to accomplish. This includes the concept of three-strikes-and-you-are-out, which is another throw-the-baby-out-with-the-bath-water situation.

We are paying States to go along with us, and now the gentleman is passing a sense-of-the-Congress resolution asking the States that have not jumped in on the cash-flow, which, by the way, is $800 million so far, and I know the gentleman is concerned about balancing the budget, but we have to fight crime at all costs.

Does the gentleman have a little concern that maybe all of these impositions of more and more time, mandatory minimums, 85 percent, we pay people, States, hundreds of millions of dollars to build more facilities, since they cannot afford it anymore themselves, we have three-strikes-and-you-are-out at the Federal level, three-strikes-and-you-are-out at the State level, does the gentleman not have any sense that maybe we could be more efficient and effective in reducing crime than just piling on sentence upon sentence upon sentence?

I yield to the gentleman for a response.

Mr. BARCIA. Mr. Speaker, I would again emphasize to the distinguished ranking member of the Committee on the Judiciary that, in fact, we are not mandating in this resolution nor in the Federal law that was passed in 1994 that States must do this, but for them to consider that.

I do not know if we have a total, I would say to the gentleman, on what the effect or what the impact of violent crime is across the country, if we were ever to total up the cost. But in the case of Ms. Sherry Swanson, who is now 28 years old, and she was shot twice in the head when she was 20 years old working at a convenience store during a robbery attempt, and I know that her medical bills exceeded $1 million, plus her life has been forever changed.

So yes, $800 million is a significant amount of money, and of course, as the gentleman knows, and the gentleman noted, I am a supporter of the balanced budget amendment and balancing our spending with our revenues in the Federal Government. I think we, as policymakers in this body, must make tough decisions on how we apportion out those limited resources that we have and certainly decide the priorities in terms of Federal spending. But I think violent criminals who are in and out of prison and hurting our fellow citizens are worthy of our attention and our resources.

Mr. CONYERS. I thank the gentleman, Mr. Speaker. Those are legitimate sentiments that are held by many in this body.

Could I ask my dear friend, the gentleman from Michigan, and we are friends, and this is a friendly discussion, does he believe that we should continue to deprive judges of the discretion necessary to fashion criminal sentences in individual cases appropriate to the persons standing before them in the court?

I yield to the gentleman for his comments.

Mr. BARCIA. I thank the gentleman for continuing to yield to me, Mr. Speaker.

Mr. Speaker, I would say that, as a State legislator, I have supported determinant sentencing with a number of years prescribed for a type of crime that is committed. However, I am very respectful of the ability for a member of the judiciary to mete out a sentence that is fair and to take into account all the circumstances of a particular crime.

Mr. CONYERS. I thank the gentleman.

Mr. Speaker, is the gentleman aware that in the three strikes legislation in California, in particular, it has clogged the courts, the processes, so much that neither the prosecutors nor the defense lawyers bother with it anymore, because employing it makes it absolutely unworkable? Does the gentleman have any knowledge on that?

Mr. BARCIA. Yes. I do not have any knowledge on how the three-strikes-

and-you-are-out language is impacting across the country, but I have generally supported that, especially for violent crimes.

I know we saw some instances, I think, of a minor theft out in Oregon or the State of Washington, I cannot remember which, in which a person stole a slice of pizza and was prosecuted under that law. I think in that case probably the prosecutors were overzealous and should be allowed discretion in terms of their judgment as to which of those offenses to pursue on the three-strikes-and-you-are-out provision.

But, of course, not being a member of the Committee on the Judiciary, I do not profess to be an expert on the specific language that has been adopted by this House and Senate and signed by our President in an attempt to get a greater grasp of crime in this country.

Mr. CONYERS. I appreciate the gentleman's knowledge on the subject so far. He is doing pretty well, better than, I will not say than some people on Judiciary, but he is holding his own very, very well.

What if the gentleman found out that the three strikes provision does not carry any discretion, and that little incident that you talked about, and I have some more in which the third offense being a violent offense, that is it, for the rest of your natural life? Does that, or is that something we might want to go back and hold hearings on, for example, to see if it might be corrected?

I yield to the gentleman from Michigan for a response.

Mr. BARCIA. Of course, I do not want to second-guess our leadership, neither the gentleman's nor the distinguished chair's and subcommittee chair's, on that very distinguished committee in this House. But it would be my impression as a layperson, not being a graduate of law school, that there ought to be discretion between misdemeanors and felonies on the three-strikes-and-you-are-out. That may be an issue we will revisit at some point in the future.

But I can tell the Members that this resolution involves truth-in-sentencing, and I know my good friend, the gentleman from Michigan, Mr. CONYERS, supported that crime bill here in the House, which contained the same provision for Federal offenses.

What we are trying to do is see the same treatment of violent offenders at the State level, because many of the truly violent crimes, such as rape and homicide, unless there are extenuating circumstances, they are in fact infractions of State law and not Federal law. That is why we are attempting to pass this resolution.

Mr. CONYERS. I thank the gentleman very much, because he has been very helpful.

Mr. Speaker, this is the gentleman's House concurrent resolution on truth in sentencing, is that correct, I would ask the gentleman? The gentleman is the author of this sense-of-the-Congress?

Mr. BARCIA. Yes, I am.

Mr. CONYERS. If the gentleman had known that I had voted against the crime bill of 1994, would that have slowed down the gentleman's enthusiasm for anything we have done or said here today?

I yield to the gentleman for a response.

Mr. BARCIA. I have to correct myself. I was mistaken. I know the gentleman is a strong supporter of gun control, and I assumed that with the strong gun control provisions in the 1994 bill——

Mr. CONYERS. Was the gentleman not?

Mr. BARCIA. Pardon me?

Mr. CONYERS. I said, was the gentleman not?

Mr. BARCIA. Mr. Speaker, I would say to the gentleman, I voted for the first version but not the final version.

Mr. CONYERS. The gentleman voted against the crime bill of 1994, too?

Mr. BARCIA. Yes. We agreed on that issue in the final analysis, but probably for different reasons.

Mr. CONYERS. I thank the gentleman for his colloquy with me. It has been very helpful.

Mr. Speaker, I hope that the States that have not jumped on the bandwagon requiring that offenders serve at least 85 percent of their sentence pay very close attention to House Concurrent Resolution 75, which rereminds them that they are really missing out; if they would join in, they could be getting Federal money, if they would only listen to us a little bit more. We cannot make the States impose these sentences.

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

Mr. Speaker, I simply want to respond very, very briefly. I will not take the chair's time or the Members' time very long. A couple of points the gentleman from Michigan [Mr. CONYERS] made I feel deserve a little response.

One of them is with respect to the truth-in-sentencing legislation, to begin with. It was designed to provide a reward in part to those States that chose to, by their own voluntary commitment, make this 85-percent rule imposed upon those who commit violent crimes in their State, to make sure they serve at least 85 percent of their sentence. It was not anything mandatory.

What Members of the Republican party on this side of the aisle have complained about over the years, in particular, are mandates on the States, unfunded mandates in particular, that have been involved in a lot of legislation that past Congresses have enacted.

We have not complained about incentive grants, per se. We have been very concerned about the multiplicity of grant awards that are out there that say, you can only get *x* dollars if you apply in the prevention area for crime for this program or that program or the other program.

We have insisted that where there is Federal money involved and there are grant programs out there, that there be a wide variety of discretion at the local and State level, preferably in the form of block grants or very limited targeted grants.

This truth-in-sentencing law we passed in 1994 and revised after our party took over the majority is shaped in such a fashion that it allows maximum flexibility to the States to provide for how they spend the money in prison construction, if they choose to apply for it. They can build some jails with it at the local level, they can build juvenile facilities, they can build major State prisons with it.

The States, all States, are eligible for half the grant money, half the $400 million that has been appropriated each year, but those States which actually enact truth-in-sentencing laws that require at least 85 percent of a violent felon's sentence to be served are eligible for the other half that has been put aside. I think that makes eminent sense. I do not think that is in any way inconsistent with the philosophy that most of us have expressed in devolving as much power as possible to the States.

This resolution today that expresses the sense of the Congress is the right of free speech. We are not telling the States to do anything. We are simply saying, as legislators looking at this matter, as the gentleman from Michigan [Mr. BARCIA] so ably pointed out, we think it would be a good idea if they take another look. If they have not become eligible or not applied for the second half of the grant programs for building prisons and jails in their State, it does require as a form of eligibility that they impose an 85-percent service time that violent felons serve on violent felons, and that they do so because it makes good sense for public safety. No, we do not know best, but we hope they will join us in that comment.

The last I would point out on the three-strikes-and-you-are-out, at least at the Federal level, the three strikes requirement, in order to get a life sentence mandated, requires there be two underlying violent or serious drug offenses committed either at the State or Federal level.

□ 1700

The third one has to be a violent Federal crime. Then you go away for life. I think most of us in this body have supported that. California is a little different, and debating California law, I do not see the merits of in this bill. I think this resolution is a sound one, as I said before. I urge its adoption.

Mrs. KELLY. Mr. Speaker, I rise today in strong support for the passage of House Concurrent Resolution 75, a concurrent resolution expressing the sense of Congress regarding States' efforts against repeat criminals. I was pleased to join my friend and colleague, Congressman BARCIA, in introducing this bill because it highlights one of the most dramatic problems in our Nation's war on crime—namely it is estimated that 80 percent of all violent

crime committed in the United States is committed by only 7 percent of the population. That is a very telling statistic that sheds some light on the problem of crime in the United States.

In the last 20 years, we have seen the war on crime take on new and ominous proportions with an innovative criminal element devising new and ever more violent crimes such as with carjackings and drive by shootings. How do we battle that 7 percent of the population to ensure our safety? One of the best ways is to guarantee that the criminals who repeatedly commit violent crimes serve at least 85 percent of their sentences as House Concurrent Resolution 75 states in no uncertain terms.

In my home State of New York, we have had some of the worst reports of a criminal element at work, and only in recent years, we have been able to see a reduction in our crime rate through community policing and a get tough approach on lesser crimes. While it sounds troublesome and tedious to have the police crack down on petty crimes, the recent case of John Royster demonstrates the value of this practice. Mr. Royster was arrested by police and fingerprinted for jumping a New York subway turnstile. It was his only recorded offense. Three months later, the same prints were reportedly found to match those at a drycleaning business on Park Avenue where the owners had been beaten to death. It was because of this match that Mr. Royster confessed to four brutal attacks including a highly publicized attack in Central Park that left a woman in a coma. Now the next step for Mr. Royster is punishment—hard time in a State penitentiary. I will work with my colleagues, both here and in the New York State House, to make sure that Royster stays in prison.

Putting away violent, repeat offenders like John Royster is essential if we are to make successful inroads lowering crime and strengthening our communities. I thank Congressman BARCIA for his work on this problem and ask for all of my colleagues, from both sides of the aisle, to join us in strong support for this important resolution.

Mr. LEVIN. Mr. Speaker, I rise in strong support of House Concurrent Resolution 75 of which I am an original sponsor. This important legislation commends those States that have already adopted truth-in-sentencing laws and encourages the remaining States to do the same.

Most Americans believe that convicted violent offenders serve their full sentences; sadly this is not the case.

According to the Bureau of Justice statistics, violent criminals—those who commit murder, rape, assault, or armed robbery—serve only an average of 48 percent of their sentences, and one out of every three offenders admitted to State prisons were either on probation or parole for a previous offense at the time. According to the committee report accompanying this bill, on any given day there are three convicted offenders on probation or paroles for every one convicted felon in prison.

To turn this trend around over 25 States, including my home State of Michigan, and the Federal Government have truth-in-sentencing laws on the books. Under this concept, convicted violent offenders are required to serve at least 85 percent of their sentences.

Both the 103d and 104th Congresses passed legislation providing financial incentives in the form of prison construction funds to States if they adopt laws requiring criminals to serve at least 85 percent of their prison terms. Unfortunately, 25 States still have not adopted such laws.

Law-abiding citizens have the right to know that those who commit the most hideous of crimes in our society serve the time their sentences require.

The resolution before us today is simple. It asks that those who commit violent crimes do the time that the law requires of them. I wish there was not a need for this type of resolution, but until then, I hope all my colleagues vote to encourage States to do the right thing.

Mr. DAVIS of Florida. Mr. Speaker, I rise in strong support of House Concurrent Resolution 75, which expresses the Sense of the Congress that States should work aggressively to ensure that violent offenders serve at least 85 percent of their prison sentences. As a cosponsor of this legislation, I commend the gentleman from Michigan, [Mr. BARCIA], for this hard work and leadership on this issue and ask all my colleagues to support this important resolution.

Although the most recent statistics on violent crime indicate that we are beginning to make progress in our fight for safer neighborhoods, we must remain vigilant in our efforts to ensure public safety and recognize the achievements of States such as Florida which have taken strong steps to attack the problem of repeat violent offenders. Only with continued cooperation between Federal, State, and local officials can we hope to maintain the downward trend in violent crime rates.

This resolution commends Florida and 24 other States which have taken steps to ensure that violent felons serve at least 85 percent of their prison sentences. Nationwide, violent offenders serve an average of only 48 percent of the sentences they receive—a statistic which is unacceptable and greatly erodes Americans' confidence in our justice system. House Concurrent Resolution 75 applauds those States which have taken proactive steps to prevent the problem of repeat violent offenders and encourages other States to follow their lead in enacting strict sentencing guidelines. While guidelines alone will not solve our Nation's crime problem, they have proven an effective tool in ensuring that violent felons remain off our streets.

Mr. Speaker, I applaud the efforts of those States listed in this legislation, including my home State of Florida, and urge all of my colleagues to support this important resolution which recommits this Congress to the fight for safer communities.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 75.

The question was taken.

Mr. CONYERS. 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.

AMENDING THE IMMIGRATION AND NATIONALITY TECHNICAL CORRECTIONS ACT OF 1994

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1109) to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States.

The Clerk read as follows:

H.R. 1109

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

SECTION 1. ELIMINATION OF CERTIFICATE OF CITIZENSHIP TRANSITION RULE APPLICABLE TO CERTAIN CHILDREN.

(a) IN GENERAL.—Section 102 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416; 108 Stat. 4307) (as amended by section 671(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–1856)) is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Immigration and Nationality Technical Corrections Act of 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentlewoman from California [Ms. LOFGREN], each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

I rise in support of H.R. 1109, which I introduced with my colleague, the gentleman from California [Mr. BERMAN], to correct an error that was part of last year's immigration bill, the Illegal Immigration Reform and Immigrant Responsibility Act.

H.R. 1109 would make a technical change regarding requirements for citizenship for people born overseas.

I want to say that I am particularly appreciative of the gentleman from Texas [Mr. SMITH], who is the chairman of the Subcommittee on Immigration and Claims, that deals with this product, for bringing it forward and recognizing the fact that we need it today. Unfortunately his commitments kept him from being here to be a party to this discussion. I am very happy to handle it for him today.

The gentleman from California [Mr. BERMAN] and I had the pleasure of working together in 1994 on this issue. The Immigration and Nationality Technical Corrections Act of 1994 granted Americans abroad the possibility of obtaining U.S. citizenship for their minor children who had not acquired citizenship at birth. It allows certificates of citizenship to be granted to a child of a U.S. citizen if the child is under 18 and if either the American parent or the American parent's parent, that is, the American grandparent,

has spent 5 years in the United States with two of those five being after the age of 14.

There were no policy problems brought before Congress with regard to this. However, the immigration bill in the last Congress included a change in this policy buried in the technical corrections part of the bill. This was most likely an innocent attempt to clean up an admittedly complicated statute, but this cosmetic change is doing harm. The change doubles the amount of time the parent or grandparent must have been in the United States for children born before November 14, 1986. That means for children between 11 and 18, the parent and grandparent must have 10 years in the United States with 5 after the age of 14. Children born after November 14, 1986 are under the old 5 and 2 rule.

There is no need for the distinction. Not only is this unfair to many families who may have one child eligible for citizenship and another who is not, but it is also an administrative nightmare for the Immigration and Naturalization Service. The correction included in H.R. 1109 needs to be enacted as soon as possible to make the situation right. The legislation has bipartisan support. I strongly urge an aye vote on it.

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

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

H.R. 1109 is a technical amendment bill introduced by the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from California [Mr. BERMAN]. I understand that the Senate recently passed S. 670, which is an identical piece of legislation, and that we will be calling up S. 670 at the end of our debate on H.R. 1109 so that the legislation may go directly to the President when and if it passes.

Section 322 of the Immigration and Nationality Act was amended last year to make it more difficult for certain children of U.S. citizens living abroad to receive certificates of citizenship. Section 322 previously provided that a foreign born or adopted child of an American living abroad was eligible to receive a certificate of U.S. citizenship if he or she was under 18 years old and had an American parent or grandparent who spent a total of 5 years in the United States, at least 2 of which were after age 14.

The amendment, placed a special restriction on children born before November 14, 1986. For those children to be eligible to receive a certificate of U.S. citizenship, the American parents or grandparents are required to have been physically present in the United States for a total of 10 years, at least 5 of which were after age 14.

Unfortunately, last year's conference committee meetings were closed. I have not been able to find anybody who can fully explain how this change came about or why it came about. It certainly does impose burdens on Americans that are unwise and that on a bipartisan basis we object to. I think it is one example again of how haste in these matters can end up producing bills that have consequences no one wanted. I would urge adoption of this measure as a sensible revision for what I think was a mistake made in the last Congress.

Mr. BERMAN. Mr. Speaker, I rise in support of H.R. 1109 which Mr. MCCOLLUM of Florida and I introduced on March 18th, 1997. This bill is a technical correction of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 (Public Law 104–208). Let me explain the history behind this legislation.

Section 322 of the Immigration and Nationality Act (INA) establishes the criteria for citizenship of children born to U.S. citizens living abroad. Prior to 1986, for a U.S. citizen parent to transmit U.S. citizenship to his or her foreign-born or adopted child (before eighteen years of age), the American parent or grandparent had to have lived in the U.S. for 10 years, 5 of which had to be after age fourteen.

The Immigration Reform and Control Act of 1986 (IRCA) amended these requirements to five years of U.S. residency, two after the age of fourteen. Because the change in IRCA applied prospectively, some families had siblings subjected to different standards. Hence, section 102 of the Immigration and National Technical Corrections Act of 1994 (Public Law 103–416) was introduced to amend Section 322 of the INA and apply these lower standards retroactively.

IIRIRA amended Section 322 by placing a special restriction on children born before November 14, 1986. For those children to be eligible for U.S. citizenship, the American parent or grandparent was once again required to have been physically present in the U.S. for a total of ten years, at least five of which were after the age fourteen.

IIRIRA has inadvertently created the same problem that the 1994 amendment to the INA was designed to cure, as siblings may once again find themselves subjected to different standards. The enactment of H.R. 1109 will simply repeal this error and restore Section 322 to its pre-IIRIRA status. The bill will also eliminate the extensive administrative confusion created by last year's immigration bill.

There is no opposition to this legislation. I hope we can give favorable consideration to this technical correction of IIRIRA and I urge my colleagues to support it.

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

Mr. MCCOLLUM. 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 Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1109.

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.

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 670) to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

Ms. LOFGREN. Reserving the right to object, Mr. Speaker, I shall not object, and I yield to the gentleman from Florida [Mr. MCCOLLUM] to explain the purpose of the request.

Mr. MCCOLLUM. Mr. Speaker, the purpose of the request is to cull out the identical Senate bill to the bill we just passed, which is H.R. 1109, and pass it so the legislation may go directly to the President after today. It is the identical bill. It just has a different Senate number on it instead of the House number.

Ms. LOFGREN. Mr. Speaker, continuing my reservation of objection, I will not object. I just wanted Members of the House to understand what we are doing here.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 670

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

SECTION 1. ELIMINATION OF CERTIFICATE OF CITIZENSHIP TRANSITION RULE APPLICABLE TO CERTAIN CHILDREN.

(a) IN GENERAL.—Section 102 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416; 108 Stat. 4307) (as amended by section 671(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–1856)) is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Immigration and Nationality Technical Corrections Act of 1994.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 1109) was laid on the table.

EXPANDED WAR CRIMES ACT OF 1997

Mr. JENKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1348) to amend title 18, United States Code, relating to war crimes.

The Clerk read as follows:

H.R. 1348

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 ''Expanded War Crimes Act of 1997''.

SEC. 2. DEFINITION OF WAR CRIMES.

Section 2441 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''grave breach of the Geneva Conventions'' and inserting ''war crime'';

(2) in subsection (b), by striking ''breach'' each place it appears and inserting ''war crime''; and

(3) so that subsection (c) reads as follows:

''(c) DEFINITION.—As used in this section the term 'war crime' means any conduct—

''(1) defined as a grave breach in any of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party;

''(2) prohibited by Articles 23, 25, 27, or 28 of the Annex to the Hague Convention IV, Respecting the Laws and Customs of War on Land, signed 18 October 1907;

''(3) which constitutes a violation of common Article 3 of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party and which deals with non-international armed conflict; or

''(4) of a person who, in relation to an armed conflict and contrary to the provisions of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended at Geneva on 3 May 1996 (Protocol II as amended on 3 May 1996), when the United States is a party to such Protocol, willfully kills or causes serious injury to civilians.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. JENKINS] and the gentleman from Michigan [Mr. CONYERS], each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. JENKINS].

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, last year the House passed and President Clinton signed into law our colleague's, the gentleman from North Carolina [Mr. JONES], War Crimes Act of 1996.

That bill fulfilled the obligation the United States undertook in 1955 when the Senate ratified the Geneva Conventions for the Protection of Victims of War. The Conventions require that signatory countries enact legislation punishing grave breaches of the Conventions.

The Jones bill created a new section 2441 of title 18. The section provides that the perpetrator of a grave breach of the Geneva Conventions taking place inside or outside the United States shall be fined, imprisoned or, where death results, subject to the penalty of death.

The section grants jurisdiction to Federal courts where the perpetrator or the victim is a member of the armed forces of the United States or a national of the United States.

Today we are considering the Jones followup legislation. At a hearing the Immigration and Claims Subcommittee held last Congress, the State Department and noted scholars of international law urged that we modify the Jones bill by expanding the criminalization of war crimes to cover a number of other offenses. That is what the present Jones bill, H.R. 1348, does.

As recommended by the State Department, H.R. 1348 would expand section 2441 to cover violations of common article 3 of the Geneva Conventions and articles 23, 25, 27, and 28 of the Hague Convention of 1907 Respecting the Laws and Customs of War. The United States is a signatory to all those conventions.

These provisions forbid atrocities occurring in both civil wars and wars between nations. They cover atrocities that have been recognized by the civilized world as abhorrent such as the torture or murder of civilians and prisoners of war, the use of weapons that cause unnecessary suffering, the bombardment of undefended towns, the unnecessary bombardment of hospitals or religious structures and the pillaging of towns.

Also, H.R. 1348 would expand section 2441 to cover other offenses at such time in the future that the United States ratifies the underlying treaties. These would include certain violations of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and other Devices, currently before the Senate.

Violations would include the willful killing or serious injuring of civilians as a result of the deployment of land mines in civilian areas with no military justification or the booby-trapping of wounded or dead soldiers or of medical supplies.

I urge my colleagues to support this legislation.

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

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I rise in support of H.R. 1348, the Expanded War Crimes Act of 1997. This is a companion bill to legislation passed last year establishing Federal jurisdiction over war crimes.

I think that every Member of this body agrees that we must actively and aggressively support civility, that we must oppose oppression and war crimes and that we need to bring those to justice who commit crimes against humanity. During the Holocaust, the killing fields of Cambodia, the civil war in Bosnia and the massacres in Rwanda, many perpetrators acted without fear of retribution, and we must do more to change this attitude.

This bill expands the definition of war crimes to include violations of any convention signed by the United States, including the Hague Convention, an important source of international humanitarian law, and I urge support of this legislation.

I would like to note that, although there was strong support on both sides of the aisle for this bill, there are those in this House who on principle oppose the death penalty. I am not among those Members but I do respect those whose religious beliefs have led them to the conclusion that they cannot support the death penalty. I think that we ought to respect those differences of opinion among us and also understand that even those who feel that the death penalty is an inappropriate sanction because of their own religious beliefs still do condemn war crimes and still do believe that we ought to do our very best to oppose crimes against humanity and war crimes throughout the world.

Mr. JENKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. JONES], sponsor of this legislation.

Mr. JONES. Mr. Speaker, I would like to take a moment to thank the gentleman from Texas [Mr. SMITH] and his committee members and their staff for their work and efforts to bring this important legislation to the floor of the House.

Last year this body passed the original War Crimes Act of 1996. It was quickly considered by the Senate and signed into law. The bill enhanced U.S. authority to prosecute certain war crimes and further U.S. implementation of the 1949 Geneva Convention.

□ 1715

It was an important time in United States history as we finally gave our men and women in uniform serving our country overseas the protection of the United States judicial system. While the passage of the original war crimes bill was a significant step for the United States in the protection of victims of war, today we have another opportunity to make an equally important step.

This bill which is before the House today reaches beyond the grave breaches of the Geneva Convention. Specifically, H.R. 1348 expands the definition of war crimes to include a more general category of war crimes, to include important sections of the fourth Hague Convention respecting laws and customs of war and land; Common Article 3 of the Geneva Convention dealing with noninternational armed conflict; and Protocol II on landmines.

This expansion will allow U.S. courts to fully protect victims of war by including these additional conventions and protocols which the United States has signed.

Mr. Speaker, it is important to note that President Clinton called for Congress to further strengthen the law in this area by enacting the very expansion proposed in this bill before us today. In fact, the Department of Defense, the State Department, the Department of Justice and the American Red Cross have also voiced their support for this expansion of the original War Crimes Act of 1996.

Mr. Speaker, this is a strong bipartisan bill which will rectify the existing

discrepancies between our Nation's intolerance for war crimes and our inability to prosecute all war criminals.

Again, I would like to thank the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary, and the Members on both sides of the aisle for their support. This bill is supported by the President of the United States, and over 50 Members of the House have signed this bill. I urge my fellow Members to support this important bill and pass H.R. 1348.

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

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, with the conservatives in the House reminding me that the President supports this bill, what am I here for? That is about it, once the Democrats and the Republicans put their arms around a measure.

There are only a couple of things I want to point out, with all due respect to the author of the bill and the gentleman from Tennessee who brings it to the floor today.

In expanding the definition of war crimes in this bill to include not only grave breaches of the Geneva Convention but also breaches of any other convention or protocol to which the U.S. is or becomes a signatory, this becomes prospective. Maybe somebody can explain this to me. Why are we writing legislation to cover protocols and agreements into the future, maybe long beyond the time any of us might be serving in this distinguished body? Do any of my colleagues know the answer to that?

I will research it for us and get back to my colleagues on that.

Now, this companion piece of legislation establishes jurisdiction over the war crimes, and it became law in the last Congress. It includes a provision which permitted the imposition of the death penalty in cases where the victim of the war crime was killed, and therein lies the problem. We support our war crime legislation, but we do not believe such legislation should include a death penalty in order to be effective.

Does anybody here disagree with that? In other words, if we had left the death penalty out, we would not be here today. We would be saying President Clinton, the Republicans and the gentleman from Michigan are all in agreement.

So we want to make it clear, as the gentlewoman from California did, that we are not against war crimes legislation. We are against the implementation of the death penalty wherever it appears.

So my question number two is, would my colleagues have blown a gasket if the death penalty was not in there? And I assume the answer is no, they would not have.

In effect, then, our limited objection is to the net effect of this measure broadening the scope of the death penalty. That is our only problem with this legislation. And so a number of us on the Committee on the Judiciary have opposed it and we continue to oppose it.

Why do we oppose it? Well, because the death penalty is frequently applied racially; race plays a role in the imposition of the death penalty, according to the studies that we keep looking at year in and year out. It has been like that for a long time.

So it is because of that, for some of us. Some people would probably oppose the death penalty even if it were not racially discriminatory. But that is the big hangup inside the United States where the death penalty is law and in certain instances and in certain places. We oppose it because we have seen the racial bias that can occur.

I would like to draw the attention of the author of the bill and the Member from Tennessee that is moving this, that is managing it on the floor, to the fact that the Death Penalty Information Center, which has put out a report that is called ''Innocence and the Death Penalty: The Increasing Danger of Mistaken Executions,'' describes 69 instances since 1973 in the United States in which condemned prisoners had to be released from death row because mistakes had led to their wrongful conviction in the first place.

Now, of course, we do not know how many people went to their death despite their innocence and because no one got to them in time. And by the way, my colleagues know also that frequently many people of less financial means are not able to get the lawyers that can make sure all these kinds of technicalities are adhered to in the courts.

So this is the reason we oppose the death penalty, because of the racial implications in the administration of the death penalty. My lawyer colleagues will be pleased to know that the American Bar Association this year passed a resolution declaring that the system for administering the death penalty in the United States is unfair and lacks adequate safeguards. The resolution further declared that the executions ought to be stopped until a greater degree of fairness and due process can be achieved, which is exactly what the Supreme Court said in an earlier period in the Furman versus Georgia death penalty case, in which they suspended the death penalty at the Federal level.

Now, it is that same problem, Mr. Speaker, that we have seen in the experience of the United States, that we can see in the context of international justice. The tribunal in the Hague which prosecutes war crimes against Bosnians has received excellent resources and quite a bit of attention. But in Africa, the Rwandan War Crimes Tribunal in Zimbabwe is poorly staffed and has not been able to prosecute a single case.

I think it is fair to say that millions of people have been assassinated, prosecuted, oppressed over there in their very troubled situation. The war crimes against Africans in an international context seem to be less pressing than the war crimes against Europeans. I am not trying to extrapolate in generalities, but there is a stunning similarity about how the death penalty is imposed, even in the international arena as well as domestically.

Now, here is question number three for my conservative friends in the Congress. How many of my colleagues would like to be allied with Cuba, Syria, Iraq, Iran, China and Libya? Let us raise our hands. Not all at once.

The only issue that binds us, the United States, to Cuba, Syria, Iraq, Iran, China and Libya is that we are the only nations that impose the death penalty. The only ones. Now, I am embarrassed by that. Some of my colleagues are proud of that. Some of my colleagues are happy to join with America's friends from these countries and support our death penalty, as they support their own death penalty, if there were democracies in any of those countries. But everywhere else there is not a death penalty.

So I just ask my colleagues to think about this with me and join with me, and let us vote down this resolution and go back and take out the death penalty. Let us keep war crimes legislation but remove the death penalty.

Could my colleagues go along with me on that? That is the fourth and last question. If they can, I think my colleagues will sleep better in their beds at night.

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

Mr. JENKINS. Mr. Speaker, I yield myself such time as I may consume to note that the gentleman from Michigan referred to the remarks of the gentlewoman from California, and I think she appropriately pointed out that there are many people in this country who have deep-seated feelings in opposition to capital punishment.

I respect those feelings and I respect the feelings of the gentleman from Michigan. But I believe in, and have always supported, capital punishment, as a legislator in a State legislative body. And I believe that there are occasions when society requires the imposition of the death penalty for certain crimes.

I believe that a majority of the people who serve in this House of Representatives agree with that. I believe that a vast majority of Americans across this land support capital punishment in some instances.

I would simply say, in respecting the viewpoint of the gentleman from Michigan, that I would disagree. I believe that it is appropriate in some circumstances, and in this circumstance, the circumstance contemplated by this bill, that there be the imposition of the death penalty.

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

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the

gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I wanted to make a brief comment because of the tenor of this discussion.

As someone who has reached a conclusion that there are occasions when capital punishment is appropriate, I am aware that other people have reached a different conclusion. I can respect those people. And this is a first time as a Member of this body that I have heard this discussion without the implication that those who have reached a different conclusion are somehow less concerned about crime or less opposed to wrongdoing. I wanted to note that and thank the gentleman from Tennessee for understanding that we can have different beliefs and yet be united in opposition to crime.

□ 1730

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Tennessee [Mr. JENKINS] that the House suspend the rules and pass the bill, H.R. 1348, as amended.

The question was taken.

Mr. CONYERS. 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.

APPOINTMENT OF CONFEREES ON H.R. 1757, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999, AND EUROPEAN SECURITY ACT OF 1997

Mr. BALLENGER. Mr. Speaker, by direction of the Committee on International Relations, pursuant to House Rule XX, I move to take from the Speaker's table the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization [NATO] proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina? The Chair hears none and, without objection, appoints the following conferees:

For consideration of the House bill (except title XXI) and the Senate amendment, and modifications committed to conference:

Messrs. GILMAN, GOODLING, LEACH, HYDE, BEREUTER, SMITH (NJ), HAMILTON, GEJDENSON, LANTOS, and BERMAN.

For consideration of title XXI of the House bill, and modifications committed to conference:

Messrs. GILMAN, HYDE, SMITH (NJ), HAMILTON, and GEJDENSON.

There was no objection.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days on which to revise and extend their remarks on the bill (H.R. 2209) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes, and that I may include tabular and extraneous material and charts therein.

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

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore [Mr. BALLENGER]. Pursuant to House Resolution 197 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 2209.

□ 1733

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2209) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York [Mr. WALSH] and the gentleman from New York [Mr. SERRANO] each will control 30 minutes.

The Chair recognizes the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, it gives me great pleasure to bring to the floor H.R. 2209, the fiscal year 1998 legislative appropriations bill. This is the first year I have had the pleasure of chairing this subcommittee.

The gentleman from California [Mr. PACKARD], the former chairman of the subcommittee, has set a very high standard for us to follow. I want to recognize the members of the Subcommittee on Legislative who have assisted me in bringing this bill to the floor.

First, let me thank the gentleman from California [Mr. CUNNINGHAM], the vice-chairman of the subcommittee. In addition, the gentleman from Florida [Mr. YOUNG], the gentleman from Tennessee [Mr. WAMP], and the gentleman from Iowa [Mr. LATHAM] all have contributed to the work on this bill.

My colleague and good friend, the gentleman from New York [Mr. SERRANO], the other part of New York, downstate New York, is the ranking minority member. He is a great friend and has worked with me on a bipartisan basis throughout the process.

In addition, the gentleman from California [Mr. FAZIO] and the gentlewoman from Ohio [Ms. KAPTUR] have helped shape this bill and have maintained the bipartisan spirit of the subcommittee. Also, the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations, and the gentleman from Wisconsin [Mr. OBEY], the ranking minority member of the full committee, have fully participated in the subcommittee's deliberations.

Mr. Chairman, H.R. 2209 provides $1,711,417,000 in new budget authority. This bill is $10 million below the 1997 bill. If I could repeat that, it is 0.6 percent lower than last year's appropriation, Senate excluded. This continues a 3-year trend of making the legislative branch smaller and indeed leading the way toward smaller government.

The Congressional Research Service, in consultation with the Congressional Budget Office, has calculated that if the entire Federal budget were to be reduced in the same proportion as we have downsized the legislative branch, the entire Federal budget would show a surplus of $183 billion for fiscal year 1998.

Here are a few general points about the bill:

We have continued the program begun in the 104th Congress to right-size the legislative branch. This is producing a more efficient, smaller work force by using technology wherever possible. The bill does not fund certain personnel costs, such as within-grade, promotion or merit pay increases. Legislative agencies will absorb these costs, just as the executive branch does.

The legislative branch work force is cut by an additional 316 positions. Since 1994, we have reduced FTE's, or full time equivalent positions, by over 3,800 positions. That is a reduction of almost 14 percent of the entire legislative branch work force. The FTE cut does not reduce agency programs. The current level of FTE's used by agencies has been maintained. However, funds for unused FTE's have been removed.

Some of the details in the bill include:

For the House of Representatives, $708 million is provided. The Members' representational allowance appropriation has been increased to cover staff cost of living allowances. Committee funds have been increased by $6.7 million and are extended through December 31, 1998. House administrative offices, the Clerk, Sergeant at Arms, CAO, and others are funded at a net reduction of $2 million. Within the CAO, HIR operational costs are reduced $1.6 million.

For joint items, $86.8 million is provided. The Joint Economic and Printing Committees are funded at the level requested in the budget submission. The Joint Tax Committee has been provided funds for five additional staff to accommodate an expanded workload.

The Capitol Police cost-of-living allowances are funded with the additional funds pending authorizing committee approval. An administrative provision establishes a unified pay and leave procedure for House and Senate details. For the Architect of the Capitol, $122.9 million is provided.

Mr. Chairman, the Capitol buildings belong to the people of the United States. We have an obligation to keep up the maintenance needed to keep the buildings and grounds in working order and suitable for the work of Congress and to accommodate the millions of taxpayers and others who visit each year.

The Architect has estimated that the cost of maintenance and improvements over the next 5 years will require an additional $254 million. This need must be addressed, although perhaps not the full amount. This bill begins to address the long-term Capitol investment program articulated by the new Architect of the Capitol, Mr. Alan M. Hantman, and we welcome him.

We must exercise judgment, however. In the bill, 68 percent of priority-one projects are funded. Safety and Americans with Disabilities Act work continues, including fire alarms, sprinklers, access doors, etc.

The initial funding for the rehabilitation of the Capitol dome has been provided. Mr. Chairman, there is no more important symbol of the American Nation than that Capitol dome. Funding is also provided to commence replacement of the deteriorated floors of the parking garage in the Cannon Building. The Library of Congress, including CRS, is funded at $342 million. We have also added $160 million in other resources to the Library. The bill funds the current FTE level. The initial phase of the new bibliographic system is funded as is additional playback equipment for talking books for the blind.

For the Government Printing Office, almost $100 million is provided. Congressional printing is funded at the fiscal year 1997 level, including an $11 million transfer from the working capital fund, a transfer back to this account of funds paid out earlier to cover costs of non-congressional printing.

For the General Accounting Office, $323.5 million is provided. This will allow 85 additional FTE positions over the current level. The Emergency Supplemental Act of 1997 provided GAO authority to enter into multiyear contracts. We have been told that up to $8.4 million of funds requested for fiscal year 1998 may be obligated in fiscal year 1997 with this new authority. That provision enabled us to reduce the fiscal year 1998 appropriation by that amount.

Just a couple of notes, in summary, Mr. Chairman, and my colleagues. The budget authority compared to the 1997 operating level: we are $10 million, at 0.6 percent below. That is a reduction under 1997 appropriations. It is $143 million less than the President's request for the legislative branch, and it is $2.6 million below our 602(b) allocations.

Last, Mr. Chairman, on a note that does not get an awful lot of attention, but I think it shows that we lead by example, not only in reducing the size of legislative branch. In the area of recycling, it should be noted that the House of Representatives recycling program has been operating for 6 years now.

A pilot test was done in 1990. The House-wide program was begun in 1993. It should also be noted that the program has been producing results. We have all heard of the rumors that we take our waste and we throw fine paper in one basket and we throw the sorted paper in another basket and then the cleaning people come up in at night and throw them all into one coffer. That is not the case.

I want to dispel that rumor. In fact, we have recycled 12,000, almost 13,000 tons of waste, including cans, bottles, and paper. The Architect has estimated that we have avoided over $900,000 in landfill costs due to recycling waste. And here is the key point: We have also been told by the Architect of the Capitol that 1,977 tons of House trash and waste were recycled by a recycling contractor last year. That represents over 57 percent of the waste generated by House offices. That is a remarkable number, given the fact that the goal for the Federal Government is a 50-percent level of recycling. We are doing 57 percent, higher, to my knowledge, higher than any other branch of the Federal Government.

So, once again, Mr. Chairman, we are leading by example. We have shown that we are willing to lead in terms of recycling, but more importantly, that we continue to make government smaller, more efficient and saving money along the way.

LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 2209)

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - CONGRESSIONAL OPERATIONS					
HOUSE OF REPRESENTATIVES					
Payments to Widows and Heirs of Deceased Members of Congress					
Gratuities, deceased Members	267,200	.....	.....	-267,200	.....
Salaries and Expenses					
House Leadership Offices					
Office of the Speaker	1,535,000	1,625,000	1,590,000	+55,000	-35,000
Office of the Majority Floor Leader	1,526,000	1,566,000	1,626,000	+100,000	+60,000
Office of the Minority Floor Leader	1,534,000	1,574,000	1,652,000	+118,000	+78,000
Office of the Majority Whip	957,000	983,000	1,024,000	+67,000	+41,000
Office of the Minority Whip	949,000	975,000	998,000	+49,000	+23,000
Speaker's Office for Legislative Floor Activities	376,000	378,000	397,000	+21,000	+19,000
Republican Steering Committee	664,000	680,000	736,000	+72,000	+56,000
Republican Conference	1,130,000	1,161,000	1,172,000	+42,000	+11,000
Democratic Steering and Policy Committee	1,191,000	1,222,000	1,277,000	+86,000	+55,000
Democratic Caucus	603,000	619,000	631,000	+28,000	+12,000
Nine minority employees	1,127,000	1,133,000	1,190,000	+63,000	+57,000
Subtotal, House Leadership Offices	11,592,000	11,916,000	12,293,000	+701,000	+377,000
Members' Representational Allowances					
Expenses	363,313,000	405,450,000	379,789,000	+16,476,000	-25,661,000
Committee Employees					
Standing Committees, Special and Select (except Appropriations)	80,222,000	90,310,000	86,268,000	+6,046,000	-4,042,000
Committee on Appropriations (including studies and investigations)	17,580,000	18,276,000	18,276,000	+696,000	.....
Subtotal, Committee employees	97,802,000	108,586,000	104,544,000	+6,742,000	-4,042,000
Salaries, Officers and Employees					
Office of the Clerk	15,074,000	14,715,000	16,804,000	+1,730,000	+2,089,000
Office of the Sergeant at Arms	3,638,000	3,598,000	3,564,000	-74,000	-34,000
Office of the Chief Administrative Officer	55,209,000	59,688,000	50,727,000	-4,482,000	-8,961,000
Office of Inspector General	3,954,000	4,344,000	3,808,000	-146,000	-536,000
Office of the Chaplain	126,000	126,000	133,000	+7,000	+7,000
Office of the Parliamentarian	1,036,000	1,129,000	1,101,000	+65,000	-28,000
Office of the Parliamentarian	(786,000)	(861,000)	(852,000)	(+66,000)	(-9,000)
Compilation of precedents of the House of Representatives	(250,000)	(268,000)	(249,000)	(-1,000)	(-19,000)
Office of the Law Revision Counsel	1,767,000	1,881,000	1,821,000	+54,000	-60,000
Office of the Legislative Counsel	4,687,000	4,824,000	4,827,000	+140,000	+3,000
Corrections Calendar Office	.....	441,000	791,000	+791,000	+350,000
Other authorized employees	768,000	1,024,000	780,000	+12,000	-244,000
Former Speakers	(594,000)	(855,000)	(594,000)	.....	(-261,000)
Technical Assistants, Office of the Attending Physician	(174,000)	(169,000)	(186,000)	(+12,000)	(+17,000)
Subtotal, Salaries, Officers and Employees	86,259,000	91,770,000	84,356,000	-1,903,000	-7,414,000
Allowances and Expenses					
Supplies, materials, administrative costs and Federal tort claims	2,374,000	2,977,000	2,225,000	-149,000	-752,000
Official mail (committees, leadership, administrative and legislative offices)	1,000,000	1,000,000	500,000	-500,000	-500,000
Document management system	.....	1,500,000	.....	.....	-1,500,000
Reemployed annuitants reimbursements	71,000	71,000	.....	-71,000	-71,000
Government contributions	120,779,000	128,451,000	124,390,000	+3,611,000	-4,061,000
Miscellaneous items	641,000	662,000	641,000	.....	-21,000
Subtotal, Allowances and expenses	124,865,000	134,661,000	127,756,000	+2,891,000	-6,905,000
Total, salaries and expenses	683,831,000	752,383,000	708,738,000	+24,907,000	-43,645,000
Total, House of Representatives	684,098,200	752,383,000	708,738,000	+24,639,800	-43,645,000

LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 2209)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
JOINT ITEMS					
Joint Committee on Inaugural Ceremonies of 1997	950,000	.....	.....	-950,000	.....
Joint Economic Committee	2,750,000	2,750,000	2,750,000	.....	.....
Joint Committee on Printing	777,000	807,000	804,000	+27,000	-3,000
Joint Committee on Taxation	5,470,000	6,126,000	5,907,000	+437,000	-219,000
Office of the Attending Physician					
Medical supplies, equipment, expenses, and allowances	1,225,000	1,266,000	1,266,000	+41,000	.....
Capitol Police Board					
Capitol Police					
Salaries:					
Sergeant at Arms of the House of Representatives	33,437,000	35,507,000	34,118,000	+681,000	-1,389,000
Sergeant at Arms and Doorkeeper of the Senate	35,919,000	38,428,000	36,837,000	+918,000	-1,591,000
Subtotal, salaries	69,356,000	73,935,000	70,955,000	+1,599,000	-2,980,000
General expenses 1/	6,032,000	5,401,000	3,099,000	-2,933,000	-2,302,000
Subtotal, Capitol Police	75,388,000	79,336,000	74,054,000	-1,334,000	-5,282,000
Capitol Guide Service and Special Services Office	1,991,000	1,991,000	1,991,000	.....	.....
Statements of Appropriations	30,000	30,000	30,000	.....	.....
Total, Joint items	88,581,000	92,306,000	86,802,000	-1,779,000	-5,504,000
OFFICE OF COMPLIANCE					
Salaries and expenses	2,609,000	2,600,000	2,479,000	-130,000	-121,000
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	24,532,000	24,995,000	24,797,000	+265,000	-198,000
ARCHITECT OF THE CAPITOL					
Office of the Architect of the Capitol					
Salaries	8,454,000	.....	.....	-8,454,000	.....
Travel (limitation on official travel expenses)	(20,000)	.....	.....	(-20,000)	.....
Contingent expenses	100,000	.....	.....	-100,000	.....
Subtotal, Office of the Architect of the Capitol	8,554,000	.....	.....	-8,554,000	.....
Capitol Buildings and Grounds					
Capitol buildings, salaries and expenses 2/	23,505,000	42,064,000	36,827,000	+13,322,000	-5,237,000
Capitol grounds	5,020,000	6,618,000	4,991,000	-29,000	-1,627,000
House office buildings	32,556,000	39,403,000	37,181,000	+4,625,000	-2,222,000
Capitol Power Plant	34,749,000	37,771,000	36,032,000	+1,283,000	-1,739,000
Offsetting collections	-4,000,000	-4,000,000	-4,000,000	.....	.....
Net subtotal, Capitol Power Plant	30,749,000	33,771,000	32,032,000	+1,283,000	-1,739,000
Subtotal, Capitol buildings and grounds	91,830,000	121,856,000	111,031,000	+19,201,000	-10,825,000
Total, Architect of the Capitol	100,384,000	121,856,000	111,031,000	+10,647,000	-10,825,000
LIBRARY OF CONGRESS					
Congressional Research Service					
Salaries and expenses	62,641,000	66,830,000	64,603,000	+1,962,000	-2,227,000
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding	81,669,000	84,025,000	70,652,000	-11,017,000	-13,373,000
(Transfer from revolving fund)	.....	.....	(11,017,000)	(+11,017,000)	(+11,017,000)
Total, title I, Congressional Operations	1,044,514,200	1,144,995,000	1,069,102,000	+24,587,800	-75,893,000

1/ FY 1997 enacted includes $3,250,000 provided in P.L. 104-208, Title V.

2/ FY 1997 enacted includes $250,000 provided in P.L. 104-208, Title V.

LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 2209)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE II - OTHER AGENCIES					
BOTANIC GARDEN					
Salaries and expenses	36,402,000	11,662,000	1,771,000	-34,631,000	-9,891,000
LIBRARY OF CONGRESS					
Salaries and expenses	216,007,000	232,058,000	223,507,000	+7,500,000	-8,551,000
Authority to spend receipts	-7,869,000	-7,869,000	-7,869,000	.....	.....
Net subtotal, Salaries and expenses	208,138,000	224,189,000	215,638,000	+7,500,000	-8,551,000
Copyright Office, salaries and expenses	33,402,000	35,787,000	34,361,000	+959,000	-1,426,000
Authority to spend receipts	-22,269,000	-22,507,000	-22,426,000	-157,000	+81,000
Net subtotal, Copyright Office	11,133,000	13,280,000	11,935,000	+802,000	-1,345,000
Books for the blind and physically handicapped, salaries and expenses	44,964,000	48,025,000	45,936,000	+972,000	-2,089,000
Furniture and furnishings	4,882,000	4,882,000	4,178,000	-704,000	-704,000
Total, Library of Congress (except CRS)	269,117,000	290,376,000	277,687,000	+8,570,000	-12,689,000
ARCHITECT OF THE CAPITOL					
Library Buildings and Grounds					
Structural and mechanical care	9,753,000	15,755,000	10,073,000	+320,000	-5,682,000
GOVERNMENT PRINTING OFFICE					
Office of Superintendent of Documents					
Salaries and expenses	29,077,000	30,477,000	29,264,000	+187,000	-1,213,000
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	338,425,000	368,828,000	330,924,000	-7,501,000	-37,904,000
Offsetting collections	-5,905,000	-7,404,000	-7,404,000	-1,499,000	.....
Total, General Accounting Office	332,520,000	361,424,000	323,520,000	-9,000,000	-37,904,000
Total, title II, Other agencies	676,869,000	709,694,000	642,315,000	-34,554,000	-67,379,000
Grand total	1,721,383,200	1,854,689,000	1,711,417,000	-9,966,200	-143,272,000
TITLE I - CONGRESSIONAL OPERATIONS					
House of Representatives	684,098,200	752,383,000	708,738,000	+24,639,800	-43,645,000
Joint Items	88,581,000	92,306,000	86,802,000	-1,779,000	-5,504,000
Office of Compliance	2,609,000	2,600,000	2,479,000	-130,000	-121,000
Congressional Budget Office	24,532,000	24,995,000	24,797,000	+265,000	-198,000
Architect of the Capitol	100,384,000	121,856,000	111,031,000	+10,647,000	-10,825,000
Library of Congress: Congressional Research Service	62,641,000	66,830,000	64,603,000	+1,962,000	-2,227,000
Congressional printing and binding, Government Printing Office	81,669,000	84,025,000	70,652,000	-11,017,000	-13,373,000
Total, title I, Congressional operations	1,044,514,200	1,144,995,000	1,069,102,000	+24,587,800	-75,893,000
TITLE II - OTHER AGENCIES					
Botanic Garden	36,402,000	11,662,000	1,771,000	-34,631,000	-9,891,000
Library of Congress (except CRS)	269,117,000	290,376,000	277,687,000	+8,570,000	-12,689,000
Architect of the Capitol (Library buildings and grounds)	9,753,000	15,755,000	10,073,000	+320,000	-5,682,000
Government Printing Office (except congressional printing and binding)	29,077,000	30,477,000	29,264,000	+187,000	-1,213,000
General Accounting Office	332,520,000	361,424,000	323,520,000	-9,000,000	-37,904,000
Total, title II, Other agencies	676,869,000	709,694,000	642,315,000	-34,554,000	-67,379,000
Grand total	1,721,383,200	1,854,689,000	1,711,417,000	-9,966,200	-143,272,000

Mr. WALSH. The committee report contains language which stresses the need for improving the waste recycling program operated by the Architect of the Capitol. The language in the report makes clear that the Architect should contact each Member, committee, and staff office to elicit cooperation and compliance. It also stresses the importance of continued training of the Architect's workforce in implementing this program.

It should be noted that the House Recycling Program has been operating for 6 years now. A pilot test was done in 1990. The House-wide program was begun in 1993.

It should also be noted that the program has been producing results. Since 1993, 12,886 tons of House and Senate waste cans, bottles, and paper have been recycled. The Architect has estimated that we have avoided over $900,000 (936,518) in landfill costs due to the recycling waste transferred to recycling contractors. Over the past 3 years, almost $600,000 of cost avoidance is due to waste material collected and recycled from House offices, at a cost of $378,000.

That's a 1.6 to 1 benefit/cost ratio. That is a benefit/cost ratio that indicates that recycling is paying off. It is saving taxpayer funds and is contributing to a cleaner environment.

We have also been told by the Architect of the Capitol that 1,977 tons of House trash and waste were recycled by our recycling contractor last year. That 1,977 tons represents about 57 percent of the waste stream generated by House offices.

The Office of Waste Management at the General Services Administration has informed us that GSA itself only recycles 30–35 percent of their waste stream. According to GSA, the Government-wide goal is 50 percent.

So, I would say to those who are concerned about the effort being made, there is a great deal being accomplished. And we are exceeding the Government-wide standard.

Recycling of House waste products is working, but like all similar programs, it requires monitoring and follow-up. We should strive to improve our record.

In that context, the subcommittee decided to include the report language. We have asked the Architect of the Capitol to renew his efforts and to enlist the cooperation of all House offices.

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

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first say that my colleague, the gentleman from New York [Mr. WALSH], deserves quite a bit of praise for this bill. This is a good bill, and it is a bill that was put together by the work that the gentleman from New York [Mr. WALSH] has done and the way in which he has treated the members of the committee.

He has been very fair to this ranking member, and he has been very fair to the members on our side. And for that, we thank him and we look, in spite of some present difficulties, to a future working relationship that will improve as time goes on.

I also would like to take this opportunity to thank the gentleman from Wisconsin [Mr. OBEY], our ranking member, for the work that he has done in support of my work on the committee, and also to thank the other members of the committee, the gentleman from California [Mr. FAZIO] and the gentlewoman from Ohio [Ms. KAPTUR], and a special thanks to the gentleman from California [Mr. FAZIO], who set a track record here in this House for this kind of work. Once again, I thank the gentleman.

And I thank the gentleman from New York [Mr. WALSH] for being the kind of person that he is and for the work that he has done on this committee.

□ 1745

Mr. Chairman, the difficulty of today's discussion is the fact that while this bill starts out as a good bill, outside problems, problems that do not belong really within the committee but then become part of the committee, have taken a hold of this process.

I am speaking specifically about the fact that the minority party feels very much that fairness is not being applied in the dealings with amendments not only on this committee but throughout the committees in the House and that a lack of civility has grown in the institution to the point where the minority party in no way on our side of the aisle feels that we are being treated fairly and properly.

In addition, on this particular bill, we asked for some amendments which were denied. They were amendments, in our opinion, that belong as part of this discussion, because they speak as to how the majority party is running the House and how some things are being done.

While some may argue that the amendments specifically do not speak to the bill, they certainly do speak to the running of the House, they speak to the way in which business is being conducted, and in that sense we have some very serious problems with those issues. We asked for those amendments to be presented.

We were very much concerned, for instance, with the fact that $1.4 million is being spent on an investigation of organized labor in this country. We are concerned also with the fact that a Member of Congress who has been duly elected has been harassed and her campaign and her campaign results continue to be questioned. I speak about the gentlewoman from California [Ms. SANCHEZ]. It is improper, in our opinion, to continue to harass her and harass the results of her campaign.

We particularly feel very nervous about the fact and very concerned about the fact that in carrying out, as we feel, this harassment, that some people have been targeted throughout the country, namely Hispanic surname Americans, for special negative treatment.

We are also very much concerned about the fact that, in general, when we ask for amendments, amendments are either denied or they are rewritten by the Committee on Rules before they are presented in the House, and that is something that has been of great concern to us.

With that in mind, we will hear Members today on our side of the aisle speak about these issues, and it is with much displeasure that I once again inform my friend the gentleman from New York [Mr. WALSH], and I mean that sincerely, my friend, that it is not the intent of this side to vote for this bill when final passage comes.

There will be some amendments that we will deal with, we will try to make our point, but I am hoping that the gentleman from New York will continue to understand or at least try to understand, if he does not already, that this is a very difficult time in terms of the behavior of this House, and our side of the aisle is trying to very strongly make the point that this has to change, that it has to end, and that a new day has to be born in this House.

With that in mind, I once again commit myself to working with the gentleman from New York. I look forward to the day, pretty soon, when these issues are put aside and we continue to build on this work that he has put forth.

Mr. Chairman, let me close with this thought. When I had an opportunity in the Committee on Appropriations to either go back on the Education subcommittee or choose this subcommittee, I chose this one with the understanding that I personally have such respect for this institution that I do not have a problem in dealing with this particular bill year after year, that I do not have a problem in working with the gentleman from New York [Mr. WALSH] in building the institution up.

I am concerned that some of the issues we will discuss today are indeed targeting the work that we do, because if other parts of the House and other behavior are not being carried out properly, then it really does not matter how much we try to protect the institution, the institution will always be in danger and our ability to deal with each other and conduct business will be in danger. I look forward to this type of behavior coming to an end, and I look forward to the debate that we will have today.

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

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we will soon entertain a number of amendments that were granted by the rule. I would just like to point out for the record that the rule is a modified closed rule. This is the traditional way that this rule has been structured for consideration of this bill.

As my colleagues might imagine, there are lots of opportunity for mischief on this bill. I think while we were in the minority, we certainly respected the majority's view of protecting the institution by using the rule process. We have tried to do exactly the same thing.

In the process of devising this rule, with the help of the chairman of the Committee on Rules who has been

very, very helpful, we allowed for four amendments, two from Republicans and two from Democrats. There were two very contentious amendments on each side, one Republican and one Democrat, that were not granted under the rule. I think that is about as fair as one could ask.

There are issues that swirl about the Congress that are not of the gentleman from New York [Mr. SERRANO] and my making. We have, I think, a very good relationship. We work very well together. Philosophically, we are not what one would call twins, but we do understand the need to protect the institution, and we are both trying to do that. So we are being affected by issues that are outside of the purview of our subcommittee.

I would ask that once everybody has their opportunity to make their case and to take their best shot and to vote for or against their amendment, that we could get a bipartisan vote on this bill. I think traditionally it is the majority's responsibility to deliver the votes on the legislative branch, but there has always been at least some semblance of bipartisanship on final passage of the bill. It strengthens our hand when we go to the Senate in the conference to make sure that we protect our side of this very important Capitol building.

I would end my comments right now by saying, let us have our debate, let us be as civil as we can with each other, and when it is all said and done, let us come together and vote bipartisanly for this bill.

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

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I rise in opposition to the bill today because of the irresponsible way in which the Republican leadership has conducted itself.

I consider the three investigations that I am going to mention nothing more than partisan witch-hunts. This year, the Republican leadership is wasting millions of taxpayers' dollars on three separate investigations. These investigations are mean-spirited, duplicative, and wholly unnecessary. So far, they have absolutely nothing to show for their efforts.

I would like to begin with the Committee on House Oversight's investigation into the election of the gentlewoman from California [Ms. SANCHEZ]. The gentlewoman from California [Ms. SANCHEZ] defeated incumbent Bob Dornan in an election that was certified by the Republican Secretary of State in California.

In spite of this, Mr. Dornan, who was defeated, can still command the will of the Republican Caucus and orchestrate a kangaroo court to investigate his loss. However, 9 months later, Bob Dornan still has not proven that he won. Instead, he intends to punish the gentlewoman from California [Ms. SANCHEZ] under an avalanche of subpoenas and a mountain of legal bills, and no matter that the burden of proof to prove wrongdoing is on Bob Dornan as the accuser and he has failed again. Mr. Chairman, the Republican leadership should stop using taxpayer money to harass the gentlewoman from California [Ms. SANCHEZ] in order to satisfy Mr. Dornan's craving for revenge.

Turning to the second witch-hunt, we have the three-ring circus of the gentleman from Indiana [Mr. BURTON] in the Committee on Government Reform and Oversight. In spite of the fact that there is a credible bipartisan investigation currently being conducted in the Senate, the gentleman from Indiana [Mr. BURTON] is determined to go forward with an investigation that is being conducted so shabbily that high-level Republican staffers have resigned from the committee. To date, this investigation has cost American taxpayers over $2 million and there has not been one hearing, not one deposition that has produced any result. That is $2 million spent and, again, nothing to show for it.

Finally, now we have the third investigation. The House Republican leadership has decided to tap into the Speaker's slush fund and spend $1.4 million on an investigation into the political activities of labor groups. For what, Mr. Chairman? For another political score to settle at the taxpayers' expense.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM], the vice chairman of the subcommittee.

Mr. CUNNINGHAM. Mr. Chairman, I would like to thank the gentleman from New York [Mr. WALSH]. I think from the different committees that I have served on and my colleagues on both sides of the aisle, there is no more of an evenhandedness of the issues or of the bill. The gentleman will bend over backward to help.

I would like to address the last speaker's words on Mr. Dornan and the gentlewoman from California [Ms. SANCHEZ]. Many of us feel that the Sanchez-Dornan seat was stolen. I will be specific. I will give my colleagues a classic example.

In the city of San Diego, they had 5,000 new citizens sworn in. At that time, a gentleman from the Republican Party asked the INS if they could establish tables like they always have, but this was an extra large one and they were told no, that this was so large that they were not going to allow anyone to register new citizens in either party. The Republican Party went down there the day of, anyway, and there were 12 Democrat tables set up and no Republican tables had been allowed in.

Then we have the case of the pushing in of new citizens and waiving background checks to the point where we have thousands, thousands, of people that were let in as new citizens that were felons. I am not talking just little felons, I am talking rapists, murderers, and so on. The recent newspaper articles on Conair, where they are actually shifting out people in different areas, is prevalent, also.

All Mr. Dornan is asking is to get the records to see if there was an injustice or if there were any peculiarities in that particular district that affected voting. That is a fair question: Do you have American citizens voting?

What they found to date, especially one activist group encouraged people that were going to be citizens to vote. Even though they had not become citizens, they had done so. It is a felony for people to register before they have become citizens, and there is a great number of those. At the same time, there were numbers of illegals that had registered.

What we need to do, Mr. Chairman, is to take a look at motor-voter, the practices of the INS, the practices of registration in different States. It is not just Mr. Dornan at stake. If we look at all of the border States and the infusion of illegals coming across, we even had hearings in San Diego that the Border Patrol stepped forward and said that they were ordered to let illegals come through, not us, not the Republicans, but the Border Patrol members themselves.

We need to get to the heart of this. When Mr. Dornan asks to have the records looked at by appropriate sources, by Republicans and Democrats, by the judicial system, I think that is fair.

Mr. SERRANO. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FAZIO], a man who set the tone for me to follow, and it is very difficult.

Mr. FAZIO of California. I thank the gentleman for yielding me this time.

Mr. Chairman, I expressed my feelings on the rule on the issue that was just brought to us by the gentleman from California [Mr. CUNNINGHAM]. But my reason for rising at this point is to separate myself from the debate on the overall behavior of the majority versus the minority in the institution, to pay tribute to the gentleman from New York [Mr. WALSH] and the gentleman from the city of New York [Mr. SERRANO] for the excellent job that they have done in bringing the bill to this point.

As the chairman has indicated, we are obviously confronted with other issues when we come to the floor that sometimes transcend the work that is done in the subcommittee and in the full committee, and that is once again the case here. Members will feel differently about the vote on final passage today, perhaps based on factors that have influenced our thinking in the general manner in which the House is being administered. But I think that if we are not careful, we will overlook the fine work that has been done by these two gentlemen, and I hope all Members will pay attention to and honor the effort they have made getting us to this point.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, I think one of the great frustrations here, of course, is that not only have we violated all the traditions of the House in the Sanchez case, changing the rules, having the committee kind of being the adversary for an elected Member of Congress, but we have focused in on a community that the majority Republican Party has made a serious effort trying to intimidate away from the polls. Not just in this instance, going as far back as races in New Jersey in the early 1980's, when we had polling security people show up trying to intimidate new Americans from voting.

□ 1800

The reality is we cannot use the Sanchez situation to try to review every piece of legislation on the books. We remember from when motor-voter was passed, the Republicans did not want to have poor people register. They wanted to keep it out of places where poor people went. They did not want to do it at welfare offices. We think everybody ought to vote. Frankly, I think it is too hard to get people in this country to vote. If someone is an American they ought to vote.

If there is something wrong with the Sanchez race, then under the law it is Mr. Dornan's responsibility to come forward and show that. He has come forward so many times with so many accusations, he just keeps stretching the process, and now the committee has taken over. First, he was worried about a house. There were 10 or 12 people living in that house, and I think they all had different last names. Yes; there were nuns living in that house. Then he found a second house that seemed awfully dangerous, and there were like 18 people living in that house; 1 address, 18 people, all different names. Lo and behold, it turned out to be a Marine barracks.

As my colleagues know, Mr. Dornan spent a lot of time on this floor talking about how tough he was, what a military campaigner he was. He ought to take this like an honorable politician. The evidence is clear. She won the race. Were there some problems? Yes. They do not measure up to her margin. If he has got proof, he ought to come forward with it. It is 9 months since the election. It starts to look like they are trying to drain her of resources and intimidate Hispanics from voting.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. THOMAS], the chairman of the Committee on House Oversight.

(Mr. THOMAS asked and was given permission to revise and extend his remarks.)

Mr. THOMAS. Mr. Chairman, following the statement of the gentleman from Connecticut [Mr. GEJDENSON], some of my colleagues might be surprised to find out that I was an original cosponsor of the motor-voter bill, and in fact we think it is a good idea to reach out and get as many people as we can on the rolls. But they fail to understand one fundamental point. Get all the people on the rolls who legally should be on, get all the people off who should not be on.

What we are doing now in Orange County, and the attorney for the gentlewoman from California [Ms. SANCHEZ] has finally admitted, there were people who voted in that contest who should not have voted. They were registered illegally, and they participated in the election illegally. The question is not if; the question is how many. We are in the process of determining how many. It is interesting that the minority already knows there were not enough to make a difference in the election.

What we try to do on our side of the aisle with the new majority is investigate the facts and then come to a conclusion rather than coming to a conclusion based upon what they want the end result to be. We are working with the Immigration and Naturalization Service. It has been very difficult. We had to subpoena them to go through their records to provide us with the thousands of names. We will determine how many people voted illegally, not in an attempt to deal with this election, but in an attempt to get every American who casts a vote legally to have a comfort level that their vote would not have been canceled by someone who voted illegally.

We believe it is fundamental. We believe we have to get to the bottom of it. No amount of protesting on their side will deter us from making sure that every legal voter believes no illegal vote canceled them out.

Mr. SERRANO. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, regardless of what is being said here, over $200,000 in funds provided by this bill is being committed to a witch hunt against one of our colleagues, the gentlewoman from California [Ms. SANCHEZ], for the sake of partisan games. This is an unprecedented attack which many of us believe has much more to do with the growing political power of Hispanics in this country. The committee has allowed a pattern of actions by both Mr. Dornan, the loser in that contest, and the committee itself which are an outrage to the Latino community.

The violation of privacy rights that people have a right to expect when they apply to the INS; that is why they had to subpoena them, to violate their privacy rights, and future voter intimidation and voter suppression of the Hispanic community are outrageous and will never be tolerated by us.

The voters of the 46th District of California elected the gentlewoman from California [Ms. SANCHEZ] in an election certified by the Republican Secretary of State last November, uncontested in any California court. For the first time since 1969 Republicans forced a hearing on the merits, a procedure that is available here. That hearing, held in the district of the gentlewoman from California [Ms. SANCHEZ], was a media circus that produced no credible evidence of changing the election outcome.

Unprecedented subpoena powers have been given to Mr. Dornan, now a private citizen, to harass Hispanic Americans and organizations that have helped them, like Catholic Charities, 20,000 students at Rancho Santiago Community College and even, as Mr. Dornan admitted, the Carpenters Union. Why? Because they had a large contingent of immigrant workers.

Add to all of these facts the admissions that we have already heard here and by one of the senior Republican Committee on Appropriations members that the real reason for pursuing the gentlewoman from California [Ms. SANCHEZ] is to kill motor-voter, and we have a Republican plan that is crystal clear.

So what is that plan? Attack the underpinnings of Hispanic empowerment by attacking a Hispanic woman elected to Congress, give unprecedented subpoena powers to a private citizen to intimidate Hispanic individuals, violate their privacy rights at the INS, create fear in the community, and by doing so create a chilling effect on voters, thereby intimidating them and suppressing their enjoyment of the right to vote, and, as a by-product, let us create the base for getting rid of motor-voter.

And that reminds me of the Republican motivated ballot security program that happened in my State of New Jersey in 1980, which were brought to Federal Court, and we will do it again if we have to.

We should not permit the use of taxpayer funds for such a biased political witch hunt, we should not accept and we will not accept this treatment as a community. We are here to stay, and so is the gentlewoman from California [Ms. SANCHEZ]. Get it over with, stop wasting our money, and we should register a vote of protest on this bill.

Mr. WALSH. Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong opposition to this bill. The Republican leadership is using the Committee on House Oversight, funded by this appropriation bill, to harass a Hispanic woman Member of Congress. Three hundred thousand dollars of the taxpayers' money has been used to try to deny the gentlewoman from California [Ms. SANCHEZ] the congressional seat that she won fair and square. And this is not just about the gentlewoman from California, this is about the growing influence, political influence, of

Latinos in this country. This is about sharing power.

As if that were not enough, the Republicans have forced the INS to launch an investigation against the gentlewoman from California [Ms. SANCHEZ] without providing the funding to do so. They have literally given subpoena power to the loser in the race, Bob Dornan.

The Republicans are trying to say that the gentlewoman from California [Ms. SANCHEZ] did not win her seat fairly. There is only one problem. They cannot prove it. Instead, they are wasting taxpayers' money to harass a Member of Congress. It is outrageous, and it has got to stop.

Vote no on this bill.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I listened to this debate. I had to rise because I am familiar with a lot of the facts with respect to the investigation as to illegal voters voting in the Sanchez-Dornan race, and this is not about the gentlewoman from California [Ms. SANCHEZ], it is not about Bob Dornan; it is about a very simple American fundamental value that is known as one man or one woman and one vote, and that means that no matter where one comes from, no matter how long they have been in America, no matter whether they are rich or poor, they get one vote.

And there was an investigation in Orange County, and one organization that is supported by taxpayer dollars, by our dollars, registered to vote over 300 people who were not legal voters. That has been established. That is the basis for the ongoing investigation.

I think it does a disservice for people that come from all over the world to be Americans to somehow give them the idea that the system that they left, the system where the ballots are counted on Sunday before the Tuesday election, the ballots where some people get five votes and other people get no votes, is somehow something that should be pursued here.

Now one of the two candidates, Mr. Dornan or the gentlewoman from California [Ms. SANCHEZ], got the most votes by legal voters in Orange County. The person who got the most votes wins. That is what this is about, and everybody who is involved in this is willing to let the chips fall where they may. If Ms. SANCHEZ when the smoke clears and the illegal votes have been taken away has the most votes, then she wins; if when the smoke clears the person who got the most votes on election day is Mr. Dornan, then he wins; and if it is unclear as to who wins, then we have a new election.

That is America, and I might say to my colleagues that is why people come to America. That is not bad, and that is not any kind of an insult to anybody. The Republicans do a lot of registering of new citizens, we have our card tables right there at the new citizens' swearing in programs for Hispanic Americans, Filipino Americans, Vietnamese Americans after they become citizens.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, the gentlewoman from California [Ms. SANCHEZ] was certified the winner of the 1996 congressional election in California's 46th Congressional District by a Republican registrar of voters and the Republican secretary of State by 979 votes after a recount of every ballot. I rise today to urge my colleagues to vote against this bill.

The Republican leadership has spent 9 months and $300,000 investigating the election of our colleague, the gentlewoman from California [Ms. SANCHEZ], and it is now time for this to stop. This is clearly a partisan attempt to steal an election that the gentlewoman from California [Ms. SANCHEZ] won fair and square.

I am sorry to break it to my Republican colleagues, but Bob Dornan lost the election and, yes, he even lost to a Democratic Hispanic woman. The Republicans have also given Bob Dornan, an average citizen, not a Member of the House of Representatives, the power to subpoena. He has used this authority to harass his political enemies by forcing them to spend thousands of dollars in legal bills to comply with his subpoena. Republicans are using taxpayer funds to finance a partisan political investigation. They are using race baiting tactics to scare new citizens from exercising their constitutional right to vote.

It is time to bring an end to this investigation. Let the gentlewoman from California [Ms. SANCHEZ] do what she is doing very well in representing the people of California's 46th district. Let us get back to the business of the American people, let us call off this witch hunt on a partisan political basis, and finally, let us just stop wasting taxpayers' dollars.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume just to respond to this issue.

The gentleman from New Jersey earlier suggested that the contesting of an election such as this is unprecedented. Well, there is very strong precedent: the McIntyre case in Indiana. And nobody on this side suggested that that was an anti-Irish decision.

□ 1815

Let us try to stick to the issues. This really does not fall on this committee. This falls on another Committee. Let us try to keep this debate within the constraints of this committee.

Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, the gentlewoman from California, Ms. LORETTA SANCHEZ, is a Member of this body. She has been seated. That is the rightful course of action.

Again, I want to point out, as I did last week, that I have had my disagreements here when the Democrats were in charge, but when they were in charge and there was a contested election where a Republican was declared the victor, as the gentleman just mentioned, the Republican was not seated.

In fact, we are not in any way disrupting the right of the gentlewoman from California, Ms. LORETTA SANCHEZ, to act as a Member of Congress, but we owe it to the American people to see that that election was a fair election, and if it was not, if it was determined by illegal votes, it should be overturned. Otherwise, it is a crime against the American people.

Mr. Chairman, my colleagues on the other side of the aisle are complaining that the contested election task force investigation is going on and has been dragging on too long. The fact is, this reflects something of a pattern.

What we see is, on the other side of the aisle and with the administration, a stalling, a stonewalling, and just dragging its feet. No matter how or what way they can do it, they are trying to elongate this, and then coming before the body complaining that we are putting the gentlewoman from California, Ms. LORETTA SANCHEZ, through a travail because it is lasting so long.

Mr. Chairman, this is pure politics. I, for one, would hope that we would not be calling each other names and then, especially, trying to suggest that the motives over here are malicious. We need to get to the bottom of this.

The task force is working. It is trying to determine how many votes were illegal. Already they have found 300 votes in the 46th district since the gentlewoman from California, Ms. LORETTA SANCHEZ, was seated that were improperly cast. The Secretary of State in California has determined that. The State registrar declared another 120 absentee ballots invalid. Together, that calls into question one-third of the 98-vote margin of the gentlewoman from California [Ms. SANCHEZ].

However, with the INS dragging its feet and all the administration representatives out there not going along and trying to stonewall this, we now are faced with having to go through 5,000 votes that appear to be or there is a potential that these votes were cast by people who were not legally entitled to vote.

Mr. Chairman, this is, as the gentlewoman from California, Ms. LORETTA SANCHEZ, moves on, and we are not intimidating her, she is a Member of Congress, but it is just and right for us to determine whether that election was stolen, and if it was, she should be removed from that seat, because she did not win it.

A Democratic Party activist in Orange County was convicted several years ago, and I come from Orange County, of registering illegal aliens intentionally. He was arrested and convicted of that crime. We cannot have this going on.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think what some of my colleagues on the other side of the aisle have to try to understand is the process which has been used in dealing with this issue. No one argues with the fact that if one party feels aggrieved in any way, they can bring up an issue, and that is what we have the court system for and we have rules of the House.

But I can tell the Members that I have been on the short side of a couple of elections in my life where I thought there had been some problems on the other side, and there were different communities involved in that vote, not only different regions of a county, but certain different ethnic groups and political persuasions. I do not recall that anyone on my side ever suggested that the way to deal with this issue was to single out one particular group and to target those surnames and to go through the books and just make a mockery of the whole system.

Mr. Chairman, let me also say that if you are a member of the Hispanic community and are involved in the political process, you know that for the last 25 or 30 years, 40 years, you have been working hard to try to get people registered to vote, to get people interested in the political system, and in the cases of immigrants, to get them to understand in this country you can participate and not be afraid that someone is going to do a number on you.

I do not think that my colleagues on the other side of the aisle understand, and some may understand and not care, the chilling effect that this has on legitimate individuals who are here, who want to vote, who want to participate, and now are feeling that somehow, somehow they are being targeted.

Let me conclude by saying that I know this subject well. I know this area well. It is so difficult on the receiving end to have one community targeted, to have people's last names be the issue of the day, and not what in fact happened in the election. That is not the right way to do it.

What does that mean now, that every time there is an election throughout the country where there is a question, whatever your political persuasion is, that is the only group you are going to target? That could happen in all 50 States. That is not the proper way to do it. There are people on that side that know that is not the proper way. That is why we are making an issue of it today, because the gentlewoman from California [Ms. SANCHEZ] has won. She should continue to sit here, and this investigation should come to an end.

Mr. Chairman, I yield 4½ minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to say to my friends that, as a member of the task force, I have followed this case very closely, quite obviously.

I want to say to my friend, the gentleman from New York [Mr. WALSH], who is inadvertently involved in this discussion, certainly he has none of the responsibility for the angst that is being discussed. First of all, let me say to my friend, the gentleman from California [Mr. ROHRABACHER], who has left, he said this is pure politics. Let me say that it may be politics, but it is not pure.

My friend, the gentleman from New York [Mr. WALSH] said that in the McIntyre-McCloskey case, which of course was not a Federal contested election case, that obviously is a sore point with many, and I understand that and do not mean to get into that, but the fact of the matter is, it was not. There was no question about the Irish vote. That is correct. The INS was not prepared to see if Irish perhaps had registered improperly.

That was not surprising, the McIntyre case, because by that time the Irish had been here in big numbers for a long time and very active in politics. As somebody who came into politics because of John Fitzgerald Kennedy, I am thankful for that.

At no time in Boston did anybody ever go to the INS, in the 1920's or the 1930's or the 1940's, and say, we want the Irish checked through your records to see whether or not they are legally registered.

Mr. Chairman, in Providence, RI, into which the Italian community moved in great numbers, at no time in the 1920's or 1930's or 1940's did anybody repair to the INS and say, notwithstanding the fact of the machine politics of Boston or the machine politics of Providence or the machine politics of New York, when many Jews moved into the city of New York, at no time, I tell my friends, did anybody suggest that the INS check on every voter.

Notwithstanding the fact in Chicago, when the Polish community moved in, in great numbers, nobody, notwithstanding the fact that there were allegations repeatedly as to whether or not there was fair voting, asked the INS to check on every Polish citizen; no, I tell my friend, the gentleman from New York, this is unprecedented; not McIntyre, not Tunno versus Veysey, which was the first case under the Federal Contested Election Act.

And guess what, that was a case in which the Democratic majority said to a Democratic challenger of a Republican incumbent, no, you have not met the test, and we reject the Democratic challenge of the Republican incumbent, which we have done time and time and time again in seating Republicans who have been challenged by Democratic nonincumbents. Democrats rejected their claim and, in fact, never allowed their case to go as far as this one has.

So yes, I say to my friend, the gentleman from New York, this is historically a brand new and different attack. It is not an attack, frankly, being made by Mr. Dornan, per se, it is the committee that is pursuing this; also unusual, I tell my friend.

It is time to bring this matter to a close. It is time, and I say to my friend, if they have additional votes, 300, let us say, who is to say? At no time can anybody on this floor get up and say, I say to my friend from California, that those 300 votes were not equally divided, 150 for Dornan and 150 for the gentlewoman from California [Ms. SANCHEZ].

Why do I say that? Because uncontested testimony at the hearing was that the leader, Herman Dodd, said he was a friend and close to Bob Dornan and could not get involved in a campaign against Mr. Dornan; uncontested testimony. I do not know whether that is the fact. But I say to my friends, it is time to end this investigation.

Mr. WALSH. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I do not intend to become part of this dispute, but let me try to set the record straight, if the gentleman from New York will allow me, or both gentlemen.

Mr. Chairman, the INS is checking every voter in that election, not one particular group. They are checking every voter to see if they were naturalized and what the date of naturalization was, whether you are of German descent or Irish descent or whatever. They are checking everyone. They are not singling out any particular group. That is my understanding.

I say that because my subcommittee funds the INS. We have checked into this, I say to the gentleman from Maryland [Mr. HOYER]. If it were otherwise, I would join the gentleman in his outrage. That is just not the case. They are checking every single voter in that election, and the naturalization date, and if you are a natural born citizen, of course, you would not show up.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

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

Mr. HOYER. One of the problems, Mr. Chairman, as the gentleman perhaps knows, is, first of all, the committee asked for all of Orange County, not just the 46th District, all of Orange County. That is where the 500,000 came from. So they have done a much broader search than would be called for by this contested election.

Mr. ROGERS. No single group is picked out.

Mr. SERRANO. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding time to me.

At first I thought this contest was about a difficult loss, Mr. Chairman. After all, Mr. Dornan served in the House for many years. But 9 months and $300,000 later, no contested election has ever taken this long or gone this far in the history of this country. The gentlewoman from California, Ms. LORETTA SANCHEZ, won the election fair

and square. The Latinos and other citizens of Orange County spoke, and there are some in this House who would like to silence them.

Mr. Chairman, the women and the Hispanics and the Democrats in this House will not tolerate the silencing of any man's or woman's vote. The gentleman from Maryland [Mr. HOYER] was absolutely correct when he said this has gone too far. It is time to end this investigation. It is undemocratic. Vote against this rule.

Mr. WALSH. Mr. Chairman, I yield 3½ minutes to the levelheaded and very fair-minded gentleman from Michigan [Mr. EHLERS], chairman of that House task force.

(Mr. EHLERS asked and was given permission to revise and extend his remarks.)

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am the chairman of the task force investigating this election. I have to say that the comments I have heard from the other side of the aisle bear no resemblance whatsoever to the activity of the task force.

The point has been raised that the gentlewoman from California [Ms. SANCHEZ] won the election fair and square. We have not in any way said that she had cheated in the election. We are simply trying to determine if noncitizens voted in the election, and that would be illegal if they did. But we are not saying that she instigated this in any way whatsoever.

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I also point out that my parents were immigrants. I grew up in an immigrant culture in a small town in Minnesota where a majority of people were immigrants. I would also point out that this Congress, the Republican majority, seated the gentlewoman from California [Ms. SANCHEZ], which is a practice not followed by the Democrats in the case of a famous election in 1984 when they did not seat Mr. McIntyre and eventually denied him a seat on very poor grounds, and seated his opponent.

I would also point out that we have not delayed in determining this. We are working as rapidly as possible. The other task force on which I served in the previous session of Congress, that of Mr. Charlie Rose of North Carolina, did not resolve the issue until September of the following year. We certainly hope to resolve this one before that amount of time elapses. We are certainly not dilly-dallying on this one, or delaying, or conducting an investigation of a type that has not been done before.

A comment has been made that for the first time the committee has allowed subpoenas to be issued. We did not allow them. Mr. Dornan read the law and discovered that he could issue them. So he proceeded to issue them. It was a question raised in court by the Sanchez attorneys, and the court said: That is fine, Mr. Dornan can issue those subpoenas under the law.

We have not had any involvement with that activity. The only subpoenas issued by the committee have been those on the INS which unfortunately proved necessary because the INS was not willing to release its computer tapes to the committee without subpoenas. Fortunately they have been cooperating since that time.

As the gentleman from Kentucky [Mr. ROGERS] has mentioned, we are checking all names, and my colleagues might be surprised at the results, since all the discussion here has been about those with Spanish surnames. The number of Vietnamese names is very, very large on the list in question, and other nationalities appear as well.

It appears that there may have been an organization in Orange County, which is why we are looking at all of Orange County, that deliberately encouraged noncitizens to register to vote. In other words, this organization may have been using noncitizens in citizenship classes and encouraging them to register to vote before they could legally do so. That is one area we are investigating.

The problem we have encountered is that subpoenas issued to that organization and to the gentlewoman from California [Ms. SANCHEZ] and to other organizations have not been honored. They have not even responded to them. They refuse to give the information. The U.S. attorney has been asked to rule on that and has not yet done so. But it appears the only way we could get the information would be through committee subpoenas. We have not done that as yet, but we may be forced to.

This is not a new type of attacks as stated here. We are using the procedures under the act as it was written by this Congress and signed into law. We are simply using them properly for the first time in the history of the act. No one can accurately accuse us of subverting the process in any way.

Mr. SERRANO. Mr. Chairman, may I inquire as to how much time remains?

The CHAIRMAN. The gentleman from New York [Mr. SERRANO] has 4½ minutes remaining, and the gentleman from New York [Mr. WALSH] has 3½ minutes remaining.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Let me once again extend my appreciation to the gentleman from New York [Mr. WALSH], even during this debate, for the gentlemanly way in which he conducts himself and treats the Members on this side of the aisle.

As I have said at the outset, it was difficult to stand up in opposition to this bill at first because of the fact that we understood well that outside issues had come into play. But as we listened to this debate, I think we can come to the conclusion that, while they may have started out as outside issues, they are in fact very much a part of this bill because this bill sets out to run the House, to pay the bills for the House, if you will. And when those bills are paid to harass people and those bills are paid to bring pain on the institution, then I do not think it is improper to bring it up during this debate. So we have done so.

Let me just say that much of the discussion was around the Sanchez case. That is a very crucial case. It is not, in my opinion, crucial because it speaks about a seat in Congress, although I tell my colleagues I love my seat and I know how important that is. It is crucial because it speaks about a much broader issue. And it is the treatment of a community.

The last gentleman who spoke clearly said that other communities had been investigated but there are many people who feel that the target was specifically the Hispanic community that presents to some people a political threat.

Let me also tell my colleagues that I come from a district in the Bronx where at times we hear and deal with information regarding people who are not in this country with documents, as some would say, illegal. Well, the fact of life is that their behavior is one of hiding in the shadows of society, of never coming out in front. So the whole idea that people in large numbers were registered to vote to steal this election goes, runs contrary to everything we know about the behavior of people who are not citizens yet. Those people hide. We cannot get them sometimes into a clinic for help because they are afraid somehow somebody will find them out.

That is a fact of life. I do not know where all of a sudden this one county came up with the boldest of undocumented aliens who now want to be out front, sign up and be deported in the process.

This is not the way it is. My side will vote against this bill tonight, and we will hope that in the process we will discuss other issues which will make it easier for the gentleman from New York [Mr. WALSH] and I to present next year's bill and any changes thereof on this bill.

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

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard an awful lot today about the contested race in southern California. That is an issue of obvious importance to many but it has absolutely nothing to do with this bill. Our responsibility, the gentleman from New York [Mr. SERRANO] and mine, and our subcommittee's and the Committee on Appropriations' is to provide the resources that this body needs to function. I think we have done that.

I think we have continued the trend toward cutting the budget, cutting expenses, reducing staff, working smarter, faster, better like American businesses have done to make them globally competitive. We have continued that trend. But our role ends there. We appropriate the funds to make sure that the legislative branch can do its

work. Then the legislative branch, the democratic process takes over. And the majority will prevails. In this case the majority will is to proceed with this task force. The minority digresses from that view. That is their right. They can say it as loud and as long as they like, but the fact is that when they were in the majority, their will prevailed and we expressed our reservations and they continued on their path.

The American public decided that this party would have the majority for these 2 years and they would have the minority, that those are the facts.

Our job today has nothing to do with that. It is to provide the resources needed for the legislative branch of Government. We have done that. We have done a good job, and it has been a bipartisan job and we should be proud of that. There is plenty in this bill for all of us to support.

Mr. Chairman, I will finish by just asking once again, reach across the aisle, ask the Democratic Members of the Congress to set the issues aside, once we have completed the work on this bill, and vote bipartisanly for support.

Mr. POSHARD. Mr. Chairman, I rise today to register my strong opposition not only to the FY 98 Legislative Branch Appropriations bill, H.R. 2209, but to the way in which the Leadership of this House continues to thwart progress and ignore fairness in order to advance a partisan agenda. This has resulted in the Democrats being effectively shut out of what had the potential to be a legislative session characterized by bipartisanship and productivity.

I am particularly angered at what I feel is an egregious waste of taxpayer money to fund investigative hearings designed to attack and intimidate organized labor. The Speaker of the House has access to nearly $8 million, euphemistically referred to as the ''Speaker's Reserve Fund,'' which is intended for use in case of emergency. Yet $1.4 million of this slush fund was recently used to launch investigative hearings into labor activities, without the consultation of minority members of the House. I find this pattern of shutting out the minority to be entirely mean-spirited, petty and unfair to the American people, especially when it is their hard-earned tax dollars that are being used to advance these partisan goals. There is no excuse for circumventing the established and equitable procedures of the House, simply to avoid debate and discussion of issues that deserve, and indeed require, such serious consideration and bipartisan debate.

The Republican attack on labor, and on the minority members of this House, has gone too far, and I cannot support a bill to appropriate funds which will allow this type of partisan, unwarranted investigation to continue. It is certainly unfortunate that such considerations must continue to interfere with the business of the House, and I had held out great hope at the beginning of the appropriations process that we might be able to get our work done effectively, efficiently and fairly. It saddens me that this view has proven to be overly optimistic. I will therefore be forced to vote against this bill, and I must urge my colleagues to do the same.

Mr. BLUMENAUER. Mr. Chairman, I am very pleased that the Subcommittee on Legislative Appropriations included report language urging the Architect of the Capitol to conduct a feasibility study for the installation of adequate shower and locker facilities for congressional staff. Currently, there are only 14 shower heads for more than 7,000 employees.

The employees of the House of Representatives are one of the hardest working, most dedicated corps of staff I have had the pleasure to work with. House facilities are designed to cater to these long hours, with food service, banks, post offices, a barber shop and a beauty salon available within the House complex so that errands can be taken care of with minimal time away from work. Adequate facilities to accommodate those who wish to exercise during the day or bike or run to work are not perks—they are important in helping our employees become more efficient and effective and they could actually save us money. Encouraging our employees to bike to work or exercise has several benefits:

Health and Productivity.—Recent studies ranking adult physical activity levels in U.S. cities concluded that Washington, DC, has the highest per capita rate of sedentary adults in the country. At the same time, we are learning more every day about the importance of regular exercise and its impacts on overall health, productivity, and longevity. I know many of our fellow Members believe they are more effective when they exercise regularly—I see them every day in the Members' locker room.

Time.—How many people will sit in their cars this evening, stuck in traffic on their way to ride a stationary bike or run on a treadmill? Combining the daily commute with exercise is an effective way to work out without taking extra time from already full days. Riding, skating, or running to work can actually take less time than driving from some parts of the District. Showers would make it possible for staff to use these modes.

Congestion.—The Washington metro area has some of the most congested roadways in the country. Local traffic congestion may seem like an intractable problem, but by making it possible for our employees to ride or run to work, or at least to avoid that extra trip to the health club, we can do something to relieve traffic congestion.

A Harris Poll conducted in 1990 showed that 43.5 percent of bike riders would ride to work if trip-end facilities—showers, lockers, and bike parking—were available, and in my district, where a 1992 survey found that 21 percent of bike riders would be motivated to ride to work if they had showers and parking, response to these improvements is enthusiastic. Private companies and public agencies around the country are retrofitting their buildings with these facilities to accommodate their workers. We should acknowledge the wisdom of these companies and take up their example.

I look forward to working with the Office of the Architect to design this study, and again I thank the committee for their consideration.

Mr. BURTON of Indiana. Mr. Chairman, the legislative branch appropriations bill for fiscal year 1998 cuts the funding level for the General Accounting Office by $9 million from the fiscal year 1997 funding level. This cut is unwise and unfair and should be reversed in Conference.

Two years ago, the GAO and House and Senate Appropriators reached an agreement on a two-year plan to reduce GAO's budget. As part of that agreement, GAO's budget has been reduced by 25 percent and its staffing has dropped below 3,500—its lowest level in almost 60 years. These cuts have taken a heavy toll. Hiring and promotions have been frozen for a long time. Staff reductions have diminished expertise in key areas. And needed investments in information technology have been placed on hold. Additional cuts now are not only a violation of that agreement, they will result in a loss of morale and a further loss in staff expertise as the agency's future is cast in doubt.

Instead of pursuing this foolish course of action, the House should have honored the agreement over funding for the GAO. It could easily have made up for the revenue difference by refusing to fund the Government Reform and Oversight's partisan witch-hunt into campaign fundraising practices. The budget for that ''investigation'' is an extravagant waste of taxpayers' money. The Senate is doing a better, and fairer, job while the House's investigation is in a shambles. We are wasting millions of dollars on a mistake-plagued House investigation which duplicates the more comprehensive and bipartisan efforts of the Senate. Instead of funding partisan investigations in the Government Reform and Oversight Committee, let's give money to those that can really use it, the professional auditors and investigators of the GAO.

The Senate has also taken a much wiser approach to GAO's funding, and kept faith with the agreement reached two years ago. By funding GAO at their requested level, the Senate has provided less than a 2 percent increase; not enough for any staff or program increases, just enough to continue current operations at their present levels. In essence it is a cost of living increase. This is certainly the least Congress should provide for the GAO, our own investigative arm. The cuts in the House bill are penny wise and pound foolish because the GAO remains an excellent investment for the American taxpayer. The financial benefits from its work in the last five years alone total over $103 billion.

If we in Congress are to continue doing our jobs well, we need a strong and effective General Accounting Office. I urge my colleagues on the House Appropriations Committee to carefully consider these issues during the conference with the Senate on this bill.

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

The CHAIRMAN. Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 2209 is as follows:

H.R. 2209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $708,738,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $12,293,000, including: Office of the

Speaker, $1,590,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,626,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,652,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,024,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $998,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $397,000; Republican Steering Committee, $736,000; Republican Conference, $1,172,000; Democratic Steering and Policy Committee, $1,277,000; Democratic Caucus, $631,000; and nine minority employees, $1,190,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $379,789,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $86,268,000: *Provided*, That such amount (together with any amounts appropriated for such salaries and expenses for fiscal year 1997) shall remain available for such salaries and expenses until December 31, 1998.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $18,276,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount (together with any amounts appropriated for such salaries and expenses for fiscal year 1997) shall remain available for such salaries and expenses until December 31, 1998.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $84,356,000, including: for salaries and expenses of the Office of the Clerk, including not more than $3,500, of which not more than $2,500 is for the Family Room, for official representation and reception expenses, $16,804,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $750 for official representation and reception expenses, $3,564,000; for salaries and expenses of the Office of the Chief Administrative Officer, $50,727,000, including $27,247,000 for salaries, expenses and temporary personal services of House Information Resources, of which $23,210,000 is provided herein: *Provided*, That of the amount provided for House Information Resources, $8,253,000 shall be for net expenses of telecommunications: *Provided further*, That House Information Resources is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and such reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, $3,808,000, of which $1,000 shall be for the release of the Inspector General's Report on Management and Financial Irregularities—Office of the Chief Administrative Office: *Provided further*, That all names of persons making favorable or unfavorable statements in the report shall be expunged; for the Office of the Chaplain, $133,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,101,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $1,821,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,827,000; for salaries and expenses of the Corrections Calendar Office, $791,000; and for other authorized employees, $780,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $127,756,000, including: supplies, materials, administrative costs and Federal tort claims, $2,225,000; official mail for committees, leadership offices, and administrative offices of the House, $500,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $124,390,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $641,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. The provisions of House Resolution 7, One Hundred Fifth Congress, agreed to January 7, 1997, establishing the Corrections Calendar Office, shall be the permanent law with respect thereto. The provisions of House Resolution 130, One Hundred Fifth Congress, agreed to April 24, 1997, providing a lump sum allowance for the Corrections Calendar Office, shall be the permanent law with respect thereto.

SEC. 102. The funds and accounts specified in section 107(b) of the Legislative Branch Appropriations Act, 1996 (2 U.S.C. 123b note) shall be treated as categories of allowances and expenses for purposes of section 101(a) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(a)).

SEC. 103. (a) Section 109(a) of the Legislative Branch Appropriations Act, 1996 (2 U.S.C. 60o(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''who is separated from employment,'';

(2) in the matter preceding paragraph (1), by striking ''employee'' the second place it appears and inserting ''employee or for any other purpose''; and

(3) in paragraph (1)(B), by striking ''the amount'' and inserting ''in the case of a lump sum payment for the accrued annual leave of the employee, the amount''.

(b) The amendments made by subsection (a) shall apply to fiscal years beginning on or after October 1, 1997.

SEC. 104. (a) Section 104(c)(2) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 92(c)(2)) is amended by striking ''in the District of Columbia''.

(b) The amendment made by subsection (a) shall apply with respect to fiscal years beginning on or after October 1, 1997.

SEC. 105. (a) Section 204(11)(A) of the House of Representatives Administrative Reform Technical Corrections Act (110 Stat. 1731) is amended by striking out ''through 'respective Houses' and'' and inserting in lieu thereof the following: ''through 'respective Houses' the second place it appears and''.

(b) The amendment made by subsection (a) shall take effect as of August 20, 1996.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $2,750,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $804,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $5,907,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $500 per month to one assistant and $400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistants; and (4) $893,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the appropriations from which such expenses incurred for staff and equipment are payable and shall be available for all the purposes thereof, $1,266,000, to be disbursed by the Chief Administrative Officer of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $70,955,000, of which $34,118,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and $36,837,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for

extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $3,099,000, to be disbursed by the Chief Administrative Officer of the House of Representatives: *Provided,* That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1998 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISIONS

SEC. 106. Amounts appropriated for fiscal year 1998 for the Capitol Police Board for the Capitol Police may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'' upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading ''SALARIES'';

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading ''SALARIES''; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

SEC. 107. (a)(1) The Capitol Police Board shall establish and maintain unified schedules of rates of basic pay for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives.

(2) The Capitol Police Board may, from time to time, adjust any schedule established under paragraph (1) to the extent that the Board determines appropriate to reflect changes in the cost of living and to maintain pay comparability.

(3) A schedule established or revised under paragraph (1) or (2) shall take effect only upon approval by the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate.

(4) A schedule approved under paragraph (3) shall have the force and effect of law.

(b)(1) The Capitol Police Board shall prescribe, by regulation, a unified leave system for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives. The leave system shall include provisions for—

(A) annual leave, based on years of service;

(B) sick leave;

(C) administrative leave;

(D) leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

(E) leave without pay and leave with reduced pay, including provisions relating to contributions for benefits for any period of such leave;

(F) approval of all leave by the Chief or the designee of the Chief;

(G) the order in which categories of leave shall be used;

(H) use, accrual, and carryover rules and limitations, including rules and limitations for any period of active duty in the armed forces;

(I) advance of annual leave or sick leave after a member or civilian employee has used all such accrued leave;

(J) buy back of annual leave or sick leave used during an extended recovery period in the case of an injury in the performance of duty;

(K) the use of accrued leave before termination of the employment as a member or civilian employee of the Capitol Police, with provision for lump sum payment for unused annual leave; and

(L) a leave sharing program.

(2) The leave system under this section may not provide for the accrual of either annual or sick leave for any period of leave without pay or leave with reduced pay.

(3) All provisions of the leave system established under this subsection shall be subject to the approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate. All regulations approved under this subsection shall have the force and effect of law.

(c)(1) Upon the approval of the Capitol Police Board, a member or civilian employee of the Capitol Police who is separated from service, may be paid a lump sum payment for the accrued annual leave of the member or civilian employee.

(2) The lump sum payment under paragraph (1)—

(A) shall equal the pay the member or civilian employee would have received had such member or employee remained in the service until the expiration of the period of annual leave;

(B) shall be paid from amounts appropriated to the Capitol Police;

(C) shall be based on the rate of basic pay in effect with respect to the member or civilian employee on the last day of service of the member or civilian employee;

(D) shall not be calculated on the basis of extending the period of leave described under subparagraph (A) by any holiday occurring after the date of separation from service;

(E) shall be considered pay for taxation purposes only; and

(F) shall be paid only after the Chairman of the Capitol Police Board certifies the applicable period of leave to the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate.

(3) A member or civilian employee of the Capitol Police who enters active duty in the armed forces may—

(A) receive a lump sum payment for accrued annual leave in accordance with this subsection, in addition to any pay or allowance payable from the armed forces; or

(B) elect to have the leave remain to the credit of such member or civilian employee until such member or civilian employee returns from active duty.

(4) The Capitol Police Board may prescribe regulations to carry out this subsection. No lump sum payment may be paid under this subsection until such regulations are approved by the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives. All regulations approved under this subsection shall have the force and effect of law.

(d) Nothing in this section shall be construed to affect the appointing authority of any officer of the Senate or the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $1,991,000, to be disbursed by the Secretary of the Senate: *Provided,* That no part of such amount may be used to employ more than forty individuals: *Provided further,* That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Fifth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,479,000.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not more than $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $24,797,000: *Provided,* That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment, including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance and operation of a passenger motor vehicle; and for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $36,827,000, of which $6,450,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $4,991,000, of which $25,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $37,181,000, of which $8,082,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage,

and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $32,032,000, of which $550,000 shall remain available until expended: *Provided,* That not more than $4,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1998.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $64,603,000: *Provided,* That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Oversight of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further,* That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $81,669,000, of which $11,017,000 shall be derived by transfer from the Government Printing Office revolving fund under section 309 of title 44, United States Code: *Provided,* That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further,* That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the ''Congressional Operations Appropriations Act, 1998''.

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $1,771,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $223,507,000, of which not more than $7,869,000 shall be derived from collections credited to this appropriation during fiscal year 1998, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): *Provided,* That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further,* That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,869,000: *Provided further,* That of the total amount appropriated, $8,845,000 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $34,361,000, of which not more than $17,340,000 shall be derived from collections credited to this appropriation during fiscal year 1998 under 17 U.S.C. 708(d), and not more than $5,086,000 shall be derived from collections during fiscal year 1998 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided,* That the total amount available for obligation shall be reduced by the amount by which collections are less than $22,426,000: *Provided further,* That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further,* That not more than $2,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $45,936,000, of which $12,319,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $4,178,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than $194,290, of which $58,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term ''manager or supervisor'' means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 1998, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $97,490,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $10,073,000, of which $710,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository

and international exchange libraries as authorized by law, $29,264,000: *Provided,* That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $150,000: *Provided further,* That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 1996 and 1997 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided,* That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further,* That the revolving fund shall be available for the hire or purchase of not more than twelve passenger motor vehicles: *Provided further,* That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further,* That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further,* That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES'' together may not be available for the full-time equivalent employment of more than 3,550 workyears: *Provided further,* That activities financed through the revolving fund may provide information in any format: *Provided further,* That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: *Provided further,* That expenses for attendance at meetings shall not exceed $75,000.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries; $323,520,000: *Provided,* That not more than $1,000,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1998: *Provided further,* That an additional amount of $4,404,000 shall be made available by transfer from funds previously deposited in the special account established pursuant to 31 U.S.C. 782: *Provided further,* That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office and remain available until expended, and not more than $2,000,000 of such funds shall be available for use in fiscal year 1998: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Oversight and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 1998 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided,* That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104–1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $1,500.

SEC. 308. (a) Section 713(a) of title 18, United States Code, is amended by inserting after ''Senate,'' the following: ''or the seal of the United States House of Representatives, or the seal of the United States Congress,''.

(b) Section 713 of title 18, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (f); and

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

''(d) Whoever, except as directed by the United States House of Representatives, or the Clerk of the House of Representatives on its behalf, knowingly uses, manufactures, reproduces, sells or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seal of the United States House of Representatives, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined under this title or imprisoned not more than six months, or both.

''(e) Whoever, except as directed by the United States Congress, or the Secretary of the Senate and the Clerk of the House of Representatives, acting jointly on its behalf, knowingly uses, manufactures, reproduces, sells or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seal of the United States Congress, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined under this title or imprisoned not more than six months, or both.''.

(c) Section 713(f) of title 18, United States Code (as redesignated by subsection (b)(1)), is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(3) in the case of the seal of the United States House of Representatives, upon complaint by the Clerk of the House of Representatives; and

''(4) in the case of the seal of the United States Congress, upon complaint by the Secretary of the Senate and the Clerk of the House of Representatives, acting jointly.''.

(d) The heading of section 713 of title 18, United States Code, is amended by striking ''**and the seal of the United States Senate**'' and inserting the following: ''**the seal of the United States Senate, the seal of the United States House of Representatives, and the seal of the United States Congress**''.

(e) The table of sections for chapter 33 of part I of title 18, United States Code, is amended by amending the item relating to section 713 to read as follows:

''713. Use of likenesses of the great seal of the United States, the seals of the President and Vice President, the seal of the United States Senate, the seal of the United States House of Representatives, and the seal of the United States Congress.''.

This Act may be cited as the ''Legislative Branch Appropriations Act, 1998''.

The CHAIRMAN. No amendment shall be in order except those printed in House Report 105–202, which may be offered only in the order specified, may be offered only by a Member designated in the report, shall be considered read, shall be debated for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment No. 1 printed in House Report 105–202.

AMENDMENT NO. 1 OFFERED BY MR. DAVIS OF VIRGINIA

Mr. DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DAVIS of Virginia:

Page 8, insert after line 5 the following new section:

SEC. 106. Section 104(a) of the Legislative Branch Appropriations Act, 1987 (as incorporated by reference in section 101(j) of Public Law 99–500 and Public Law 99–591) (2 U.S.C. 117e) is amended—

(1) in the second sentence of paragraph (2), by striking ''A donation'' and inserting ''Except as provided in paragraph (3), a donation'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(3) by inserting after paragraph (2) the following new paragraph:

''(3)(A) In the case of computer-related equipment, during fiscal year 1998 the Chief Administrative Officer may donate directly the equipment to a public elementary or secondary school of the District of Columbia without regard to whether the donation meets the requirements of the second sentence of paragraph (2), except that the total number of workstations donated as a result of this paragraph may not exceed 1,000.

''(B) In this paragraph—

''(i) the term 'computer-related equipment' includes desktops, laptops, printers, file servers, and peripherals which are appropriate for use in public school education;

''(ii) the terms 'public elementary school' and 'public secondary school' have the meaning given such terms in section 14101 of the Elementary and Secondary Education Act of 1965; and

''(iii) the term 'workstation' includes desktops and peripherals, file servers and peripherals, laptops and peripherals, printers and peripherals, and workstations and peripherals.

''(C) The Committee on House Oversight shall have authority to issue regulations to carry out this paragraph.''.

The CHAIRMAN. Pursuant to House Resolution 197, the gentleman from Virginia [Mr. DAVIS] and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

This amendment is fairly simple and straightforward. The schools in our Nation's Capital are in a state of crisis. The dropout rate in the school system is over 40 percent. We have a very low percentage of these students going on to college. There are safety issues and management issues, but worst of all there is a technology revolution that is engulfing the beltway, creating thousands and thousands of jobs in the Metro D.C. area and the District of Columbia. And the students who come out of its public schools have not really been able to participate in a meaningful way in this revolution.

This amendment addresses this human tragedy by making surplus congressional information technology equipment available at no cost to the city's public elementary and secondary schools. Specifically the amendment would authorize the Chief Administrative Officer of the House to transfer surplus equipment without charge to the District of Columbia public school system during fiscal year 1998.

My amendment is limited to the District of Columbia schools because of the special responsibility that the Congress has to the residents of this Federal District under the Constitution. The Committee on Rules has made this in order. I hope my colleagues will support it. We have other Members who would like to address it.

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

The CHAIRMAN. Does any Member seek time in opposition to the Davis amendment?

Mr. SERRANO. I do, Mr. Chairman, not in opposition.

The CHAIRMAN. Without objection, the gentleman from New York [Mr. SERRANO] is recognized for 5 minutes and may proceed in support of the amendment.

There was no objection.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume. I think it is a wonderful amendment. I would like, however, if possible to ask the chairman of the subcommittee, the gentleman from New York [Mr. WALSH], if he would allow me to ask him a question. I am very much in favor of this notion and I am very much supportive of it. But, as we know, in the past I have discussed the possibility of Members being able to do this in their own districts. I would hope that we do this as a 1-year situation, which I support wholeheartedly and that next year the subcommittee look at possibilities, that Members in their own districts can accomplish what the gentleman from Virginia [Mr. DAVIS] is accomplishing for the great city of Washington, DC.

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

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

Mr. WALSH. Mr. Chairman, I think it is a very good amendment. I think the gentleman's amendment has merit. I would certainly support it. I am delighted that in my role as chairman of the Subcommittee on Legislative I am still able to reach back and help out my former constituents in the District of Columbia.

In response to the gentleman's question, this is something that we have talked about, that we both support the concept of allowing Members to use their used equipment in their district offices to provide to local school districts. I am sure the Committee on House Oversight would like to take a look at this before we appropriators try to make a determination, but I would certainly go with the gentleman from New York to the chairman and members of the House oversight subcommittee and urge that this be considered very strongly for next year.

Mr. SERRANO. Mr. Chairman, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me the time, and I thank the chairman and the ranking member of the subcommittee for their generosity.

I do not think we have to look far to see the crying need for the gentleman's amendment. I especially appreciate that in his role as chairman of the D.C. committee he has looked far and wide and always dealt with the District in a bipartisan manner. I would like to make a suggestion to the ranking member because I can understand his concern as well. As to these computers in the District of Columbia, the cost of shipping will probably be more than the computers would be worth, but there are Federal agencies in all the large cities; and it seems to me the same kind of situation could be worked out with the Federal agencies in cities

like New York who would also have, it seems to me, excess technology equipment of this kind. It said that the District needs a billion dollars in school repairs.

In that respect, it is clear that we will not get to computers for an awfully long time. Bell Atlantic is wiring the schools of the District free. That will be done by April. General Becton in his budget this year asked for $20 million for technology, and of course it had to be cut. The District came into compliance a year ahead of time, into balance a year ahead of time in order to qualify for the President's plan to relieve it of some State functions.

□ 1845

While the District is getting its act together, I do not think that the children should suffer. The Speaker has said that if we put a lap-top in the lap of every kid in the city, we would see changes, if not overnight, then very soon.

The gentleman from Virginia is clearly trying to get us close to that by at least putting a computer in every school. I thank him for it, and I urge this amendment be adopted.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I want to compliment the gentlewoman from the District of Columbia.

We can support this right now, for all States, for all congressional districts, but just in a little different way. The Century 21 high-technology bill, which is in the budget under Ways and Means, today the President is looking at it and he accepts some portions of that.

Right now he is insisting that all $35 billion go toward higher postsecondary education. If that is the case, this will be cut out of all of our districts, and it is one in which we accommodate industry that develops and puts into the classrooms high-technology equipment like computers, like scientific gear.

The next phase of this, I think, should be the libraries, and we are asking for just a small portion of that $35 billion goes through K through 12. We think when our education system in some areas, and we have good teachers, my wife is one of them, but in some areas needs help, that we do it in the K through 12 and not spend it all on postsecondary education.

Mr. DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Chairman, I note there are over 19,000 high-technology jobs available right now that we cannot fill in the greater Washington area. This amendment, with a donation from the House of surplus computers, we have over 644 PC's available today, plus a number of printers, modems and other IT equipment, going to the school system, can allow the city of Washington, DC, the District of Columbia and the students therein, to share in the economic benefits of this region and to allow them to be trained to fill some of these jobs.

I think it is a good amendment. I thank very much the chairman of the committee for allowing us to offer this, the gentlewoman from the District of Columbia [Ms. NORTON], the gentleman from Florida [Mr. FOLEY], who has helped in arranging this as well, and I hope my colleagues will support it.

The District of Columbia public schools are in desperate need of information technology infrastructure in their classrooms. By supporting the Davis of Virginia amendment to the legislative branch appropriations bill, scheduled for consideration this evening. Congress will allow hundreds of surplus computers, printers, modems, and other IT equipment to be donated to the D.C. public schools.

This amendment authorizes the Chief Administrative Officer [CAO] of the House to transfer surplus computer equipment to elementary and secondary D.C. public schools during fiscal year 1998. Current laws constrain the donation of surplus equipment, allowing disposal only through the General Services Administration [GSA] except for equipment with no recoverable value. The CAO estimates that there are hundreds of high end computers, printers, and modems currently available for use but not needed by the Congress or GSA. While the Senate Sergeant at Arms and Doorkeeper have successfully donated surplus computers and related equipment to the schools, the House lags far behind. To the thousands of D.C. students, 40 percent of whom are at risk of dropping out of school, this equipment correlates into more effective and dynamic learning opportunities.

The Congress has a unique constitutional relationship to the District of Columbia. Supporting the Davis amendment to the legislative branch appropriations bill is a direct and efficient method that will inject much needed technology into the D.C. public schools. Speaker GINGRICH, Representatives MARK FOLEY, JOHN BOEHNER, and ELEANOR HOLMES NORTON have all been extremely helpful in moving this concept forward.

I thank my colleague, for their support of this commonsense measure.

Mrs. MORELLA. Mr. Chairman, as a longtime advocate of providing telecommunications services to our public classrooms, I rise in support of the Davis amendment. This amendment would allow the Chief Administrative Officer [CAO] of the House to transfer surplus computers, printers, modems, and other technological equipment to schools in the District of Columbia.

Many of the classrooms in the District are housed in buildings that are falling apart. Classrooms are ill-equipped with resources that will leave students behind in this rapidly evolving technological revolution. The Davis amendment would provide the District with an infusion of much-needed technology that will afford students the opportunity to succeed in this new, information age.

The statistics on the performance of students in the D.C. public schools are dismal. Only 22 percent of fourth-grade students in the D.C. public schools scored at or above basic reading achievement levels in 1994. Over the last 3 years, 53 percent of students dropped out or left the school system after 10th grade. The cumulative grade point average for current 12th grade students is 1.5 on a 4.0 scale, and wide disparities exist in student performances among wards.

Information technology can excite young minds and provide all children in the District access to the same rich learning resources, regardless of where they live. Telecommunications would close the gap between the have and have-not communities within the District and help provide a level playing field for all students to utilize the information superhighway. In a nation rich in information, teachers, and students in the D.C. public schools can no longer rely on the skills of the industrial age.

I applaud Congressman DAVIS for his efforts to bring technology into D.C. classrooms in a direct and efficient manner, and I urge a ''yes'' vote on the Davis amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. DAVIS].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 105–202.

AMENDMENT NO. 2 OFFERED BY MR. FAZIO OF CALIFORNIA

Mr. FAZIO of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FAZIO of California:

Page 8, line 18, strike ''5,907,000'' and insert ''$5,624,000''.

The CHAIRMAN. Pursuant to House Resolution 197, the gentleman from California [Mr. FAZIO] and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I yield myself such time as I may consume. I rise in support of this amendment to freeze positions at the Joint Committee on Taxation.

My colleagues, I am sure, remember that the regular committee funding resolution managed by the Committee on House Oversight was a source of major contention this year. The dispute was not just because of Democratic objections but also because of Republican objections to proposed committee increases. Yet the funding assumption of that resolution was still a freeze on the number of committee positions, the Speaker's so-called employment caps.

The one exception, as I am sure many remember, was the proposed increase in the Committee on Government Reform and Oversight's allocation, and those increases provoked a significant fight here on the floor that I am sure we have already noted continues even up to this day.

Now the majority is trying to accomplish, I believe indirectly, what they could not accomplish directly, and that is increases in committee staff levels. The Legislative Appropriations Subcommittee originally went along with

the request by the Joint Committee on Taxation to increase its funding by 20 percent, a total of 12 positions, from 61 to 73 positions. But because of objections by Democrats on the committee, the bill was changed at the full Committee on Appropriations to add five positions to the Joint Committee on Taxation. My amendment would eliminate that increase and hold the Joint Committee on Taxation to the current year's staffing level of 61 positions.

The majority received significant credit at the beginning of this 104th Congress for reducing committee staff by one-third. It was a significant reduction, and one that we are reminded about constantly. In fact, we were reminded of it as recently as Friday's debate on the rule for this bill.

So one question is whether the Joint Committee on Taxation, which does not clear through the regular committee funding process for the standing committees of the House, will be singled out for special treatment while other committees with important jurisdictions and heavy workloads are given no increase in staffing.

I think it is also suspect that the Joint Committee on Taxation would make this extraordinary request for fiscal year 1998 funds but make it for the year after we are scheduled to complete consideration of major tax legislation. In fact, the buzz all over the Capitol tonight is that we have reached agreement on a major tax bill for the long haul. If that is the case, and I certainly anticipate it will occur this week, there is absolutely no way in which the Joint Committee on Taxation's increased staff will have any major tax bill before it in the near future.

The rationale given for significant new duties by the chairman, the gentleman from Texas [Mr. ARCHER], in making his request to the committee, was for unfunded mandates and line item veto. It just does not hold water, Mr. Chairman. Those are responsibilities that are chiefly handled by the Congressional Budget Office.

Line item vetoes are far more likely to be applied to the appropriations bill. In fact, there is even a question as to whether it will apply to a tax bill. And unfunded mandates, as we know, are far more likely to be included in authorizing legislation.

In fact, the gentleman from Texas said, ''If the Joint Committee's responsibilities are expanded in any further way, I will find it necessary to request an additional increase.''

But perhaps the most important point is the highly politicized complexion that the Joint Committee on Taxation has assumed under Republican control, in sharp departure from its traditional low profile. The staff director, Kenneth Kies, was singled out for a profile in the Wall Street Journal that appeared in April. Here is a quote from that article:

''But Mr. Kies is breaking the mold, wielding his clout in some surprising ways and taking all-expense-paid trips to speak to groups, many of which have large stakes in the tax code. Mr. Kies does not get paid for speaking, but last year he accepted more in travel expenses than any other congressional staffer,'' and this is what I think my colleagues are most interested in hearing, ''more than any of the 535 Members of Congress, according to an analysis done by the Associated Press.''

The Washington Post editorial a few days ago had this to say about the Joint Committee on Taxation: ''The JCT was once the great redoubt of integrity in such matters. It has been converted into a political parrot.'' The New York Times, in an editorial about the 1995 budget bill said '' Congress relied on misleading estimates by its tax analysts,'' and ''The Republican distribution tables are distorted in at least four ways.''

So adding positions to the Joint Committee on Taxation when its fairhandedness is being called into question makes absolutely no sense. The simple fact is the Joint Committee on Taxation has not made a compelling case for these additional positions. They should not get special treatment.

Our precious committee resources should not be going to highly politicized staff operations that will merely be used to advance a partisan agenda here in the House instead of providing the nonpartisan estimates that we have come to expect in the past.

I think this is an opportunity for us to show that we are going to be fair across the board. I think it is an opportunity to indicate that we like people to work for us in these different and very essential committees who do not bring their own personal profile or who serve the House in a traditional manner, one that emphasizes the role of the Members and not of the staff in making policy.

I think we ought to treat this committee the same way we are treating most agencies, and that is give the existing staff a cost-of-living adjustment. That is what this amendment would allow; and, therefore, I ask for a ''yes'' vote on my amendment.

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

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment will eliminate the five additional staff positions that we have appropriated for the Joint Committee on Taxation. The chairman of the Joint Committee on Taxation, the gentleman from Texas [Mr. ARCHER], who also chairs the Committee on Ways and Means of the House, testified that he needed 12 new positions to do the additional work that was mandated on the Joint Committee's staff. The committee bill only allows five.

We removed seven of those positions during the full committee consideration of the bill, after the gentleman from California and the gentleman from Wisconsin and others raised this issue. They felt that it was too large an increase at one time. That would have only, by the way, brought us up to the level where the Democratic majority had it when they lost control of the House, so we are still substantially below that level.

We offered an amendment not to eliminate the total increase but to reduce it to five. So we went more than halfway to show a reasonable approach to try to develop compromise. They wanted the whole loaf instead of half of the loaf.

The fact is the chairman of the House Ways and Means and the chairman of the Committee on Finance in the Senate both felt that this is essential to their work. The Joint Committee on Taxation does the very important work of providing technical support to the Committee on Ways and Means and the Senate Committee on Finance.

As we know, this work is highly technical in nature and requires very high skills in tax law and economics. The staff is called upon to make several thousand revenue estimates each session for Members and those estimates are highly regarded.

In addition, the Joint Committee on Taxation has new responsibilities that staff resources are needed for: a new requirement imposed by the House to make dynamic scoring estimates in major tax legislation, to determine unfunded mandates contained in revenue legislation, and to determine limited tax benefits subject to the line item veto act. These are all new responsibilities.

With all due respect to the gentleman from California, under the rules of the House these are required of the Joint Committee on Taxation. It is their responsibility.

They also will have, we are told, the added responsibility of reviewing options for a comprehensive review of the Tax Code. What a monumental challenge that would be without additional staff.

There are many in this country who feel that the current Tax Code is unfair, it is antiquated, and it creates tremendous amounts of work and expense to individuals and to businesses. So many of us feel that there needs to be a review, and the Joint Committee on Taxation would have that responsibility.

The bill provides funding for a staff level of 66 employees, or FTEs. It puts the FTEs back to the level they were funded at in 1988. We are now working on the 1998 appropriations bill. We are asking for an increase to 66, and that is still seven positions below the level it was funded at by the Democrats in 1988.

So we are doing this added responsibility, doing it better, smarter, and faster. All we have done is to put them back where they were 10 years ago.

I heard the gentleman's concerns in the full committee and I offered an amendment that reduced the subcommittee's mark of 12 positions to 5. The Committee on Appropriations

heard the gentleman, considered the prudence of restraint, accepted a staff level of a decade ago and reported the bill with those limited resources. We have met the gentleman more than halfway.

I oppose the amendment and urge all to oppose the amendment.

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

Mr. FAZIO of California. Mr. Chairman, I yield myself such time as I may consume to respond to the gentleman. If the gentleman would look at the transcript of the hearing on the Joint Committee on Taxation on February 13, the statement of the chairman of the Joint Committee, the gentleman from Texas, Mr. BILL ARCHER, makes no reference to dynamic scoring.

There is not any reference because, I believe, dynamic scoring is something that is still a controversial issue here, and I am not sure there is any mandate to the committee to handle that task. Dynamic scoring may, in fact, be what the committee needs additional staff for, but if we look at what was cited as the justification for the increase, I could not find it.

□ 1900

A lot of committees would like to go back to the staffing level they were at in the past. That is the very point I am trying to make. This committee is being given the opportunity to go back because suddenly it is determined that there is work for them to do. Well, there are many other committees that have additional work they would like to do, but they are not being give this kind of latitude, they are not being given this kind of assistance.

Also, part of my concern is I believe much of the help for this committee will be given to the Committee on Ways and Means staff. Certainly, the members of the Committee on Ways and Means benefit greatly from the work of the joint committee. But I am not sure that is going to be handed out in any 2-to-1 ratio. I am not sure it is going to be available to Democrats as much as to Republicans.

In fact, I think that the issue of dynamic scoring is something that is quite partisan within that committee in terms of how they would like to have the long-range effects of tax bills analyzed and factored into the way in which we project future deficits, for example.

So I think that the comments of the gentleman from New York [Mr. WALSH], while certainly appreciated in a rebuttal sense, do not hold weight.

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

Mr. FAZIO of California. I would be happy to yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding.

Just to clarify on this one point, under the rules of the House, this is rule XIII, paragraph (e)(1) of clause 7, regarding dynamic scoring:

> A report from the Committee on Ways and Means on a bill or joint resolution designated by the majority leader (after consultation with the minority leader) as major tax legislation may include a dynamic estimate of the changes in Federal revenues expected to result from enactment of the legislation.

So, clearly, the rules of the House do provide that responsibility to the joint committee.

Mr. FAZIO of California. Mr. Chairman, I reserve the balance of my time. But before I do so, Mr. Chairman, I would simply say, the fact that it is cited in the rules and yet not mentioned by the chairman as a justification for additional staff is, perhaps, the point. It is not one of the reasons the gentleman from Texas [Mr. ARCHER] has asked for additional help.

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

Mr. WALSH. Mr. Chairman, I yield myself as much time as I may consume.

The point of the gentleman from California [Mr. FAZIO] was that these responsibilities are not covered by the Rules of the House. Quite clearly, they are covered by the Rules of the House. Not to pick nits, but the responsibility is theirs. Thus, the need for additional staffing.

Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California [Mr. THOMAS] of the Committee on House Oversight, also a member of the Committee on Ways and Means.

Mr. THOMAS. Mr. Chairman, I thank the gentleman from New York [Mr. WALSH] for yielding me the time.

I find it almost fascinating that the gentleman from California [Mr. Fazio], the former chairman of the Subcommittee on Legislative of the Committee on Appropriations is offering an amendment to allow no additional staff. The gentleman indicated that perhaps this particular committee could learn from what occurred to other committees.

Let me recite some dollars and cents and numbers for my colleagues. There is one committee in the House of Representatives that is not responsive to House Oversight and the rest of the Members in determining its budget. It is not the Joint Committee on Taxation. It is not the Committee on Ways and Means. It is not the Committee on Agriculture. It is not the Committee on Commerce. It happens to be the Committee on Appropriations. That committee alone determines its own staff and its own budget.

Let us return to 1994. The budget for Appropriations was $14.7 million. The budget for the Committee on Ways and Means was $8.1 million. The budget for the Joint Committee on Taxation is $5.7 million. Let us leap ahead 4 years and look at the fiscal year 1998 budget of Appropriations, $18.2 million. From $14.7 million to $18.2 million. That is a 25-percent increase in the budget that the gentleman from California [Mr. FAZIO], behind closed doors, determines what is appropriate to do their job.

The Committee on Ways and Means, at $8.1 million in 1994. In 1998, it is $5.5 million. In 1994, Ways and Means, $8.1 million. In 1998, $5.5 million. That is a decrease of 32 percent.

The new majority willingly took on themselves savings of taxpayers' dollars. The Joint Committee on Taxation goes from $5.7 million to $5.9 million. That is an increase. That is a 3-percent increase. The gentleman from California [Mr. FAZIO] focuses on staffing. In the 103d Congress, the Joint Committee, under Democratic leadership, had 77 staff. Currently there are 59.

On the Committee on Appropriations, there are 60 members. There are 155 staff; 52 of them are called associate staff. They get a staffer for virtually every member of the committee. The Committee on Ways and Means, we do not get that kind of staffing. We have to rely on the Joint Committee on Taxation.

Why is it called the Joint Committee on Taxation? Because that committee serves not only the 39 members of the Committee on Ways and Means, but it serves the 20 members of the Senate as well. There are 59 members who utilize the services of the Joint Committee on Taxation. Is it not interesting there are also 59 staffers? That means, on the Joint Committee on Taxation, there is one staffer for every member.

On the Committee on Appropriations, on the committee that the gentleman from California [Mr. FAZIO] believes should not get even five new staffers, the ratio for staffers is 2.6; 1.0 for the Joint Committee; 2.6 for Appropriations.

But frankly, the Joint Committee should not be compared to any committee here in the House. We have to go down and look at Treasury and we have to look at the Office of Management and Budget, because the Joint Committee is for Congress. The Office of Management and Budget, for the President, has 503 staff.

The Treasury, focusing on the issues that the Joint Committee focuses on, has 113. Get your translating dictionary. When they were in the majority, the staff was bipartisan. When they are in the minority, the staff is partisan. Understand, the Joint Committee works for all of us. They need five new staffers to do our work. Vote down the Fazio amendment.

Mr. FAZIO of California. Mr. Chairman, I yield myself such time as I may consume.

First of all, I really think it is not my place to protect or defend the majority on the Committee on Appropriations and the way in which they have allocated the funds. This is not a debate between the Committee on Ways and Means and the Committee on Appropriations. This is a question of how much we should provide the Joint Committee on Taxation.

I know the gentleman from California [Mr. THOMAS] is proud of some of the reductions that have been made. But if we look at the Committee on

Government Reform or the Committee on Education and the Workforce, we see an increase from 1997 and 1998 of 26 percent for Government Reform and 22 percent for Education and the Workforce.

I guess the gentleman from California [Mr. THOMAS] feels that a 20-percent increase that was originally intended for the Joint Committee on Taxation is consistent with those overwhelming increases in the staffing of those committees.

But I have confidence in the gentleman from New York [Mr. WALSH] and the gentleman from New York [Mr. SERRANO]. I do not think the Committee on Appropriations has been treated any better than any other committee. In fact, I think we set an example. And, so, I guess I rise to defend the majority from the majority.

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

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. ENGLISH], a member of the Committee on Ways and Means.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, briefly, I rise as a member of the Committee on Ways and Means and as the former principal tax staffer for the Senate Republicans in Pennsylvania in strong opposition to this amendment.

We have to realize that these revenue estimates that are done by the Joint Committee on Taxation are critical to our policymaking and critical for the minority and the majority. There have been 2,000 revenue requests per year heaped on the Joint Committee, and so far they only have the staff resources to process about 50 percent of them.

In the last 2 years, we have asked the Joint Committee to assume additional responsibilities in connection with the Line Item Veto Act and unfunded mandates legislation. We adopted a new House rule that requires the Joint Committee on Taxation to analyze the macroeconomic effects of such proposed legislation, and we have added additional responsibilities.

The lack of revenue estimates stifles tax policy, it reduces input from rank and file Members. Because, let us face it, members of the tax committee have, in all probability, easier access to revenue estimates from the Joint Committee.

Also, I think it is fair to say that this gives the minority a better shot at getting revenue estimates. Let us understand that revenue estimates are important and that a vote for this amendment by reducing access to revenue estimates is a vote against tax relief, in my view. And more importantly, it is also a vote against tax reform, which is something that I hope the Committee on Ways and Means will have an opportunity to take up during this Congress. It will require many revenue estimates because it is going to be extremely complicated.

In my view, if any Member of this body strongly supports tax reform, tax simplification, streamlining our tax system, they should vote against this amendment.

Mr. FAZIO of California. Mr. Chairman, I continue to reserve at this time.

Mr. WALSH. Mr. Chairman, I have no further requests for time.

Does the gentleman from California [Mr. FAZIO] have the opportunity to close?

The CHAIRMAN. The gentleman from New York has the right to close.

Mr. WALSH. Mr. Chairman, I reserve the balance of my time.

Mr. FAZIO of California. Mr. Chairman, I yield such time as he may consume to the ranking member of the subcommittee, the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Chairman, I thank the gentleman from California [Mr. FAZIO] for yielding me the time.

The gentleman from California [Mr. THOMAS] has made some very interesting points. But the one that touches me the most, for someone who just became the ranking member of this committee and who has been on the Committee on Appropriations for a shorter time than most members on that committee, is his understanding and my understanding that what we are trying to do here is, through the back door, increase a committee at the same time that we are sending out press releases talking about the fact that we are cutting staff.

And indeed, we are cutting staff in many committees. And, in fact, the whole House has felt the need at times to deal with this issue. And here we single out one committee, one committee that in our opinion has become a very political instrument to use in this House, not necessarily one that simply deals with the facts and figures; and we, through the back door, are trying to increase this committee.

Now, I know the difficulty that we face, the gentleman from New York [Mr. WALSH] and I, in my case being supportive of his decisions to make some changes in the committee structure. But the fact of life is that no matter how we present this, there is no other way to present it but to admit the fact that this committee is being increased.

The gentleman from California [Mr. FAZIO] has made that point clearly. Anyone that votes against the Fazio amendment is in fact admitting to the fact that one committee was singled out for an increase, while other committees we gladly yell and scream are being cut. So we cannot have it both ways. We cannot cut an increase and then deny it.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

How much time does remain, if I may ask?

The CHAIRMAN. The gentleman from New York [Mr. WALSH] has 4¾ minutes remaining. The gentleman from California [Mr. Fazio] has 4 minutes remaining.

Mr. WALSH. Mr. Chairman, I will just say that our responsibility on the subcommittee is to allocate resources. There are times when some committees have more responsibilities than others, and that is what we have tried to do. There was a request by the chairman, and this is unusual, too, because this is one of the rare places where the Senate and the House have to come to agreement on something that they mutually share. Both chairmen asked for this increase. We are going to provide that increase if the committee agrees.

So I would again urge defeat of this amendment.

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

Mr. FAZIO of California. Mr. Chairman, I will just close and yield back any remaining time simply to say, if there was a justification based on a major tax bill, straining the resources of the Joint Tax Committee would have been in this fiscal year.

This is the year that we probably would find that committee spending long hours and putting in extra time trying to meet the needs of both the Senate and the House as we put together probably one of the largest tax bills we will see in this decade. But of course, this request comes in after the fact. It does not go into effect until the 1st of October.

But I think, in addition, we have to keep in mind the Joint Committee's stature here. The Senate has chosen not to make the kind of reductions in staffing that have been so prominently discussed ad nauseam in the House of Representatives. We did make sizable reductions, eliminating essentially a third of our staffing, most of which of course were majority staff of the former majority Democrats when the new majority took over. We understand that decision. We understand that it has been made. And I believe it should apply across the board.

It seems to me the people who need this committee from the other side of the Capitol are among those who need it least, because they have done absolutely nothing to track the reductions that have been made in this body.

So the joint committee is available, obviously, to the Committee on Ways and Means. It is an additional staffing assistance to them. And we understand why all those who come to the well today to defend this increase are on that committee. They will benefit.

□ 1915

But I think most of the other Members of the House on a bipartisan basis want to be standing tall for equal treatment, to make sure that all of the bodies that assist us in our analysis of legislation of all sorts are treated equally. Therefore, Mr. Chairman, I would ask my colleagues to defeat this increase in personnel and simply give the existing staff a cost of living adjustment.

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

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

First of all let me thank the gentleman from California for his stirring defense of not only the Committee on Appropriations, which I strongly endorse, but also his stirring defense of the majority. Any time I have him on my side in an argument, I feel pretty confident. However, on this amendment I do disagree substantively.

The House is about to enter into a major tax reduction agreement with the President, an historic agreement. This is something that was part of the Contract With America. This is something that we worked all the last 2 years and now 6 more months to come to. A capital gains tax cut, an estate tax cut, a $500 per child tax cut for all Americans with children under 18. This is a monumental victory for all of us in this country. This is not the end of the tax cuts. If we have our say, this is only the beginning of tax cuts for the American public. We want to make sure that the Joint Committee can do a good job of determining what the impacts of these tax cuts are and help to lead the way, to show us the way toward further reducing the oppressive tax burden that has piled up on the American public over the last 40 years. What we are seeing is a major change of direction here by the legislature. We have seen the markets respond to it, we are seeing the deficit being reduced at an exorbitant clip. We are seeing the deficit estimates go down. Why? Because the country and the markets are responding to the Republican tax cuts. We want to make sure that we have the support of the Joint Tax Committee when we look at the next round of tax cuts in the next Congress.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. FAZIO].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FAZIO of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 197, further proceedings on the amendment offered by the gentleman from California [Mr. FAZIO] will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 105–202.

AMENDMENT NO. 3 OFFERED BY MR. KLUG

Mr. KLUG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. Klug:

Page 29, line 13, strike ''3,550 workyears'' and insert ''3,200 workyears''.

The CHAIRMAN. Pursuant to House Resolution 197, the gentleman from Wisconsin [Mr. KLUG] and a Member opposed, the gentleman from New York [Mr. SERRANO] each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this amendment has to do with the Government Printing Office which the Federal Government has actually run and the House of Representatives has been involved with since well before the Civil War in this country. Since the mid-1800's, we have been running a printing office. There are 100,000 private printers across the United States, all of them, I think, quite capable of doing the printing work now being done by the United States Government. If I ran the world, we would actually figure out a way to end the Government Printing Office and instead simply turn it into a procurement agency. But that is not the option in front of us today. What we are going to try to do is to further reduce the staffing levels at the Government Printing Office in order to at a minimum help the Government Printing Office operate in the black rather than in the red.

The General Accounting Office will tell us in a study ironically printed by the Government Printing Office that every time we print a document in the Government Printing Office it is roughly 2 times what it would cost us to do if we did it in the private sector. In 1991, the Government Printing Office lost $1.2 million; in 1992 it lost $5 million; in 1993 it lost $14 million; in 1994 it lost $21 million. We began to squeeze the Government Printing Office down about the time we took over the majority, and in 1995 the loss was $3 million, but I have to tell my colleagues with some embarrassment this year it ballooned up to $16.9 million, nearly $17 million. This year through June of 1997 we are losing an additional $4 million.

This amendment quite simply cuts the staffing at the Government Printing Office by less than 10 percent, about 350 slots. If my colleagues will do the arithmetic on that and translate it all out, 350 staffers at about $50,000 a slot, when we include benefits, it results in savings to taxpayers at $17,500,000, virtually equivalent to what the Government Printing Office is expected to lose in this current operating year.

I think in the long run we have to ask ourselves why it is that the Federal Government has been involved in the printing business for more than 130 years and especially today with web sites and Internet pages across the country beginning to replace hard documents and reliance on paper, the squeeze on the Government Printing Office I think will become even more extraordinary in the next several years, at a time when a single CD rom can replace hundreds of volumes of printed documents like the appropriations text that we are considering right now done by the Government Printing Office.

My amendment makes good sense because of changing technology, my amendment makes good sense for the taxpayers of the United States, and it takes us one step further to where we want to be, I think, in the long run which is a government procurement office which uses the private sector and which saves money rather than a Government Printing Office which continues to run printing presses for the Federal Government in order to print government documents in an emergency, which as soon as I discover what a government emergency is, I will be glad to share it with my colleagues, and an operation at this point which loses unfortunately tens of millions of dollars a year for United States taxpayers.

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

Mr. SERRANO. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I have with me a letter that is being sent to all Members of the House in a bipartisan fashion by the gentleman from Connecticut [Mr. GEJDENSON], the gentleman from Virginia [Mr. MORAN], the gentleman from Maryland [Mr. HOYER], the gentlewoman from Maryland [Mrs. MORELLA], the gentleman from Virginia [Mr. WOLF] and the gentleman from Virginia [Mr. DAVIS]. They clearly point to the fact that the Klug bill is not a good idea. In fact, the subcommittee had recommended a cut of 50 positions as part of the ongoing work that we are doing in the House. Yet this particular amendment goes way overboard in asking for 350 position cuts.

Let me just make one other quick comment. The gentleman did mention the fact that the web pages are opening all over the Nation. That is not reaching everyone. In fact, that is an issue for another day. But not everyone in this country and some communities are totally being left behind in this technology. To suggest that this is a way to reach them is totally improper at this time. I understand that the gentleman has a reputation for being one who likes to cut the budget and we applaud him at times for that. But I think this particular time he is making a drastic mistake and we should all join in defeating this amendment.

Mr. KLUG. Mr. Chairman, at this point let me suggest that it is not such a drastic cut, and to bolster the case let me yield 1 minute to the gentleman from New York [Mr. WALSH], the chairman of the subcommittee.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the gentleman's amendment reduces the FTE staff level at the Government Printing Office from 3,550 to 3,200. GPO is currently staffed at a level of 3,600. This amendment will require a reduction in force. Even though the GPO continues to lose money at a rate of about $1 million a month, their costs remain high. They tell us that is because they have to maintain a capability to do the daily job of printing the CONGRESSIONAL RECORD, our hearings, bills, reports and other congressional documents.

The long-run solution to this problem is a rewrite of the printing statutes. The Government Printing Office needs to have their mission reevaluated. The Executive Branch and the Legislative Branch are using modern desk-top publishing technologies and withdrawing much of their work from the printing plant. The situation cries out for a more substantive solution than annual limitations on their workforce.

With that caveat, I will accept this amendment, but I want to stress that we need help from the authorizing committees on this matter. I know the chairman of that committee is dedicated to that task, and I want to work with him and others to bring it about.

Mr. Chairman, I have no objection to this amendment.

Mr. SERRANO. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. I thank the gentleman for yielding me this time.

Mr. Chairman, GPO, the Government Printing Office, has reduced their staff by 25 percent over the last 4 years, meaning a reduction of more than 1,000 full-time equivalents. The Klug amendment, although well intentioned, is extreme.

Time and time again Members searching for easy deficit reduction targets turn to Federal employees. Indeed, that is what this amendment does. Already the bill before us today will reduce the Government Printing Office by 50 full-time equivalents. The additional cuts contained in this amendment would reduce GPO by another 350 FTEs.

Such a draconian reduction would hinder their ability to produce the documents that we depend on in a timely fashion, including the CONGRESSIONAL RECORD, bills, reports, hearing transcripts, official documents. Furthermore, such a large cut would lead to expensive RIFs; let us consider that.

Please join me in opposing this amendment. The GPO is making excellent progress moving into the 21st century with advanced technology and a leaner staff. Let us not set them back in time.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman from New York for yielding me this time, and I rise in opposition to this amendment.

Mr. Chairman, this amendment is not new. The gentleman from Wisconsin offers this amendment every year. This is his annual amendment of how we gut the GPO. Annually we say, ''Oh, it's not going to be a problem.'' The fact of the matter is that this is an over 10 percent reduction. It is going to be approximately 50 plus 350, 400. It is going to require RIFs.

I regret that the chairman, somewhat in my opinion, cavalierly accepts this amendment. This is not a small cut. This is a cut on top of, as the gentlewoman from Maryland indicated, 1,000 employees out of 4,500 employees over the last 4 years.

They are not dairy farmers. So if we no longer stop buying milk or have price supports or anything of that nature, who cares? But these people are going to be put out on the street. We have gone from 8,000 down to 3,600 in 20 years. We have done 25 percent of that in the last 4 years.

The fact of the matter is, if we want GPO to do something different, then let us pass legislation and mandate that. If we want them to be, I tell my chairman, financially solvent, then have the Congress pay its bills. Have the Congress pay fair market value for the product it gets from GPO and I guarantee that they will show a profit.

I ask my chairman to go over to GPO. They have as modern a capability in information technology as there is in Washington. Period. They are on line and on top of it.

I urge my colleagues to reject this amendment. This amendment, I will tell the chairman, will cost the government money. It costs approximately $25,000 to $35,000 per RIFed employee. This amendment will cost us, not save us. Reject the Klug amendment.

Mr. KLUG. Mr. Chairman, I yield myself the balance of my time. Let me wrap up this debate, if I could.

To my colleague from Maryland, let me point out to him that my farmers in Wisconsin actually would be delighted to eliminate the milk marketing orders because they discriminate against the upper Midwest. I would be more than willing to work with him on that in the future.

Let me make a few closing points. Here are a few facts about the Government Printing Office: Over 50 percent of idle machine hours; GPO operated and paid overtime on at least one weekend day of 50 of 52 weekends; paper waste average 40 percent higher than most industry standards, 1989 estimated waste totaled $7 million.

Fact after fact, study after study tracing all the way back to 1989 through 1997 reaches one simple conclusion: The Government Printing Office continues to lose money. The gentleman from New York [Mr. WALSH] is absolutely correct. We need to redefine the mission for the Government Printing Office, but in the interim we are going to lose $17 million this year.

The long-run solution is to outsource the Government Printing Office and use the experts that are there today. The short-run solution is to begin to stop the bleeding and have the Government Printing Office break even in the current year operation. That is the intent of this amendment.

Mr. SERRANO. Mr. Chairman, I yield the balance of my time to the gentleman from Maryland [Mr. WYNN].

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Mr. WYNN. Mr. Chairman, I also rise in opposition to the Klug amendment. I believe it is ill-considered. The fact of the matter is that GPO has been reducing its work force. Since 1993 they reduced by 25 percent, from 4,800 to 3,600. This year's appropriation request is for 3,500.

But the gentleman wants to go further, and in going further he would have us make 400 RIFs; that is, 400 people thrown out in the street, within about 65 days, and that will cost the Government money.

Mr. Chairman, I would like to close on something that the gentleman from New York said in accepting the amendment. He said the fact of the matter is we need to evaluate GPO. But rather than evaluate first and then make policy, the Klug amendment would make policy in the absence of any study, any evaluation, and just throw people out on the street.

If GPO's mission needs to be reevaluated, we have it within our power to do it. That is the responsible approach. This is a meat ax approach. It ignores the progress that GPO has already made in reducing its work force, and it does not make sound public policy.

Mr. Chairman, I urge a strenuous rejection of the Klug amendment.

The CHAIRMAN. All time on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KLUG. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 197, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] will be postponed.

It is now in order to consider Amendment No. 4 printed in House Report 105–202.

AMENDMENT NO. 4 OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ROEMER: Page 37, insert before line 1 the following new section:

SEC. 309. Any amount appropriated in this Act for ''HOUSE OF REPRESENTATIVES—Salaries and Expenses—Members' Representational Allowances'' shall be available only for fiscal year 1998. Any amount remaining after all payments are made under such allowances for such fiscal year shall be deposited in the Treasury, to be used for deficit reduction.

The CHAIRMAN. Pursuant to House Resolution 197, the gentleman from Indiana [Mr. ROEMER] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I yield myself 2 minutes.

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

Mr. ROEMER. Mr. Chairman, first of all, I want to thank the gentleman from Michigan [Mr. CAMP] for his help in cosponsoring the legislation that we have turned into this amendment. Simply put, Mr. Chairman, this amendment requires unexpended congressional office funds from the salaries and expenses of Members representational account allowances not to be respent, not to be shifted into a Speaker's slush fund or spent on marble elevator floors, but to instead go directly to the U.S. Treasury to reduce the deficit.

Now we have been working on this for several years, Mr. Chairman. Last year we voice voted this amendment. The year before we had 403 Members, Democrats and Republicans, agree to pass this legislation. We think that this is fair.

In the context of this week we are debating maybe the most important legislation to balance the budget that we have considered in this body since the balanced budget amendment or since we balanced the budget in 1969. We are considering how to share and sacrifice to get to a balanced budget, and certainly that sharing and sacrificing should start here in the House of Representatives.

There are two reasons why my colleagues should support this Roemer-Camp amendment. One is that instead of this money going back to be respent, we have the money go to reduce the deficit. Second, this encourages better management in individual offices. If my colleagues decide not to do a number of newsletters, if my colleagues decide to implement a new management technique on buying office equipment and technology, if my colleagues come up with better ways to motivate their staff and they do not hire as many people in their district office, why should that money automatically be respent in somebody else's account? That money should go to reduce the deficit.

I encourage Members to support this bipartisan legislation.

Mr. CAMP. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the cosponsor of the amendment, the gentleman from Michigan.

Mr. CAMP. Mr. Chairman, I thank the gentleman from Indiana for yielding this time to me, and I thank him for his leadership on this issue and would associate myself with his remarks, and, Mr. Chairman, I rise in support of the Roemer-Camp amendment.

We all know the Federal Government is drowning in a sea of red ink. The Roemer-Camp amendment would help in a very small way at least to stem that tide. It would allow unspent office funds to be used specifically for deficit reduction.

As my fellow Members know, every office has provided funds to meet office expenses. The funds are not specific to each Member, but Members draw upon the account up to a certain level as needed.

This amendment would reaffirm our commitment to eliminating the Federal debt and send a strong message to the American people that we, too, are willing to sacrifice and to put our fiscal house in order.

If every Member saved only $50,000 a year, over $21 million would be returned to the Treasury to reduce the Federal debt. This amount obviously will not eliminate the Federal debt, but it will show the American people that Congress will do more with less in order to provide our children with a future that is free of debt and rich with opportunity.

I urge a vote in favor of the Roemer-Camp amendment.

Mr. WALSH. Mr. Chairman, I claim the time in opposition to the amendment, but I rise in support.

Mr. Chairman, I yield myself such time as I may consume.

(Mr. WALSH asked and was given permission to revise and extend his remarks.)

Mr. WALSH. Mr. Chairman, we have the gentleman's amendment. This is the same amendment we have carried for the past 2 years in the bill.

As we understand the amendment, it would require that any amount remaining in the Members' representational allowances account after all payments are made under such allowances be deposited in the Treasury for deficit reduction.

As the gentleman knows, the bill does not make representational allowances available to specific Members of the House. The calculation of how much each Member may spend for staff salaries, office expenses, and official mail is determined by law and is under the regulation of the Committee on House Oversight.

That committee notifies each Member of the allowance available for each session of Congress. The amounts available are not given to the Member. They do not receive a check or a funds transfer. They are only given an allowance to draw upon.

Likewise, the appropriations bill does not make a funds transfer to any Member. No MRA amount in this bill is assigned to any specific Member. The bill only provides an overall appropriation for the combined amount of the MRA's which may be charged against the Treasury.

And the committee bill does not full fund this amount. The bill contains $379.8 million—$379,789,000—for the sum total of MRA's during fiscal 1998. That amount is $17 million below the total amount authorized to be spent by the Committee on House Oversight.

So the committee bill has already economized on this item. We know that many Members will underspend this allowance. We are saving the $17 million.

This amendment says that what is left over after the end of the fiscal year will be deposited in the Treasury. That is true in concept but I would point out that these unspent funds never leave the Treasury to begin with.

Since this is a fiscal year appropriation, all unspent funds will lapse. That is, they will not be available to be spent after the conclusion of the fiscal year. So the terms of the bill meet the requirements of the amendment.

It is good to stipulate this fact and that is why I have no problem with this amendment.

So, with that understanding, I have no problem accepting this amendment.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. PORTMAN].

Mr. PORTMAN. Mr. Chairman, I thank the original sponsor and also the gentleman from Michigan [Mr. CAMP] for their persistence every year bringing this back up to the full House. We need their persistence out there. It is a great commonsense idea. I am delighted the gentleman has just accepted the amendment himself. It is a very commonsense idea to save the taxpayers a little money and also encourages Members to lead by example, and it is a very simple question really. When Members spend less on their office, should it go to this fund where it can be reprogrammed into other uses on Capitol Hill, which as I understand is a three-year fund, or should it go for deficit reduction?

As my colleagues know, the answer is quite simple. It actually should probably go pro rata to the constituents and taxpayers of the district the Member represents because they are the ones who in a sense have made the sacrifice. Because that is probably not too practical, at least at this point, then I guess it should go to deficit reduction and as soon as possible.

So I want to again commend both of these gentleman for raising this issue again, for bringing to the floor and for a little common sense in our legislative appropriations bill this year.

Mr. ROEMER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Indiana has one-half minute remaining.

Mr. ROEMER. Mr. Chairman, I yield the balance of my time to the gentleman from Minnesota [Mr. MINGE], who has been very helpful with the legislation.

Mr. MINGE. Mr. Chairman, we have worked for many years in this institution to try to gain the credibility of the American people that when we talk about deficit reduction and when we take steps as Members to actually implement what we believe in that that effort is actually recognized in terms of what happens to this Nation's finances. And I would like to urge all Members to join with us in supporting this measure because indeed this measure allows us in the administration of our offices to actually implement what we are urging on the Government and the American people.

I urge all Members to support the Roemer amendment.

The CHAIRMAN. All time has expired on this amendment.

The question is on the amendment offered by the gentleman from Indiana [Mr. ROEMER].

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 197, proceedings will now resume on those amendments on which

further proceedings were postponed in the following order:

Amendment No. 2, offered by the gentleman from California [Mr. FAZIO], and Amendment No. 3 offered by the gentleman from Wisconsin [Mr. KLUG].

AMENDMENT OFFERED BY MR. FAZIO OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. FAZIO] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute vote followed by a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 213, not voting 23, as follows:

[Roll No. 332]

AYES—199

Abercrombie
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Chabot
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Largent
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Royce
Sabo
Sanders
Sandlin
Sawyer
Schaffer, Bob
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Whitfield
Wise
Woolsey
Wynn

NOES—213

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thune
Tiahrt
Traficant
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wolf
Young (FL)

NOT VOTING—23

Ackerman
Boucher
Forbes
Gonzalez
Harman
Johnson (WI)
Lantos
McDermott
McInnis
Metcalf
Rush
Sanchez
Schiff
Smith (MI)
Spratt
Thornberry
Torres
Towns
Upton
Wexler
White
Yates
Young (AK)

□ 1958

Mr. SAXTON, and Mr. BATEMAN changed their vote from ''aye'' to ''no.''

Mr. HALL of Texas changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. JOHNSON of Wisconsin. Mr. Chairman, on rollcall No. 332, the Fazio amendment, I was delayed and unable to vote because my air flight was detained because of weather. Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Chairman, on rollcall No. 332, I was delayed and unable to vote because my air flight was detained because of weather. Had I been present, I would have voted ''no.''

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 197, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. KLUG

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 170, noes 242, not voting 22, as follows:

[Roll No. 333]

AYES—170

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bass
Bereuter
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehner
Bonilla
Boswell
Brady
Bryant
Burr
Burton
Buyer
Callahan
Camp
Campbell
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Ganske
Gekas
Gibbons
Goode
Goodlatte
Goodling
Goss
Granger
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jones
Kaptur
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Kolbe
LaHood
Largent
Latham
Lazio
Leach
Linder
LoBiondo
Luther
Manzullo
McCarthy (NY)
McCollum
McIntosh
Meehan
Mica
Miller (FL)
Minge
Myrick
Nethercutt
Neumann
Norwood
Nussle

Oxley
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Porter
Pryce (OH)
Quinn
Ramstad
Riggs
Riley
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Taylor (MS)
Taylor (NC)
Thomas
Thune
Tiahrt
Turner
Walsh
Wamp
Watts (OK)
Weller
Whitfield

NOES—242

Abercrombie
Allen
Andrews
Baesler
Baker
Baldacci
Barcia
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentsen
Berman
Berry
Bishop
Blumenauer
Boehlert
Bonior
Bono
Borski
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Calvert
Canady
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Cook
Costello
Coyne
Cramer
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gordon
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hoyer
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
Lampson
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCrery
McDade
McGovern
McHale
McHugh
McIntyre
McKeon
McKinney
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pombo
Pomeroy
Poshard
Price (NC)
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roybal-Allard
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spence
Spratt
Stabenow
Stark
Stokes
Stupak
Tanner
Tauscher
Tauzin
Thompson
Thurman
Tierney
Traficant
Velazquez
Vento
Visclosky
Waters
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weygand
Wicker
Wise
Wolf
Woolsey
Wynn
Young (FL)

NOT VOTING—22

Ackerman
Boucher
Forbes
Gonzalez
Harman
Lantos
McDermott
McInnis
Metcalf
Portman
Rush
Sanchez
Schiff
Smith (MI)
Thornberry
Torres
Towns
Upton
Wexler
White
Yates
Young (AK)

□ 2007

Ms. DANNER, and Mr. MORAN of Kansas changed their vote from ''aye'' to ''no.''

Mrs. LINDA SMITH of Washington, Mr. SCARBOROUGH, and Mr. HASTERT changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Chairman, on rollcall No. 333, my air flight was detained because of weather. Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Chairman, because I was unavoidably detained, I was absent for rollcall vote No. 333. Had I been in attendance, I would have voted ''aye''.

PERSONAL EXPLANATION

Mr. UPTON. Mr. Speaker, sadly a number of us sat on an airplane for 6 hours in Detroit. We unfortunately missed two previous votes today. Had I been here, I would have voted ''aye'' on both the Klug amendment as well as the Fazio amendment.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. COLLINS) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2209) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes, pursuant to House Resolution 197, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GEJDENSON

Mr. GEJDENSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GEJDENSON. Yes, I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GEJDENSON moves to recommit the bill H.R. 2209 to the Committee on Appropriations with instructions to report the same back to the House with an amendment to ensure that all funds in the bill to support the Reserve Fund providing for the hiring of additional committee staff and other related expenses pursuant to clause 5(a) of rule XI are deleted.

Mr. GEJDENSON. Mr. Speaker, I think that if we look at the issues that have brought tension to this House and this Congress, this issue is clearly among the most important.

I would like Members of the minority and the majority to take a look at the history of how we got here. Pursuant to the rules of the House, the reserve fund was established of $7.9 million. At that time I referenced this reserve fund as a slush fund. A number of Members on the Republican side of the aisle objected.

In section 5(a) of the reserve fund it was established for unanticipated expenses. Well, the request from the committee, the first request was to review the Department of Labor and its programs, activities, and spending habits. They got some of the slush fund money.

The original jurisdiction of the committee was to review those very same programs, the Department of Labor, its programs, and its activities. It was also requested to review the focus of the program which had little past review in terms of impact on employees and employers. That was also the original description of the committee's $10 million worth of funding. So now if this is not a slush fund in the worst of its connotations for purely political purposes, the committee would have come up with some unanticipated challenges, some new scope where they had to go in and review a situation that was not anticipated, that was not able to be covered in their $10 million.

What we found was very anticipated concerns were immediately used to get additional funding into this committee. It is a slush fund. If Members want to make things a little better here, let us have a chance to give some money back to the voters. Let us cut the $7.9 million.

If the committees have a legitimate need, let them come to the Congress of the United States and in front of the American people ask for that money. The Republican majority has in the range of $50 million worth of investigations going on. I dare say not one American will be better off as a result of these investigations.

□ 2015

The taxpayers will simply lose some of their funds and we will not gain new information or, indeed, information on issues that were unanticipated.

It is a $7.9 million slush fund used for political agendas, and they cannot come to this Congress and tell us that

they are trying to run it better when they failed in almost every category and now, in the utmost political venture on this floor, they have established an almost $8 million fund to be used to go after those who have stood up to them.

Where do they start? They start with labor, with working men and women. They take some of that slush fund and they are going to try to go after them. The question is, if we allow them to continue with this kind of slush fund, which group of Americans will be next? Who will they try to intimidate with this $8 million fund, investigating citizens of this country who have every right to exercise their own political activity?

Again, Mr. Speaker, I go to the words of the committee and the rules of the House. ''Unanticipated expenditures.'' Nothing in the expenditures that have been taken from this slush fund were unanticipated. It is simply a political attack on the adversaries of the majority party.

Mr. Speaker, I hope we can just get 10 Republicans to join us to put an end to this slush fund. There are people on the other side of the aisle that say they want comity, they went to Hershey trying to make friendship. Friendship is designed by peoples' actions. Vote for this motion to recommit. Get rid of the $7.8 million, $7.9 million, save the taxpayers' money and start building a trusting relationship in this House.

Mr. WALSH. Mr. Speaker, I rise in strong opposition to this motion.

Mr. Speaker, let me be clear. This motion is tantamount to killing this bill. It sends the bill back to committee, it eliminates all the work that the subcommittee, full committee and this House has done to this point, and I strenuously oppose any restrictions on the use of the reserve fund.

Mr. Speaker, just because it is said loudly, does not mean it is true. This amendment would repeal an action taken earlier this year in the committee funding resolution. The House has worked its will on this issue. It does not belong in debate on the legislative appropriations bill.

The reserve fund is designed to provide funding flexibility to take care of the unanticipated expenses that may arise during the 2-year term of this Congress. The committee funding resolution is a 2-year funding bill. And I think that in any project to have some unanticipated expense funds available is a very proper thing to do.

The reserve fund is a separate and distinct fund. All expenditures will be detailed explicitly to the taxpayer. This is a role for the Committee on House Oversight which has been adopted by recorded vote in the House and is consistent with the rules of the House. I oppose any attempt to limit the ability of the committees of the House to do their routine oversight work. I strongly oppose the motion, and I strongly urge its defeat.

The SPEAKER pro tempore (Mr. COLLINS). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. GEJDENSON. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. GEJDENSON. Mr. Speaker, it was stated that if the motion carries it kills the bill, and it is my understanding that it only sends it back. My inquiry is, it is my understanding under the rules it does not kill the bill, it simply sends it back to committee to take that particular action and return to the House.

The SPEAKER pro tempore. The Chair advises the gentleman the bill would be recommitted to committee.

The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GEJDENSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were— yeas 198, nays 220, not voting 16, as follows:

[Roll No. 334]

YEAS—198

Abercrombie
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Wise
Woolsey
Wynn

NAYS—220

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—16

Ackerman
Boucher
Forbes
Gonzalez
McDermott
McInnis
Metcalf
Rush
Sanchez
Schiff
Torres
Towns
Wexler
White
Yates
Young (AK)

□ 2036

Mr. PETERSON of Minnesota changed his vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 214, nays 203, not voting 17, as follows:

[Roll No. 335]

YEAS—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (FL)

NAYS—203

Abercrombie
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sanford
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Wise
Woolsey
Wynn

NOT VOTING—17

Ackerman
Boucher
Forbes
Gonzalez
Houghton
McDermott
McInnis
Meek
Metcalf
Sanchez
Schiff
Torres
Towns
Wexler
White
Yates
Young (AK)

□ 2054

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MODIFICATION IN APPOINTMENT OF CONFEREES ON H.R. 1119, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The SPEAKER. Pursuant to clause 6 of rule X the Chair announces the following modification to the conference appointment to the bill, H.R. 1119:

Mr. MCKEON is added to the panel from the Committee on National Security to follow Mr. BARTLETT of Maryland.

The first proviso to the panel from the Committee on Resources is stricken.

The Clerk will notify the Senate of the change in conferees.

REPORT ON POLICY ON PROTECTION OF NATIONAL INFORMATION INFRASTRUCTURE AGAINST STRATEGIC ATTACK—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina) 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 National Security:

To the Congress of the United States:

Pursuant to section 1061 of the National Defense Authorization Act for Fiscal Year 1997, attached is a report, with attachments, covering Policy on Protection of National Information Infrastructure Against Strategic Attack.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 28, 1997.*

□ 2100

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). 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.

CALLING ON HCFA TO STOP RESTRICTING USE OF MULTIDEX BY DENYING REIMBURSEMENT WHEN IT IS USED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. Duncan] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, every year 54,000 Americans lose a foot or a leg to diabetes. As terrible as this is, one thing that makes this statistic especially heartbreaking is that many thousands of these amputations could have been prevented were it not for Federal redtape. Two-thirds of all amputations in diabetic patients are precipitated by traumatic foot ulceration, which could have been prevented with proper care and modern medical products that are already available.

However, Federal bureaucrats at the Health Care Financing Administration, HCFA, are restricting FDA-approved dressings which have been proven to heal these types of wounds. If this is not a scandal, I do not know what is, people who are having amputations thanks to our own Federal bureaucracy.

Just think how wonderful it will be if we could prevent up to two-thirds of these 54,000 diabetic amputations each year. Sadly, it seems that the Medicare system sometimes gives little or no incentives to doctors, nursing homes, or hospitals to help their patients get better quickly because as long as they are

treating patients they are getting payments from the Government. There are better ways to treat patients, Mr. Speaker, especially diabetic patients.

To get more specific, Mr. Speaker, there is a product approved by the FDA which has been shown through repeat success to have healed repeatedly diabetic ulcerations and to have eliminated the need for amputations. This product is called Multidex. HCFA, however, is restricting the use of Multidex through bureaucratic redtape and needless Government road blocks. The way they are restricting the use of Multidex is by routinely denying reimbursement to providers who use it on patients.

If ever there was an effective way to stop the use of a medicine or a medical product, this is it. This is because most of the patients who have these amputations are senior citizens who are on Medicare. Between the ages of 65 and 74, nearly 17 percent of the U.S. white population, 25 percent of African-Americans, and more than 33 percent of Hispanic-Americans have diabetes. Each year we are spending $1.5 billion on diabetic amputations. Within 3 years of a major amputation 30 to 50 percent of diabetic patients will die, yet many thousands of these amputations could be prevented with proper care, and this product Multidex, which is being restricted by HCFA, is the most effective treatment available today for these diabetic ulcerations.

I would like to show four pictures, Mr. Speaker, which demonstrate the effectiveness of Multidex, and I apologize for the graphic nature of these pictures, and while these pictures all show the same foot at different stages, and these are the same case, huge numbers of pictures and tests and data have been presented to HCFA from many, many other cases showing similar results.

This first photograph shows the foot of a 75-year-old diabetic patient with a massive ulcer of the right foot. It is a stage four wound with heavy infection, gangrene, and amputation of the left toe. The second photograph shows the same foot 19 days after treatment with Multidex has begun. The infection has cleared, and the healing has begun. The third photograph shows the same foot 25 days after the treatment with Multidex has begun. It is obvious that the treatments are working. The final photograph shows the same foot at the time of discharge. Without Multidex or some similar product this foot would probably never have healed. The foot might have had to have been amputated if Multidex had not been used.

This is obviously a situation where the system has broken and needs fixing. Clearly helping the body to heal itself is a much better choice than amputation from both a quality-of-life point of view and a cost-of-Medicare point of view.

If any part of the Federal Government needs reinventing, Mr. Speaker, it is Medicare. Here is a vital Government service where artificial barriers need to be broken down and effective products like Multidex need to get to these desperately ill patients. I call on HCFA to stop restricting the use of Multidex by denying reimbursement when it is used. It is a scandal of major proportions to think that thousands of senior citizens might have to have amputations in the next few months because of this bureaucratic redtape.

USDA ACCOUNTABILITY AND EQUITY ACT OF 1997

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, when the history of this century is written, it is my hope that the year 1997 will be recorded as significant in the effort to change the course and the culture of the U.S. Department of Agriculture.

Known as the People's Department, USDA was established when President Lincoln signed the law on May 15, 1862. It is ironic that the very Department created by the President who signed the Emancipation Proclamation today faces widespread and documented charges of unfair and unequal treatment to socially disadvantaged and minority farmers.

Farmers and ranchers are invaluable resources to all of us. The farmers and ranchers of America, including minority and limited resource producers through their labor sustain each and every one of us and maintain the lifeblood of our Nation and the world. These people do not discriminate. Their products are for all of us. Therefore, it is important that we do all within our power to ensure that each and every producer is able to farm without the additional burden of institutional discrimination rearing its ugly head.

It greatly concerns me, Mr. Speaker, that in my home State of North Carolina there has been a 64-percent decline in minority farmers just over the last 15 years, from 6,996 farms in 1978 to 2,498 farms in 1992.

There are several reasons as to why the number of minority and limited resource farmers are declining so rapidly, but one that has been documented time and time again is the discriminatory environment present in the Department of Agriculture, which was the very agency established by the U.S. Government to accommodate and to assist the special needs of all farmers and ranchers.

Mr. Speaker, the issue was first raised in 1965, when the U.S. Commission on Civil Rights established that USDA discriminated both in internal employee action and external program delivery activities. An ensuing USDA employee focus group in 1970 reported the USDA was callous in their institutional attitude and demeanor regarding civil rights and equal opportunity.

In 1982, the U.S. Commission on Civil Rights examined this issue a second time and published a report entitled ''The Decline of Black Farming in America.'' The Commission concluded that there were widespread prejudicial practices in loan approval, loan servicing, and farm management assistance as administered by the Farmers Home Administration.

However, as no improvement was forthcoming, in 1990 the House Committee on Government Operations, chaired by my colleague, the gentleman from Michigan [Mr. CONYERS] investigated this matter again. In their report entitled ''The Minority Farmer: A Disappearing Resource; Has the Farmers Home Administration Been the Primary Catalyst?'', the same conclusion was reached in 1990 as had been reached in 1982. That conclusion was that, ''Ironically, the Farmers Home Administration had been a catalyst in the decline of minority farming.''

In 1997, the General Accounting Office published yet another report on the matter, entitled ''Farm Programs: Efforts to Achieve Equitable Treatment to Minority Farmers.'' While much of the report was inconclusive due to its limited scope, the GAO did find instances of discrimination. Two cases out of the 28 closed in fiscal year 1995 and 1996. The GAO also found that the disapproval rate for loans was 6-percent higher for minority farmers than the 10-percent rate for the non-minority farmer.

The very next month, two additional reports were released: The Office of Inspector General Evaluation report for the Secretary on Civil Rights Issues and the Civil Rights Action Team report. The authors of these hard-hitting reports came to the identical conclusion that those who had looked at this issue 32 years previously, there are significant problems with discrimination within the Department of Agriculture.

On February 28, 1997, the Civil Rights Action Team report was issued and entitled ''Civil Rights at the United States Department of Agriculture.'' It was done by the Civil Rights Implementation Team at USDA, and it documents the decades of discrimination against minorities and women within the Department. Ninety-two recommendations for change were made in the report, 13 which require legislation action.

I have introduced the bill, H.R. 2185, that seeks to implement most of those legislative recommendations within the CRAT report. The bill is entitled the ''USDA Accountability and Equity Act of 1997.'' It consists of three titles; title I, Program Accountability, making changes to the structure of the county committees as well as to the status of county committee employees. County committees are retained, and the tenure of county committee employees is preserved and protected. Title II, Program Equity, makes provisions for those producers who are of marginal financial standing to continue to participate in USDA loans and programs. These provisions recognize

the financial hardship created by USDA.

It is my hope, Mr. Speaker, that through this legislation and other efforts we will continue with steady movement toward an emancipation proclamation for socially disadvantaged farmers and minority farmers.

REVISED 602 ALLOCATIONS AND REVISED ALLOCATIONS IN NEW BUDGET AUTHORITY FOR THE HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to the Personal Responsibility and Work Opportunities Reconciliation Act of 1996, Public Law 104–193, I hereby submit revised 602 allocations and other appropriate budgetary levels. Subsection 211(d)(5) of Public Law 104–193 amends section 103(b) of the Contract with America Advancement Act of 1996, Public Law 104–121, which provided for an adjustment in the various budgetary levels established by budget resolutions to accommodate additional appropriations for conducting continuing disability reviews [CDR's] under the supplemental security income program.

Public Law 104–121 directed the chairman of the Committee on the Budget to revise the discretionary spending limits, 602(a) allocations, and the appropriate budgetary aggregates when the Appropriations Committee reports an appropriations measure that provides additional new budget authority and additional outlays to pay for the costs of continuing disability reviews.

The Committee on Appropriations has reported H.R. 105–2264, a bill making appropriations for the Departments of Health & Human Services, Labor, and Education, and related agencies for fiscal year 1998. This legislation provides $245,000,000 in budget authority for continuing disability reviews. The resulting outlays are $232,000,000.

The revised allocations and other budgetary levels are as follows:

COMMITTEE ON APPROPRIATIONS

[In millions of dollars]

Discretionary	Current allocation		Change		Revised allocation	
	BA	O	BA	O	BA	O
General Purpose	520,657	549,376	+245	+232	520,902	549,608
Violent Crime Reduction Trust Fund	5,500	3,592	.....	.....	5,500	3,592
Total	526,157	552,968	+245	+232	526,402	553,200

The aggregate levels for budget authority and outlays for fiscal year 1998 are increased as follows:

[In millions of dollars]

Current aggregates		Change		Revised aggregates	
BA	O	BA	O	BA	O
1,386,700	1,372,000	+245	+232	1,386,945	1,372,232

Pursuant to House Concurrent Resolution 84, The concurrent resolution on the budget for fiscal year 1998, I hereby submit for printing in the CONGRESSIONAL RECORD a revised allocation for the House Committee on Appropriations to reflect $100,000,000 in additional new budget authority and $98,000,000 in additional outlays for payment of international arrearages.

Section 206 of House Concurrent Resolution 84 states that:

* * * after the reporting of an appropriation measure * * * that includes an appropriation for arrearages for international organizations * * * the Chairman of the Committee on the Budget shall increase the appropriation allocations, * * * by an amount provided for that purpose in that appropriation measure.

The House Committee on Appropriations has reported H.R. 105–2267, a bill making appropriations for the Departments of Commerce Justice, and State, the Judiciary, and related agencies for fiscal year 1998 which includes $100,000,000 in budget authority and $98,000,000 in outlays for international arrearages.

The adjustments are as follows:

COMMITTEE ON APPROPRIATIONS

[in millions of dollars]

Discretionary	Current allocation		Change		Revised allocation	
	BA	O	BA	O	BA	O
General Purpose	520,902	549,608	+100	+98	521,002	549,706
Violent Crime Reduction Trust Fund	5,500	3,592	.....	.....	5,500	3,592
Total	526,402	553,200	+100	+98	526,502	553,298

The aggregate levels for budget authority and outlays for fiscal year 1998 are increased as follows:

[in millions of dollars]

Current aggregates		Change		Revised aggregates	
BA	O	BA	O	BA	O
1,386,945	1,372,232	+100	+98	1,387,045	1,372,330

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

[Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

THE BALANCED BUDGET AGREEMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I rise tonight, and we are in really the final hours of the budget negotiations with the balanced budget and tax cut plan close at hand, and as the final details are worked out concerning a number of issues, I want to, on the one hand, talk about some of the major achievements that I believe Democrats have succeeded in accomplishing if this budget agreement is finally concluded also talk about some of the things that I think that Democrats and the President need to continue to stand firm on to make sure that this balanced budget agreement, when it is concluded, is something that helps the average American, the average working American family.

One of the things that I am most proud about is the fact that the President indicated very strongly today that the final agreement will contain $24 billion to expand health insurance for kids. Those of us who have been involved with this issue for a number of months, actually more than a year now, know that a few months ago when the initial budget agreement was

struck, the proposal was for a $16 billion plan that would guarantee coverage for about half or 5 million of the 10 million uninsured children that we have in this country. Because of the addition of the tobacco tax, which appears to be included in the final budget agreement, and the additional 8 cents that would be devoted to kids' health care in that, we now have a larger part of money, $24 billion, and this could actually accomplish, if it is used properly, providing insurance for even more than the 5 million kids that were initially promised.

But I have to say that in order to make sure that that money goes to pay for kids' health care we have to make sure that the money is used by the States for insurance, that there is a good benefit package and that there are not ways for States to basically take the money and use it for other purposes.

□ 2115

In that regard, as the final details are worked out concerning children's health care, I just wanted to urge my colleagues to stand behind the stronger Senate proposal that covers more children, not only because it has the extra money available, but because it offers a real benefits package and insures that all the money set aside for children's health will in fact be used to provide children with health care coverage.

Unlike the House Republican plan, which falls short on kids, the Senate plan uses the additional monies from the tobacco tax increase to cover probably twice as many kids. While Democrats see this legislation only as a first step in covering the 10 million uninsured children, a majority of the House Democrats joined me in signing a letter to the conferees and to the President outlining the same principles that the Senate language embodies.

Republicans often cite the need to balance the budget for our children, and I urge them not to turn their backs on the Nation's uninsured kids. Let us support the Senate language. Let us make sure we have a good benefits package. Let us make sure we do not have a direct service option or a high direct service option that lets the money be used for purposes other than kids. Let us make sure that the States have to provide insurance for the kids and have to spend at least as much money as they have in the past, if not more, to make sure that there is adequate coverage for kids.

The other thing on the tax side that I would like to talk about before I yield to one of my colleagues who has been here, the gentlewoman from Texas [Ms. SHEILA JACKSON-LEE], who has been here almost every night with me and on other occasions, talking about this balanced budget to make sure it includes the Democratic provisions, and to make sure it covers and provides tax cuts and benefits for the average working family.

As I think many Members have heard, as my colleagues have heard, one of the Democrats' main concerns on the tax side of this balanced budget bill is that families that have children who are working but at the lower end, if you will, of the economic spectrum, but still paying taxes, still paying income taxes, still paying payroll taxes, that they get the advantage of the $500 per child tax credit.

Again, it appears that the negotiators, in coming to a final agreement, are about to make sure that there is a guarantee that those middle-income families, those working families that pay income taxes or pay payroll taxes, that they will still get the child tax credit, even though they are also getting the earned income tax credit.

This has really been one of the more divisive issues in the budget negotiations, and I just want to urge the White House once again to stand firm in defense of the Democrats' position on this. It really goes right to the core of what each party believes is the right thing to do.

Just very briefly, Democrats believe that the right thing to do is to provide tax breaks to those who need them. With respect to the earned income tax credit, that means extending the proposed $500 per child tax credit to the 24 million working families that the Republican bill excluded. Under the tax plan that was pushed by the GOP, families with children that make less than $30,000 a year would not qualify for a $500 per child tax credit. The Republicans fashioned this tax plan so that would exclude these families from eligibility for such a tax credit because they do not make enough money. It is like a reverse Robin Hood doctrine. They would penalize the poor to benefit the rich.

On the other hand, in the Republican plan we had major reductions in capital gains taxes, in indexing. We had major efforts to cut estate taxes for wealthy Americans. We also had the corporate alternative minimum tax that basically allows corporations to avoid tax liability.

I think what is happening now is that the Democratic proposal that says that those families making less than $30,000 a year should be able to get the child tax credit, it looks like we are finally convincing our Republican colleagues, and the President is standing firm on that, but we have to keep repeating the point as we go down to the final days and hours of these negotiations.

I yield to the gentlewoman from Texas [Ms. JACKSON-LEE], who has been here, as I said, almost every night talking about why it is important to make sure that this budget deal is good for the average working family.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New Jersey [Mr. PALLONE] for his leadership. This has been a team effort in being persistent and consistent dealing with some very crucial issues that deal with Democratic constituency all over this Nation. In fact, I would like to say that this deals with what America stands for.

The gentleman's commitment has been much appreciated. I have been delighted to join the gentleman on this, as well as to join the gentleman, along with my Democratic colleagues, on the letter written to the President to ask him to stand firm.

As we speak, rumors are abounding that a deal has been cut. Many people ask why we are engaging in this discussion. It is this kind of discussion night after night and time after time that I believe brought this deal to where it is tonight. Whoever may think that closure is here, let me remind everyone that a vote has to be taken. We will continue to fight until we find out in final form that these issues are in these documents, concise and safe on behalf of all people in need in all of America.

Let me also acknowledge ranking members, the gentleman from South Carolina [Mr. SPRATT] and the gentleman from New York [Mr. RANGEL], who worked with the President and the administration, because the gentleman is right, the gentleman from New Jersey. As we reminded the conferees and reminded the Republicans, we are not going to stand by and see kids' health care cut. We are not going to stand by and watch 10 million children who are uninsured continue to be unempowered and in jeopardy because they have no health care, and continue to jeopardize young families who had no other resource to provide for their children.

How many times did we hear the stories of young families saying, I could not have my children play in sports, or, I was afraid for them to play on the playground or do the normal things children do, because I simply did not have any child health insurance?

I am very proud that we can emphasize as our victory the difference between 5.5 million children and 13 million children. It was the Democratic effort, the Democratic fight, the Democratic plan, that pushed the Republicans for a more expanded child tax credit, moving them from a mere 3.9 million families benefiting who made under $30,000, resulting only in 5.5 million children being impacted by the $500 per child tax credit, to a whopping 8.78 million families, but a whopping 13 million children that now would benefit by getting this tax credit. I think that is something that is directly attributable to the Democratic efforts.

There is something very important to my community. I want to emphasize or at least raise this point because I am still going to be looking for the refinement of this issue. One is that we certainly had talked about capital gains, and there are some benefits here in bringing down the percentages from 28 to 20 percent. But there was a lot of discussion, particularly with the Black Caucus, about taking some of these funds and reinvesting in inner cities and rural communities. I hope we will

still have an opportunity to talk about reinvestment, for we are better when the infrastructure is as good as one's neighbor. I think we should not leave that point.

Another point that I think is key is this whole question of welfare to work. We are very, very gratified that $3 billion has been set aside but, more importantly, that it will be controlled by the Department of Labor. People need to understand the distinction. That means we will not have any dipping in the pot.

We voted on welfare to work, we voted on having Americans move from welfare to work, but we had our hands thrown up in the air because, of course, in the Republican plan there was not a sufficient amount of protection and cover and help for those who needed to move from welfare to work, some sort of support system.

This system, I believe we can make it work. The Department of Labor, which is a job-generating department, with its commitment to moving women from welfare to work, and other recipients, and now that particular pot of money, controlled by cities where the welfare impact is most felt, that means that through the formula, the 75 percent formula process and 25 percent competitive, we can actually see on the ground efforts moving and helping these young mothers and other welfare recipients become independent, but through a dignified process, and not a process where their whole self-esteem is undermined.

I have some concerns. I would like to raise these, too. I hope we can continue this discussion.

As I said, for those who do not hear any joy in my voice, I have joy, but I recognize there is a vote coming up. We cannot advocate and abandon these issues before we get the final vote. I am gratified on the kids' health, gratified on the $30,000 a year families who will benefit from this tax credit who would not have benefited if we had not held to the line and fought the fight.

But I am concerned that Texas is going to be unevenly impacted. My colleague, the gentleman from Texas, Mr. GENE GREEN, has worked very hard. I have joined him on this issue. That deals with privatization of welfare by giving it to large corporations, a very sensitive process with trained professionals.

The law even states that this decision-making on who receives welfare or who does not is a governmental process, not a corporate process. Through the badgering of leadership in Texas, we now have been unfortunately driven in this legislation, the budget reconciliation and tax plan, to accept privatization in Texas.

I am not willing to capitulate at this point. I am willing to continue to fight. We need to look at this language. We need to make sure that the large cities that are going to be so severely impacted by decisionmaking outside of the Government arena, in the hands of private entities, are not going to impact poor children and elderly citizens, the disabled, unfairly. I want the word to go out that we will continue to fight and ask the White House for language so we can look and see how we can solve this problem.

Then finally, let me say that something the gentleman from New Jersey [Mr. PALLONE] and I worked on together, that is the disproportionate share that not only Texas but many other States, and New Jersey as well, a lot of folk do not understand DSH as having any great impact on them, but it really does. It means that the fastest-growing States sometimes are penalized for their share of Medicaid dollars in terms of the structuring that has gone on.

We have tried to work with both the administration and the conferees. I think we have moved in the direction where we are seeing sort of a 3.5 percent response to this. Of course, everyone may not be made happy, but I think it is important that we do not unfairly burden those States that are growing and trying to receive their share of Medicaid dollars to help their public hospital systems.

I have in my district a large share of the public hospital system in Houston. I know the service it renders. I know the budget constraints it is under. I realize that this process is extremely important. That is why I say this is an issue that we must keep under advisement and study over the next 48 hours, that we can ensure that we have a fairness in the DSH, or the disproportionate share of Medicaid distribution.

All in all, as I see my colleague, the gentleman from Michigan [Mr. BART STUPAK,] as well has joined us, and I know how hard he has worked, but I think that clearly sometimes these voices of ours may sound as if they are ringing in a hollow tunnel. I am glad we kept ringing, and the reason is because there is no doubt that this legislation that is now at the precipice of a deal would not have been where it is today if we had not continued to pound and pound and emphasize that we were not going to sell out to special interests, but we were going to get those folk who could not be inside the circle, could not get a bus ticket or an airplane ticket to get up here to Washington and talk about hard working citizens, teachers, and police officers who make $30,000 a year or less, I am glad we stood on their side, along with those families trying to get their young people to college, with the HOPE scholarship.

It is a better deal because of the Democratic alternative. I want it to be the best deal, and I think we need to keep working and fighting the fight until this gets final closure on the floor of the U.S. House of Representatives.

Mr. Speaker, I thank the gentleman for the fight we have waged together, along with our Democratic colleagues, on this very important piece of legislation.

Mr. PALLONE. Mr. Speaker, I just wanted to thank the gentlewoman.

I was just looking at some of the worst features of the House and Senate Republican bills that we have been fighting against for the last 2 or 3 months. Based on the reports that we have heard today about what the agreement finally will be, we do not know for sure, but we really have, as the gentlewoman said, made some major achievements in fighting against some of these worst provisions.

Just briefly to give an example, the $500 per child tax credit, which we mentioned, really was not going to go to most families below $30,000 in income. Now it will go to them. If they are paying income taxes or they are paying payroll taxes, they will still be able to take advantage of that $500 per child tax credit.

Capital gains and indexing, if the gentlewoman will remember all the discussions we had about how the indexing provision caused the revenue loss to explode, and all this money going to wealthy corporations and families that would really explode the deficit, the indexing has been dropped.

Education tax assistance, the GOP plans were far short of the $35 billion in tax assistance that the President and Democrats had talked about now. They have agreed to that.

Another example is with regard to the minimum wage. I think the gentlewoman mentioned that with the independent contractors, where people would be taken off their pensions and their benefits and not be eligible for minimum wage anymore because they were classified as independent contractors.

□ 2130

That is gone. Really important, with regard to Medicare, we had the Senate provisions that raised the age eligibility to 67, that had the means testing in part B, that had the home health copayment, these things are all gone. Most important, what we already mentioned with the kids health care, that we shall now have a program that has a real possibility of insuring the majority of those 10 million uninsured kids.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think something very important that we do not tend to be associated with as Democrats, I hope all the small business owners and family farmers really pay attention to this legislation, because there is no doubt that on the budget and on the tax plan, the tax bill, that the Democrats came out on the side of small family farms and small businesses.

I had my small business owners speak to me in the district and say, would we be willing to stand with them. We did, because the relief that we are getting for them comes much earlier than the relief proposed initially for them out of the Republican plan. I believe we have got it moved up to 1.1 million.

I think that was something that the Democrats worked on, and I think it is

important to note that we are standing up for those who really make this country run. They are the engine of this country, small businesses, family farms. That is an important aspect of what we have worked on and what we can certainly take credit for, for helping those who did not have a real voice.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman.

I yield to the gentleman from Michigan [Mr. STUPAK]. He has been here most nights arguing in favor of the average working family, both on the tax cuts as well as the entitlement provisions.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding to me.

It is great to join the gentlewoman from Texas [Ms. JACKSON-LEE] tonight as we talk, hopefully within the few nights we have left we can move on to another subject, not that the subject is not important, but I think we are putting together a package, we are finally putting together a package, and I think probably within the next 24 or 48 hours we will have some agreement.

I could not help but notice as I walked over the storm clouds are brewing over there over the Washington Monument. It is starting to rain a little bit. I hope, and I truly hope, that as we move forward with this spending bill and also a tax cut bill, we are not going to let the rain come falling down in the next 5 years, we have a 5-year plan and the outyears, it is a 10-year plan, where we have huge deficits like we have seen.

This has to be a fiscally responsible and a disciplined budget, or we are going to be back to where we were when I came here in 1993. We had a caucus tonight. We had a little bit of an outline of the tax cuts and also some of the spending reductions. Our friend from Texas is very correct on the DSH payments, disproportionate share, those are hospitals who serve people who do not have insurance or the elderly who are on Medicaid or Medicare.

So we, the Federal Government, give them extra money to pay for the cost that is not captured by Medicare and Medicaid or the no insurance. And States like Texas which have a high DSH payment structure, really get hurt hard, at least in the first spending bill we have seen. So I am glad you are watching that closely. You are correct, Mr. Green has been working with us in the Committee on Commerce to make sure that happens.

As we look at this in the next 48 hours or 24–48 hours, I really hope we will not rush through this legislation. I really do not want us to go back to the days of spending money we do not have, giving tax breaks to corporations and other people that we really cannot afford.

I just cannot say enough, that if we could get it structured, targeted so we do have children's health credit and it is children's health coverage, there are 10 million children in this country that do not have health care. And the original proposal was to make sure at least we got half of them covered with this proposal.

The bill that went through the House only did 500,000, the Republican bill, 1/20 of what we were trying to do or 5 percent. And with the agreement or the discussions about maybe putting the tobacco tax back on, which would capture some more money so we can pay for the practice program, that is the way we have to do it. We have to pay for programs. We have to do it with new sources of revenue and not tap old sources so we do not start running a deficit.

On education, you have the HOPE scholarships, the President has stood firm with the Democrats. We are going to try to put some money in there. But the $500 per child tax credit is really going to be sort of the hallmark.

We have been here for a number of nights trying to argue that the people on the earned income tax credit deserve that tax credit. The Republican Party has said that those people who are on the earned income tax credit should not get a $500 per child, because all they are looking for is another welfare payment.

Let me tell you, I have a person in my district who called me the other night. She has two children under the age of 18. Unfortunately, she is divorced. Her ex-husband is not real prompt on his child support payments. But she is a very hard working woman, works a full-time job. When she first got divorced, the best she could do was a $4.95 an hour job, 40 hours a week. That is not even $200 gross per week. Then she got a better job where she made $7 an hour. Even at $7 an hour, that is only $14,560 per year. Every time, whether it was the $4.95 job or the $7 job, every time she got a paycheck, what did we take from that paycheck?

We took State taxes. We took Federal taxes. We took Social Security out, FICA to pay for the Medicare. So she was taxed as she went along. At the end of the year, if she was fortunate enough when she filed her income tax, she got the earned income tax credit which basically says, if you are below a certain level, we will give you back some money. It is usually about a $1,000 to $1,500, depends on where you fall on your wages.

What did it do? She said, I resent the Republican Party saying I am looking for a welfare handout. I was never on public assistance, even though I had two children. I was supporting them. My ex-husband was not real prompt on his child support payments, but I never went on public assistance. I worked. And I got a little helping hand from the Government. Not a handout, but a helping hand. And what it allowed me to do, she said, I remember 1 year very distinctly. She now has a good job and does not qualify for the earned income tax credit. She said, I remember 1 year, I usually used that EITC to catch up on my bills, but 1 year I used it, caught up on a couple bills, but I bought four tires for my car so I could travel back and forth to work so I could continue working so I could stay off public assistance.

So I advised this young lady that we, the Democrats, would stand with her. And night after night we are going to be down here advocating that everybody who has a child should be entitled to that $500 per child tax credit, if you are making less than $75,000. That is the Democratic plan. We hope we will stand with her.

But as I came over, I mentioned the storm clouds on the horizon. That is the way I see this budget. If you go back, I know the gentlewoman from Texas [Ms. JACKSON-LEE] came after me and the gentleman from New Jersey [Mr. PALLONE] was here before me, I came in in 1992. That was the year, if you remember 1992, the first year President Bill Clinton was elected. What happened in 1992. Remember that?

In 1992, we inherited an economy that had barely grown. There were very few jobs being created. The deficit had hit a record level. Mr. Boskin, who was Mr. Bush's economic advisor, I still have the report, the week before President Clinton took office Mr. Boskin predicted the deficit would be $322 billion.

Real business investment in equipment and everything else was way down. It was growing at only about 2 percent a year. Savings and investment was down. Consumer confidence in the economy was down. Interest rates were rising. A 30-year Treasury note was over 7.5, almost 8 percent in 1992. Unemployment was higher than it had been in the 1990–1991 recession. Incomes were stagnant. Real average hourly earnings fell about 7 percent in this country. Remember, it is the economy, stupid, that is what they told us in 1992.

So what did we do? We got Mr. Boskin's report. Those of us who came in in 1993 with the new President, January of 1993, when President Bill Clinton took office, the deficit was $322 billion. We said, we have got to get at this. We would like to give the middle class a tax break, but right now we have to get our fiscal house in order. In 1993, he worked with Congress to enact an economic program which would lower our deficits and put more investment in hard-working Americans in this country. The plan was passed in Congress with only Democratic support.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman will continue to yield, that is an excellent point. That was a very hard time. There had to be believers in order to come to grips with a very difficult decision. That is, a tax increase.

We can now look back and say the words ''tax increase,'' nobody wants to say that, and not a tax cut. Now some 4 years later, we are standing on, you made a very valid point, we have to be very cautious, we cannot throw caution to the wind, but we are standing

on an economy smart. We said the economy stupid, but we are standing on an economy smart. I think that is an important point, one that is growing and that we have to watch.

Mr. STUPAK. In the 1993 budget vote, probably those of us who lived through it probably know it better than any of them, there were 60 some Democrats who came in with me, and after that vote my class now has maybe 40 Democrats left. We lost about half our Democrats. It was a tough vote. We did raise taxes on those whose gross income was more than $180,000. I can tell my colleagues, in my district in northern Michigan, that is 1,170 families, with the money we taxed, those we asked to pay more, the higher income folks. Over 32,000 families in my district got the earned income tax credit that I spoke of a little earlier. So we taxed those, we asked those who could give us a little more to give it. We helped invest in our people.

Since then the deficit has fallen dramatically. In fact, at the start of this year it was about $70 billion. When we close our books here on September 30, 1997, it will be approximately, some people predict, as low as $35 billion, basically no deficit whatsoever. So we have cut the deficit with the help of the President and just Democratic votes by over 90 percent in less than 5 years.

We have the smallest deficits since 1980. And as a percentage of our gross domestic product, it is the smallest it has been since 1974. In fact, the deficit is less than 1 percent of our gross domestic product here in 1997.

So if you take a look at it, this deficit reduction was based on the Democratic plan. Now the GOP gets up, the Republican party gets up and says, we passed these budgets and that is what got everything down. Since they have taken over majority party, they have not passed one budget yet. We have been living on continuing budget resolutions, continuing on the same budget, the same plan that the Democrats passed in 1993.

They have not passed a budget yet. I predict this year, even with this budget agreement, we probably still will not pass a budget because we will get hung up on some things. As you take a look at it, what has really happened? Not only did we raise some revenues and invest it in people here in this country, but we also, the public sector is much smaller.

We moved forward to cut over 350,000 Federal employees with early retirements. We have the smallest Government since the days of John F. Kennedy in 1960. Since 1960, our people in this country, 130 million people, we are now over 260 million people so we doubled the number of people in this country who rely on services from the Federal Government, but we have the smallest Federal work force serving twice as many people since the days of John Kennedy. So we really did a yeoman job in doing this.

But I am concerned that having done 90 percent of the work, we need to finish the job. And I do not want to rush into this agreement that is being put together, because we have to take the opportunity now to finally eliminate not just the deficit but the structural deficit so that we will be able to run surpluses in good economic times instead of deficits like we still are today and stay at least in a balanced budget during times of recessions.

If you look at it, we have got to make sure any agreement makes very important investments in policy choices for our Nation's economic future. We need the savings and reforms that are in the spending bills, whether it is DSH payments or whatever it might be, to address the Nation's long-term budgetary challenge, past the 1998 election, past the election of 2000. If it is going to be a 10-year plan, let us look at it for a full 10 years and make sure we address our Nation's long-term budgetary challenges and needs.

We are within striking distance of a zero deficit, a balanced budget the first time since 1969. It is not time now to abandon the responsible, effective strategy we put together in 1993. It cost us. It cost us Members and a lot of people questioned what we were doing. But it has worked, and it has worked well.

So as we go here in the next 24, 48 hours and reach this agreement, let us reflect on where we have been for the last 4 or 5 years. Let us reflect on those days of the high deficits of, again, when President Bush left office, 322 billion, and how did we get it down here and make sure that the fiscal responsibility that was put in place in 1993 continues not just for today but for tomorrow and for our future.

I am very pleased to join my colleagues here tonight and hope those folks who are Members in their offices and around this country listening to us tonight, ask that question, where is this agreement going to be in 4 or 5 years? Let us make sure it does not explode out.

□ 2145

As I walked over, I could see those storm clouds. And I could also see those storm clouds in this budget. And we have to be cautious in how we do it.

We have a line item veto. The first time ever the President has had a line item veto. That has been challenged in the courts. We have a number of issues that could turn this economic plan on its ear, and it is our responsibility, those of us who have the vote, to make sure it does the right thing.

So I am very pleased the President is standing tough, that we are going to provide some health care for children in this country, education, and give them some hope to get a college education, and a $500-per-child tax credit, including those people who earn the earned income tax credit.

I am proud to stand with the gentleman. And those are our parameters on the budget cuts, and let us make sure the future is just as bright as tomorrow is with this budget agreement.

I thank the gentleman once again for his leadership on this issue.

Mr. PALLONE. Well, I thank the gentleman, and I wanted to follow up on some of the points that the gentleman from Michigan made, and that is with regard to the President.

If my colleague would remember, I think it was a week or two ago when the Treasury Secretary, Robert Rubin, who appeared before our caucus, also sent a letter to those who were negotiating the budget in the final weeks, and he outlined four key tasks for any tax bill.

Just to go over those briefly, one was no exploding deficits. Of course, the indexing for capital gains is a big factor, and that is now gone from what we hear. Then he talked about a fair balance of benefits for working Americans. And, again, we have been pushing for the child tax credit to be available to the majority of those people who are working, who are under $30,000 but they are working and paying taxes.

And the third one, and I wanted to just mention this because I know the gentleman from Michigan and the gentlewoman from Texas have talked in the past quite a bit about the education tax aspect of this, he said in the letter that the tax cuts have to encourage economic growth. He stressed that the most important point in that regard was to make sure that our children are well educated in an ever-increasing global economy as we approach the 21st century, and that that was a Democratic priority, and that the Republican proposal neglects the commitment to education and instead offers broad-based tax breaks to wealthy buddies who want to make a killing in the stock and bond market.

Well, one of the things the President insisted on and the Democrats insisted on was that this $35 billion be available as part of the tax package for education tax credits. And that, from what I understand in terms of what the negotiators have agreed to, is part of the final agreement.

It was interesting, because today in my local newspaper, this is a syndicated column that I am sure appears in various papers around the country. Actually, it is not, it is written by Robert Reich and John Donahue. Robert Reich, of course, was the Secretary of Labor, and John Donahue was counsel to Reich in the first Clinton administration.

It says, ''What should be first in line for tax breaks: education, capital gains or estates?'' And it says ''the Clinton administration is sticking to the late-spring deal it struck with Congress: $35 billion earmarked for incentives linked to education.''

And why? I just thought it was very interesting, just briefly here, because it says that ''While there's no consensus on the effects of preferential tax rates for capital gains, the best prediction is little, maybe no, net increase

in savings and investment, a lot of maneuvering by accountants and lawyers to relabel income as capital gains and a sharp rise in the after-tax income of a tiny, wealthy slice of the population.'' But the benefits of education tax incentives are focused on working families.

And basically what we are choosing between is middle class tax relief that rewards and encourages investments in America's earning power, as opposed to these sterile tax breaks that will deepen the divide between the very wealthy and the rest of us.

I think it was very important throughout these negotiations that the President and the Democrats insisted on these education tax breaks because of the investment aspect, because of what it means to the future of the country, and I know both my colleagues have talked about this in the past.

Mr. STUPAK. If the gentleman would yield on that point, even if we put it in everyday terms, we have to remember the HOPE Scholarship is not just going to 4 year colleges but 2-year colleges or to go in some worker training program. An individual can get up to $1,500 underneath the President's HOPE Scholarship plan.

I have two sons, my oldest son, Ken, will be graduating here in 1999, and he is a smart young man and he is going to do quite well in college and forward. But if we take a look at it, when he starts working in his adult life, it is estimated that he will have to change jobs at least eight times in his working career. Eight times.

He is a very smart young man. Nothing wrong with his ability to learn. But the technology is moving so fast that those who begin employment in the year 2000, their jobs will become outdated. Outmoded. Technology is moving so fast, the job that people have today will be outdated and gone tomorrow. So they will need the education skills along with the social skills to adapt in an ever-changing society.

So education is an investment. It is an investment in our future. And our children will need those educational skills, whether they are going to 2-year colleges or some other training programs or worker incentive program or worker enhancement programs so they can stay ahead of the curve. So as their job is outdated because of technology, they can adapt to tomorrow's world and continue to be a breadwinner and help out their family and pay their taxes and everything else.

I say that half jokingly, but why has this economy done so well? Because people pay their taxes and we have revenues coming in, and, again, going back to that budget plan. So investing in the future is really a current investment in today's education, and will prepare us for tomorrow in that ever-changing world and the technology that will outdate our jobs, because the jobs that we have today will be outdated tomorrow.

So it is a good point the gentleman makes, and I wanted to bring it more into the workplace setting, that education that we will need. Anything we can do at the Federal level, we should and we must.

Mr. PALLONE. I am glad the gentleman brings that up, and if I can quickly just mention that job training is just as important an aspect of that. What it points out in this article, again, this is in my home paper, the Asbury Park Press, is that most students still are paying a majority of their tuition bills with their own money. So when we talk about these tax incentives or tax credits, they really make a difference.

My understanding is, based on what we are hearing, and again we do not have a final document, but what I understand is that of this $35 billion which is now agreed to, that the President insisted on we have a credit of 100 percent of the first $1,000 tuition and fees, and that is in the first 2 years, and then 50 percent of the next $1,000 in 1998 through 2002.

And if a student is not eligible for the HOPE Scholarship but is pursuing a postsecondary degree or a certificate or enrolled in a job skills program, a 20 percent credit for tuition and fees up to $5,000 through the year 2000 and $10,000 thereafter is granted.

I think the agreement also adopts the student loan interest deduction. So there are a lot of incentives in there for people paying for tuition out of their own pocket, which most people still do.

Mr. STUPAK. On the tuition part, is the gentleman saying there is going to be a look-back provision for those who already have a guaranteed student loan or who are paying off their college loans? Even if they are not in college now, let us say they graduated last year, are they going to be allowed to look back and at least take off that interest?

Mr. PALLONE. No, I cannot say that, but I think what the gentleman is seeing here is not only the HOPE Scholarship but also this 20 percent credit for tuition and fees, and then they will be able to deduct the interest on a student loan.

Mr. STUPAK. Interest on the future loans?

Mr. PALLONE. I think so.

Mr. STUPAK. I know that is a part that is not clear in the budget agreement. Hopefully, it is something we can look at. I am sure when the gentleman gets back in his district, as in my district, a working class district, many people ask me, ''My son just graduated or my daughter just graduated from college, and, geez, I have all these loans and paying interest on it, can I at least get that deduction?''

So far I have not seen it, and I just thought maybe I missed something at the caucus today and thought maybe the gentleman picked up on that.

Mr. PALLONE. Again, as the gentleman knows, we do not know what is in the final agreement, but my understanding is the President insisted on those provisions and that they are in there.

Ms. JACKSON-LEE of Texas. If the gentleman would yield, I would like to challenge sometimes the interpretation made globally about the Democrats and their fight for those who make less than $50,000 a year.

I am proud of that fight, but I think it is important when we discuss the issue of capital gains and who gets capital gains to sort of put this whole issue in perspective, particularly around this very explosive and booming economy, because that is what it is.

Just a couple of weeks ago the headlines read that the Dow had reached 8,000 points. So I do not think that we should in any way feel intimidated about allegations that the Democrats are not respecting those who have invested in this country and helped by their wealth to make this country great. The atmosphere and the economic climate has helped to make those who are in business strive and thrive and be prosperous.

It is important, then, that we emphasize the importance of the great equalizer, and that is an education. The distinction between how we started out with the HOPE Scholarship versus the Republican plan, which was to say to those who were already wealthy, ''It is all right, you can do an IRA, a savings account, and you can then take a tax deduction when your children are ready to go to college.''

That does not fare well for the average teacher, the working bus driver, police officer, who, by the best of what they can do, they have to spend as they go. So there is a time when their youngsters come up to the time for college and they are looking for monies. They do not have savings.

This HOPE Scholarship, what we fought so hard for, says to them that they get that right then and there. They do not have to save the $1,000, they do not have to have put away that money in an IRA. It simply says that they will get a HOPE Scholarship. And in particular, having given the graduation speech to our Houston community college system, where almost a thousand graduates graduated in 1997, this $1,000 dollars for the first year and $500 for the next year or $1,500 is a real boost for working class families.

I think that when we debate the bill as it ultimately may come to the floor, I think it is key that we understand the principles by which the Democrats have been guided, and that is kids' health, not $16 billion but $24 billion for those 10 million uninsured children who are in every one of our districts all over this Nation; and then to recognize something very important, that this welfare plan that came unsupported with compensation to make it work, now we have a real commitment to expend $3 billion in and around our communities.

I hope our churches, and I see that there are members here from the National Church Usher Convention from Houston, TX, and I know how hard our churches have worked with me, and they have worked in order to help their members who are falling on hard times move from dependence to independence. We now have $3 billion that makes the welfare-to-work program actually work. It actually gives training a leg up. I hope that our communities will be taking advantage of this money that will come down to help train individuals to let them work.

One thing that was really, I think, a tragic reflection on our respect for working people was this whole concept of independent contractors that took away from individuals the benefits of the various coverage that one gets when they are working in their job. If they were an independent contractor, they had no health benefits, they had no vacation time, they had no overtime.

We were able to get that out. I think that is extremely positive for working Americans. They did not realize what was getting ready to hit them. They might move in jobs eight to ten times, but I can tell my colleagues that if we were an independent contractor and did not really have a job that was secure, we would not feel very good about being able to protect our families.

So I think that we can take great comfort in things that working Americans can be gratified for, and that is, of course, the health care, the welfare-to-work and certainly the HOPE Scholarship.

And in taking up my colleague's admonition that we must be cautious, I do believe that we should watch the storm clouds that are off to the side, and that is why I said that we have 48 hours to ensure that when we ultimately cast a vote, these items that we have mentioned here this evening, DSH, and I will mention it again, protecting our county hospital systems and the individuals who go to these systems, who are unable to pay the extra cushion that is needed in order to provide the money so that they can have coverage by Medicare and Medicaid, if they do not have health insurance, and that is still a lot of people.

And then just for Texas, this whole question of privatizing health care and not allowing those sensitive social workers and government employees who have been working on this to be able to make the determination of our citizens, whether they are deserving of welfare in times when they have fallen on hard times, and putting it into computerization, that will be a fight that I will continue because I do not see any sunshine at the end of the tunnel.

□ 2200

But I do think that this fight has been one that we can claim at the juncture a quiet victory until we get the last and final word. We have been able to stand up for those working families.

I feel proud that families who have made a commitment to stay off welfare may be making $30,000 collectively, two wage earners, that we have taken the terminology, the accusations that they are on welfare and do not deserve these tax cuts, we have taken that out of the mouths of Republicans. We have removed that sort of cancer that was really impacting this debate, and acknowledge that these citizens making $30,000 or under $50,000 deserve our respect and appreciation because they help to build this country and they deserve a $500 a year tax credit for their children. And I am very proud to stand up and say it was because of our fight that they got that tonight.

So I want to thank the gentleman from New Jersey [Mr. PALLONE] again for his leadership on this issue and, likewise, will join him tomorrow in debate and over the next 48 hours to ensure that the clock does not turn back on the fights that we have made over these last couple of months. There has been some hard fights, but I think we ought to applaud the conferees, the gentleman from South Carolina [Mr. SPRATT], the ranking member, and the gentleman from New York [Mr. RANGEL], members of the Committee on Commerce, and all others who have continued in this fight to ensure that we never slip for a moment.

So I thank the gentleman from New Jersey [Mr. PALLONE] clearly for his efforts, and I look forward to working with him as we watch these next 4 hours.

Mr. PALLONE. Mr. Speaker, reclaiming my time, I want to thank the gentlewoman from Texas [Ms. JACKSON-LEE], and I know that both she and the gentleman from Michigan [Mr. STUPAK] stress the fact that we do have to watch what is going on here in the next 48 hours.

One of the things that we both talked about tonight and we are very happy about is the kids' health care initiative, because now it is up to $24 billion because of the addition of the tobacco tax. But I have to say that in discussions, in debate over the last several months on the kids' health care issue, one of the major concerns of House Democrats, including myself, and we have a health care task force amongst our Democratic Caucus that has articulated this, one of the major concerns is that this money not be drained away and used for purposes unrelated to insuring kids.

In one of the aspects of this that we will be discussing and we will be insisting on, and I believe that the White House has been insisting on, is to make sure that built into this program to insure these children at the cost of $24 billion that there are safeguards so that in fact the money is used to insure kids.

The Senate version of this bill was a lot better than the House version, and particularly the House version that the Republicans reported out of the committee, the Committee on Commerce, and many Commerce Democrats were very critical of the lack of safeguards for how this pot of money would be used for kids' health care.

Just to give some examples, there was in the House version what we call a direct services option that would have allowed the pot of money available for kids' health care when it went to the States to be used not to actually insure kids but to be used for certain services that they may or may not use.

For example, money could have gone to children's hospitals but there may have been a lot of the uninsured kids that never went to the hospital or never were able to take advantage of the services of that particular hospital, and they would not be insured pursuant to this direct services provision but just get services for certain purposes of the hospital.

Well, that was not acceptable to many of us, and we kept insisting on the Democratic side that the direct services option be eliminated or certainly curtailed. My understanding is that it has been curtailed. I do not know exactly if there is talk that it may be as low as 10 percent at this point. I still think that is too much. But nonetheless, by eliminating or cutting back on the direct services option, we are at least moving in the direction of what the Democrats have said needs to be done.

The Senate language actually says that States have to provide insurance either through the traditional Medicaid program or through an alternative State insurance program and that they have to do what we call maintenance of effort, meaning that States have to at least provide as much money to pay for kids' health care as they have in the past.

Well, if those provisions are in the final bill that we vote on here in the next few nights, and we are told that the Democrats and the White House have been pushing for that and that is likely to be the case, then we will at least know there are safeguards built in that most of this money will go towards actually insuring children.

Another major issue was the benefits package. We can say we are going to have $24 billion available to insure children, and we can say that they have to be insured in some way; but if we do not have an adequate benefits package, then a lot of them may not get certain services. Our understanding is that the White House has insisted on the benefits package similar to what was in the Senate version, which is similar essentially to what Federal employees get.

So a lot of the devil, so to speak, is in the details. We do have to make sure over the next 48 hours or so that these safeguards are built into the kids' health care program so that this money is actually spent to insure kids. These are the types of things that we have been talking about all along on a number of the tax cut provisions, as well as the spending provisions, the balanced budget agreement.

I just must say that, although we are still weary about what finally results, Democrats can take a great deal of pride in the provisions with regard to kids' health care with the coverage now for the child tax credit, with the education tax credits, and with so many of the other things that we have been talking about all along that should be included in this tax cut package and in this spending bill to make sure that the benefits go to the average working American.

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

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2266, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 105–213) on the resolution (H.Res. 198) providing for consideration of the bill (H.R. 2266) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2264, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 1998

Mr. DIAZ-BALART, from the Committee on Rules, submitted a report (Rept. No. 105–214) on the resolution (H. Res. 199) providing for consideration of the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered printed.

HUMAN RIGHTS VIOLATIONS IN CUBA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 60 minutes as the designee of the majority leader.

DOW JONES AVERAGE UP SINCE REPUBLICANS TOOK CONTROL OF CONGRESS

Mr. DIAZ-BALART. Mr. Speaker, I wish, before I begin speaking about the subject that brings me to the well this evening, to insert into the RECORD a note made available to us here in Congress today by our dear colleague, the gentleman from Tennessee [Mr. DUNCAN].

Mr. Duncan points out, among other things, that the Dow Jones Industrial Average, on Election Day 1994, when the Republicans took the majority in this House and in Congress, both Houses, for the first time in 40 years, was 3,830 points. And since Republicans took control of Congress, the Dow Jones Average has gone up by more than 4,000 points, breaking all records. And that that was due, to a great degree, because of the fact that the majority here, the Republicans, brought the leadership to the Congress to bring Federal spending under control and stop the growth of taxes and regulations and that, finally, the belief took hold in the economy and in the world in this international economy of today that the United States of America would finally balance its budget.

And, so, I think that that is something that was important to bring out. And I thank the gentleman from Tennessee [Mr. DUNCAN] for having done so. So I would like to insert the following into the RECORD, if I could, Mr. Speaker:

The Dow Jones Industrial Average closed at 3830.74 on election day, 1994.

Since Republicans took control of Congress, the Dow Jones average has gone up by more than 4,000 points—mainly thanks to Republican success in bringing Federal spending under control and stopping the growth of taxes and regulations.

Mr. Speaker, I come this evening to the floor, to the well, to discuss a matter that for the last 4 months has worried me on a daily basis in increased fashion. It has been typical of the tyrant in Cuba, who has ruled for 38 long and destructive and painful and extraordinarily gruesome years, it has been typical for him to engage in Stalinist crackdowns. But for the last 4 months, he has been clearly engaged in another such Stalinist crackdown the effects of which have come to my attention on a daily basis.

And, so, I have been thinking it appropriate for some time now to come to the well to give an update to my colleagues and to the American people through C-SPAN, the millions of citizens who watch through television, by way of television, an update on the dreadful human rights situation and the details, as I know them, of that Stalinist crackdown engaged in by the tyrant of Havana, only 90 miles away from the United States.

And, so, I would like to read a list, and I acknowledge from the beginning that it is a partial list, of human rights violations in Cuba for the last 4 months. And with that acknowledgment, I would like to begin to get into it and then discuss some other aspects of the reality of Cuba today.

March 29, a Danish tourist, there have been a number of incidents recently with tourists in Cuba where the government has shown, the regime has shown its paranoia and its apprehension about its security situation as it has related to tourists, a Danish tourist, Joachim Loevschall, somehow mistakenly wandered into a restricted military zone and he was shot to death. That was March 29.

Then began the month of April. And Ramon Rodriguez, father of a well-known activist, Nestor Rodriguez, president of Young People for Democracy, was arrested.

Also, on April 1, Rafael Ibarra Rogue, president of the Democratic Party 30 November, Frank Pais, who is currently serving a sentence of 20 years in the infamous prison known as Kilo 8, according to relatives, was told that he would be denied from having any contact with his family or any religious visits. That was April 1.

April 8, Nestor Rodriguez Lobaina, president of Youth for Democracy, a group that has become more well-known recently and has developed already a number of very impressive young leaders, Youth for Democracy, president Nestor Rodriguez Lobaina was arrested and charged with ''crimes against the state.'' He had previously been arrested in June 1996 and sentenced to 12 months in prison and an additional 6 months of internal exile for the crimes of resistance to authorities and disrespect of the revolution. He was sentenced to 18 months in April and is currently being held in the Guantanamo Prison.

Today, July 28, Nestor Rodriguez Lobaina has begun a hunger strike that he has announced will last during the days that something called the 14th World Festival of Youth and Students lasts. That festival has begun also today in Havana. It is a splurge that Castro gives to Communists who come from throughout the world to party in Cuba, young Communists, while the Cuban people are subjected to the apartheid system and the rationing cards that have been imposed upon the people since 1962.

So Nestor Rodriguez Lobaina says that during the duration of this party, called the 14th World Festival of Youth and Students, he, as a youth leader, is going to fast in protest.

Of course, he and Cuban students who want to speak out in favor of democracy are not allowed to participate in that youth movement festival in that party that Castro organizes with funds that the Cuban people are denied for international young Communists and revelers and partyers.

□ 2215

April 11. Miguel Angel Aldana, member of the Executive Committee of the Concilio Cubano and president of the Martian Civic League, arrived in the United States after being forcefully expelled from Cuba. He was initially handcuffed, dragged out, and arrested while attending a mass in memory of the Brothers to the Rescue pilots who were shot down by the Cuban Air Force on February 24, 1996.

April 22. Israel Feliciano Garcia, representative of the Democratic Solidarity Party in the Province of Villa Clara was arrested in his home. His wife Arelis Reyes Garcia was also detained for pointing out to the police that they did not have a warrant.

April 30. Radames Garcia de la Vega, vice president of Youth for Democracy,

is arrested and charged with showing, ''contempt for the commander in chief,'' Mr. Castro. Since last year Mr. Garcia de la Vega had been held in house arrest. On April 30 he was sentenced to 18 months imprisonment.

Rafael Fonseca Ochoa, a member of Young People for Democracy as well, was arrested. May 1.

May 1 also. Ana Maria Agramonte, a member of the Movimiento Accion Nacionalista is arrested for ''contempt of the authorities.''

May 1. Jesus Perez Gomez, Lorenzo Pescoso Leon, and Aguileo Cancio Chong were arrested by State Security and held without charge in Havana. Aguileo Cancio Chong was beaten at the time that he was arrested.

May 14, 2 weeks later. Cuba Moises Castaneda Rangel, opposition activist with the Workers Union Movement and a member of the Seventh Day Adventists and his family were subjected to an act of repudiation at their home in Villa Clara.

It might be worthwhile to talk a minute about what an act of repudiation is. Government-sponsored mobs are sent to the home of an independent journalist or an opposition leader, a dissident, and there they throw stones and insults, and if someone comes in and out of the house, they physically often attack the people, spit upon them. Those are acts of repudiation organized by this system in Havana.

Ana Maria Agramonte, May 15, a member of Movimiento Accion Nacionalista, was sentenced to 18 months in jail for contempt of the authorities and resisting arrest.

May 25. We go back to Cuba Moises Casteneda Rangel who had been subjected, he and his family to the act of repudiation May 14, was arrested, interrogated, and subjected to psychological torture.

May 27 was the beginning of Eduardo Gomez Sanchez' third year at the Kilo 8 prison. Sanchez was sentenced to 20 years, 20 years, for the crime of illegal exit from the country. He suffers from a severe liver condition and according to relatives probably has cancer.

June 10. Leonel Morejon Almagro, the elected leader of Concilio Cubano, delivered a message to one of Castro's offices demanding the right to hold a peaceful public meeting of his group. Morejon Almagro, who was just released from prison where he served 15 months, was beaten by State Security agents shortly after delivering the letter to Castro's offices.

Amelo Rodriguez, June 10 also, a well-known member of the opposition movement, was arrested by State Security and charged with an unspecified, ''act of rebellion.''

June 16. Nilda Malera Pedraza, a 34-year-old professor of music in Guantanamo was fired for ''deviating from official political thought.'' Professor Joaquin Lozano was also fired for being ''politically unreliable.''

June 17. Luvia Bonito Lopez, the daughter of independent news journalist Ana Luisa Lopez Baeza, was detained and interrogated. Again she was detained 3 days later, June 20.

June 22. Teresa Plateros Rodriguez, a member of the Pro-Human Rights Party, was arrested.

June 23. Hector Peraza Linares, co-director of the Havana Press, independent press people, and his wife were arrested, held without charge.

June 24. Dr. Dessy Mendoza Rivero of the dissident Independent Medical Association of Santiago was arrested by State Security after reporting the epidemic of dengue fever that is sweeping Cuba. She was charged with reporting false information. Thousands of people have gotten the dengue virus. It is imperiling the health of people throughout the island of Cuba and nearby countries and this brave doctor who simply let the world know of the fact that there was dengue fever sweeping through the island was arrested for ''reporting false information.''

June 25. Edillo Barrero, a 25-year-old farmer, was detained without charge by State Security, severely beaten, and died in custody.

June 28. Orlando Merchante Ricart of the 13th of July Movement was expelled from his job after doing an interview with the U.S. Information Agency, Radio and Television Marti. The next day he was beaten and stripped of his clothing.

July 1. Luis Alberto Hernandez Suarez of the Democratic Youth Union Movement is arrested.

July 1. Orestes Rodriguez Omuitiner, vice president of Seguidores de Chibas, human rights group, is arrested in Santiago.

July 1. The home of Nancy de Varona, president of the 13th of July Movement, is placed under constant State Security surveillance and her phones were disconnected.

July 1. Juan Antonio Gonzalez Dalmau, member of the Cuban Civic Current, is detained by State Security.

July 2. The home of Ileana Someillan, a member of the opposition, is searched by State Security.

July 3. Julio Grenier, another activist in the dissident movement, is detained, his house searched, and various items confiscated.

July 3 as well. Busy day for Castro this July 3. Carlos Raul Jimenez of the Nationalist Agenda Movement opposition group, detained by State Security.

July 3 Marta Beatriz Roque, member of the Internal Dissidence Working Group, perhaps the most prestigious economist in Cuba today, received a death threat from State Security officers.

July 3. Mercedes Sabourni Lomar of the Nationalist Agenda Movement, detained and questioned twice that day by State Security.

July 3. The home of Vladimiro Roca of the Internal Dissidence Working Group and president of the Social Democratic Party is stoned by a government-organized mob. Acts of repudiation as we talked about earlier. His home was placed under constant surveillance by State Security. That is July 3, this busy day for the tyrant. Got a lot of pleasure this day, did he not?

July 3. The wife of Vladimiro Roca, because of her husband's activities, is delivered a summons to appear before State Security for questioning. She is threatened with exile.

July 3. Luis Alberto Hernandez Suarez of the Democratic Youth Union Movement is arrested by State Security in Pinar del Rio.

July 3. Jose Orlando Rodriguez Bridon of the Democratic Workers Confederation detained by State Security after leaving the home of Marta Beatriz Roque.

July 3. Odilia Valdes Collazo, President of the Pro Human Rights Party and member of the Internal Dissidence Working Group, detained by State Security.

July 3. Orestes Rodriguez Brea, Vice President of the 13th of July Movement, detained by State Security, placed under house arrest.

July 3. Dr. Frank Hernandez Loveira, Dr. Elias Vicent and Ana Maria Caballero, members of the 13th of July Movement, are visited and threatened by State Security.

July 3. Manual Fernandez Rocha, President of the Historical Studies Forum and lawyer for the Agramonte Current opposition group, detained by State Security.

July 3. Mercedes Sabourni Lomar, Secretary of the Nationalist Agenda Movement opposition group, receives two summons to appear before State Security.

Fourth of July. Jorge Gonzalez Puentes of the 13th of July Movement, detained by State Security, his old typewriter confiscated, and ordered to stay in his home until August.

July 4. Juan Ruiz Armenteros, Vice President of the Assistance Committee of the Internal Dissidence Working Group, Arnaldo Ramos Lauzurique of the Cuban Independent Economists Institute, and Georgina de las Mercedes Gonzalez Corbo of the Cuban Civic Current all threated by State Security at their homes, told not to leave.

July 4. Felix Bonne Carcasses of the Internal Dissidence Working Group is followed and threatened by State Security.

July 4. Juan Antonio Gonzalez Dalmau of the Cuban Civic Current opposition group, detained for questioning by State Security.

July 5. John Mendez Diaz and Osvaldo Caballero, a former political prisoner, both of the 13th of July Movement, detained by State Security.

July 5. Rafael Garcia Suarez of the Democratic Workers Confederation, arrested by State Security.

July 5. Raul Pimentel, President of an independent environmental group and opposition activist, arrested by State Security.

July 6. Raul Rojas, member of the Democratic Youth Movement, detained

by State Security after leaving the home of Marta Beatriz Roque, the economist. He is currently staging a hunger strike in prison.

July 6. Manuel Sanchez, member of the Internal Dissidence Working Group, threatened by State Security.

July 6. Nancy Gutierrez Perez, member of the Democratic Pacifist Movement, visited twice by State Security and threatened. ''Stop your activities,'' they told her.

July 7. Lazaro Lazo, an independent journalist and director of the Independent Press Bureau of Cuba, is threatened with attack by State Security, unless he immediately abandons his independent press activities.

July 10. Nicolas Rosario Rozabal, a correspondent for the independent Havana Press in Santiago was arrested by State Security.

July 11. Osvaldo Paya Sardinas, President of the Christian Liberation Movement, and fellow opposition activist Rene Montes de Oca are detained. Montes de Oca remains in detention.

July 12. Dr. Augusto Madrigal Izaguirre, director of the Cuban Independent College of Medicine, detained and questioned by State Security. Dr. Madrigal Izaguirre is active with the independent medical movement.

Lorenzo Paez Nunez, July 12, an independent journalist, sentenced to 18 months in prison for ''disrespecting Cuba's national police.''

July 12. Nancy de Varona, President of the July 13 Movement, is arrested. In addition, all of the executive committee members of the group are questioned by State Security that day.

July 13 was coming, the anniversary.

July 12. Juan Carlos Vasquez Garcia, a 26-year-old author from Cienfuegos, arrested by State Security.

July 13, the third anniversary of the sinking of the tug boat where over 70 refugees were trying to flee that hell which is Castro's Cuba and they were sunk pursuant to the orders of the tyrant, and more than 40 refugees died, including more than 20 children. That is July 13, the third anniversary, 3 years ago.

That day this year, Herbiberto Leyva Rodriguez, a member of Young People for Democracy, was detained and he is still being held at the provincial headquarters of the National Police in Palma Soriano in Santiago. He has been charged with, quote, disrespect to a judge, because at the end of the trial of Randames Garcia de la Vega, he exclaimed, ''This is proof that in Cuba there is no freedom or democracy.'' So he is still being held in prison for that.

July 16. Marta Beatriz Roque, the head of the independent economists that I referred to earlier, Feliz Bonne Carcaces, Vladimiro Roca and Rene Gomez Manzano, all leaders of the Internal Dissidence Working Group, were arrested. At that time they were taken to State Security headquarters at Villa Marista.

The four of them, the rest of those four leading opposition leaders is the only incident, Mr. Speaker, all these human rights violations 90 miles away that I have referred to, that our local newspaper here, the Washington Post, has reported. A very large article here in the Washington Post. Page A22, July 18.

KEY DISSIDENTS ARRESTED IN CUBA

The Cuban government said today that 4 dissidents are under arrest and are being investigated on suspicion of counterrevolutionary activities. Foreign Ministry spokesman Miguel Alfonso confirmed the arrests, reported by diplomatic and dissident sources, at a weekly briefing. Vladimiro Roca, Martha Beatriz Roque, Felix Bonne Carcasses and Rene Gomez Manzano, who lead the Working Group of Internal Dissidence, were arrested by State Security Wednesday, the sources said. It is extremely unusual for authorities to comment on arrests of Cuba's small and illegal dissident groups.

There has been a tyranny 38 years in Cuba. It allows no opposition. It reiterates that it will never hold elections while this tyrant is alive and never intends to unless it is forced to. It is engaged in a Stalinist crackdown that I have begun to describe and we see here the extent of coverage by the national media, the Washington Post, page A22, July 18.

Historians will have to describe why this reality exists that for some reason this tyrant can murder and imprison and use medicines for psychological torture and engage in electroshock therapy of political prisoners, and the reality of that regime is simply not covered by the national or international media. In fact, there have to be bombs placed in the hotels where Ms. Lucia Newman is of CNN in order for her to report that there are incidences of opposition to the regime.

It is so sad, Mr. Speaker. But it is a reality.

□ 2230

July 16, Luis Lopez Prendes, a journalist with the Independent Press Bureau of Cuba, is arrested by State security. He was among the first to report the bombings that I just referred to in tourist hotels in Havana on July 12.

July 17, Edel Jose Garcia Diaz is a journalist with the independent press agency Centro Norte del Pais, subjected to a government sponsored act of repudiation at his home.

July 17, Porfirio Batista Rodriquez, a member of the Pro Human Rights Party, is detained and interrogated by state security in Santa Clara.

July 17, Marilis Blazques Aparicio, member of the internal opposition and widow of former political prisoner Reynaldo Jimenez Herrera, is detained, interrogated and warned to abandon her counterrevolutionary activities.

July 17, David Flores Diaz, a member of the Democratic Solidarity Party in Villa Clara, is detained and interrogated by state security.

July 17, Cuba Moises Castaneda Rangel, member of the opposition Workers Union Movement and an active Seventh Day Adventist, is arrested and held in handcuffs in an underground blackout cell 48 hours and charged with ''dangerousness.''

July 19, State Security agents visit Ledonel Morejon Almagro and his wife Zohiris Aguilar Callejas at their home, where they are interrogated and threatened from 10 p.m. until 2 a.m. regarding their peaceful opposition activities within Concilio Cubano and Alianza Nacional Cubana. State Security warned Morejon Almagro that if he proceeds with this activism he will be sentenced to 25 years in prison, not 15 months like he was sentenced in 1996, but 25 years.

Similar visits were received by other signers of a document that I have here in my possession asking Castro to permit a plebescite like Pinochet, the dictator of Chile, permitted a few years ago. For that they were visited and said you will get 25 years if you continue with this, not 15 months like last time.

Also visited that night, July 19, Reinaldo Cozano Leon, Aguileo Cancio Chong, Ibrain Carrillo Fernandez, Neri Gorortiza Campoalegre, Jose Pastor Leon and Cecilia Zamora Cabrera.

July 20, Amnesty International issues a 13-page report titled Medical Concerns, where Amnesty International indicates their concern that political prisoners are not receiving adequate medical care in Cuba, and citing international sources, Amnesty International states that many political prisoners already suffer from malnutrition and excessive weight loss due to poor nutrition, which leads to anemia, diarrhea, parasite infections. Some of the most serious conditions developed include optic neuropathy, tuberculosis, beriberi and leptospirosis. Amnesty International also states that the conditions and solitary confinements of Cuban prisoners are brutally inhumane, lacking beds and mattresses and even natural or artificial lights. Political prisoners are also sent to prisons, according to Amnesty International, hundreds of miles away from their families, which makes family visits and contact practically impossible.

Amnesty International has also issued urgent action appeals for the arrests of the four leaders of the internal dissidents movement and also for Heriberto Leyva Rodriguez and the other leaders of the Young People for Democracy. I would like to at this point, Mr. Speaker, insert into the RECORD Amnesty International's urgent action appeal.

AMNESTY INTERNATIONAL USA'S,
URGENT ACTION APPEAL

July 18, 1997.

Further information on EXTRA 106/96 issued 11 July 1996 and re-issued 24 September 1996 and 3 June 1997 Legal concern/Ill-treatment and new concerns: harassment/prisoner of conscience/possible POC.

CUBA: Nestor Rodriguez Lobaina, Radamés Garcia de la Vega, Ramón Rodriguez, Rafael Fonseca Ochoa, new name: Heriberto Leyva Rodriguez.

Amnesty International is concerned at further developments relating to members of an unofficial youth group called Jóvenes por la

Democracia, Young People for Democracy, which has been campaigning for, amongst other things, changes in the Cuban university system. Radamés Garcia de la Vega, who was detained on 30 April 1997, was reportedly tried on 17 June 1997 and sentenced to 18 months' imprisonment, charged with ''desacato a la figura del Comandante en Jefe'', ''disrespect to the Commander in Chief'', i.e. President Fidel Castro.

Heriberto Leyva Rodriguez, also a member of the group, Young People for Democracy, was reportedly detained on 13 July 1997 and is being held at the provincial headquarters of the National Police in Palma Soriano, Santiago de Cuba province. He has been charged with ''desacato a un juez'', ''disrespect to a judge'', reportedly because, at the end of the trial of Radamés Garcia de la Vega, he exclaimed ''Esto es una prueba de que en Cuba no existe libertad ni democracia'', ''This is proof that in Cuba there is no freedom or democracy''.

Nestor Rodriguez Lobaina, President of the group, remains imprisoned in the Combinado de Guantánamo Prison. He had been sentenced in April 1997 to 18 months' imprisonment, charged with ''resisting authority'' and ''disrespect''.

There is no new information about Nestor Rodriguez' father, Ramón Rodriguez, or Rafael Fonseca Ochoa, also a member of Young People for Democracy, who were both threatened with arrest in April and May 1997 respectively.

Amnesty International is seeking the immediate and unconditional release of prisoners of conscience, Nestor Rodriguez Lobaina, Radamés Garcia de la Vega and Heriberto Leyva. The organization believes they have been detained solely for peacefully exercising their rights to freedom of expression, association and assembly.

Further recommended action: Please send telegrams/telexes/faxes/express/airmail letters: urging that Nestor Rodriguez Lobaina, Radamés Garcia de la Vega and Heriberto Leyva Rodriguez be immediately and unconditionally released, on the grounds that they are prisoners of conscience, detained solely for peacefully exercising their rights to freedom of expression, association and assembly; urging that Heriberto Leyva Rodriguez be granted immediate access to a lawyer of his choice; urging that no reprisals be taken against relatives and others who try to make these cases public.

Appeals to: (1) Attorney-General: (Salutation) (Sr Fiscal General/Dear Attorney General).

Dr. Juan Escalona Reguera, Fiscal General de la República, Fiscalia General de la República, San Rafael 3, La Habana, Cuba, [Telegrams: Fiscal General, Havana, Cuba], [Telex: 511456 fisge].

(2) Minister of Foreign Affairs: (Señor Ministro/Dear Minister), Sr Roberto Robaina González, Ministro de Relaciones Exteriores, Ministerio de Relaciones Exteriores, Calzada No. 360, Vedado, La Habana, Cuba, [Telegrams: Ministro Relaciones Exteriores, Havana, Cuba], [Telex: 511122/511464/512950], [Fax: 011 53 7 333085/011 53 7 335261].

(3) Minister of the Interior: (Señor Ministro/Dear Minister), General Abelardo Colomé Ibarra, Ministro de Interior, Ministerio del Interior, Plaza de la Revolución, La Habana, Cuba, [Telegrams: Ministro Interior, Havana, Cuba].

(4) Department of State Security: (Señor Director/Dear Sir), Sr Director, Departamento de Seguridad del Estado, Versalles, Santiago de Cuba, Cuba [Telegrams: Director, Seguridad del Estado, Santiago de Cuba, Cuba].

COPIES TO: *National Union of Jurists:* Unión Nacional de Juristas, Apartado 4161, La Habana 4, Cuba.

Editor of Granma (daily newspaper), Sr Jacinto Granda de Laserna, Granma, Apdo 6260, La Habana, Cuba.

For Urgent Action participants in the United States: Cuba has no embassy in the U.S. at present. To contact its interest in the U.S., write: Cuban Interests Section Mr. Fernando Remirez de Estenoz, 2630-16th St. NW, Washington, DC 20009.

Please send appeals immediately. Check with the Colorado office between 9:00 a.m. and 6:00 p.m., Mountain Time, weekdays only, if sending appeals after August 29, 1997.

July 22, 4:55 p.m. while dictating news to international news services, Lazaro Lazo and Cruz Lima, directors of the Agencia Patria news organizations in Camaguey and Ciego de Avila provinces, were detained and taken to an unknown destination.

July 22, Pascual Escalona Naranjo, National Coordinator of the Movimiento Pro Derechos Humanos Golfo de Guacanayabo, was detained under charges of dangerousness. His wife, Mirta Leyva Lopez, was threatened that she and her husband would lose custody of their 2 children by socially and morally deforming them and planting ideas in them contrary to those of a Communist education.

I think it is important to repeat what I just said. On July 22, when 2 dissidents were rounded up, they were told, the wife of Pascual Escalona Naranjo was told, that her 2 children, aged 10 and 8, would be taken from them because of their advocacy of democracy, their peaceful advocacy of democracy. Their children will be taken, your children will be taken away from you because of socially and morally deforming them. They say implanting ideas in them contrary to those with communist education.

This is unprecedented and unparalleled in history. Often people ask me why is it that Castro has lasted 38 years? There are many factors. But where in the world are peaceful pro democracy activists told that they are going to lose their children if they advocate democracy? Ninety miles away from the United States, in that land that the national media does not report what is going on. That is going on in Cuba, unprecedented and totally unconscionable.

July 24, Ricardo Gonzalez and Juan Antonio Sanchez Rodriguez, journalists for the independent news bureau Cuba Press, were assaulted by Cuban State Security. During the assault State Security agents stole their computer.

Today, July 28, my office received information that Jorge Garcia Perez Antonez and Jesus Chamber Ramirez have been transferred from the infamous Kilo 8 prison to unknown locations where their families cannot visit them, families do not know where they are. No one knows where they are.

Now, Mr. Speaker, a phenomenon that is common among Cuban political prisoners is the highest rate of cancer of prison population in the entire world.

When Leonel Morejon Almagro was first sentenced to the 15-month prison term in 1996 during which, by the way, around 70 of us here in the House, and I thank my colleagues who joined in that marvelous petition, so full of dignity seeking the Nobel Peace Prize for this young lawyer and pro democracy activist in Cuba, Leonel Morejon Almagro. When he was first sentenced to 15 months, last time in 1996, he was placed in the same prison cell where the renown political prisoner, Sebastian Arcos, was previously placed. Arcos, that man who is such an exemplary leader and who now is in exile and very sick in Miami, was denied medical attention for cancer while being confined in that cell for 3 years.

Now, Mr. Speaker, during these days that I have mentioned in this survey with the partial, very limited list of human rights violations that have reached me, the thousands of others, the thousands of other Cuban political prisoners, continued suffering the same savage brutality that they, in fact, continue to suffer to this very moment.

Col. Enrique Labrada continues to receive electroshock torture at the Mazorra Institution for the mentally ill. Labrada was sent there after staging a pro democracy protest on June 21, 1995. Sergio Aguiar Cruz, Francisco Chaviano, Omar del Poso, Jose Miranda, Jesus Chamber Ramirez, and so many others remain in dungeons in the 176 known prisoners, 176 known prisons where pro democracy political prisoners are kept in the enslaved Island of Cuba.

Now I want to thank at this point the American Bar Association for naming 2 of these Cuban human rights activists as winners of the prestigious ABA Litigation Section International Human Rights Award, Rene Gomez Manzano and Leonel Morejon Almagro. Of course Almagro is today in prison, and Manzano, who served his 15 months sentence, has just been told that if he continues in his activities, I am sure he will continue in because he is extraordinarily brave and admirable, he has been threatened for those peaceful activities by the regime, as I have just stated, to 25, that he will be sentenced to 25 years.

I would like to insert at this point in the RECORD the award given by the ABA to these 2 distinguished Cuban lawyers and human rights activists, Mr. Speaker.

TWO CUBAN LAWYERS NAMED WINNERS OF PRESTIGIOUS ABA LITIGATION SECTION INTERNATIONAL HUMAN RIGHTS AWARD

CHICAGO, July 9—Two Cuban lawyers who have represented dissidents in human rights cases, and founded independent organizations seeking to promote the rule of law in Cuba, will receive the annual International Human Rights Award from the American Bar Association Section of Litigation, during the ABA Annual Meeting in San Francisco next month.

Rene Gomez Manzano and Leonel Morejon Almagro are the 1997 award recipients. ABA Section of Litigation Chair Barry F. McNeil will present the awards during a noon luncheon on Tuesday, Aug. 5, in the California West room of the Westin St. Francis Hotel. Michael Tigar, past chair of the Litigation

Section and defense attorney for Oklahoma City bombing suspect Terry Nichols, will deliver the keynote address.

Gomez Manzano and Morejon Almagro are expected to attend the ceremony to accept their awards, provided they are allowed to travel to San Francisco and return to Cuba.

Gomez Manzano is the founder of Corriente Agramontista, an independent professional organization of lawyers in Cuba. Morejon Almagro is one of the founders of the Concilio Cubano, an umbrella organization of lawyers, journalists, accountants, economists and human rights activists.

The theme for the Litigation Section Meeting is, ''Bridge to the Future: Advocacy in a High-Tech World.'' The Section's meeting is held in conjunction with the ABA 1997 Annual Meeting, July 31–Aug. 6.

''Award recipients have pursued the highest ideals of our profession in the face of extraordinary adversity,'' said Christopher Wall, chair of the nomination process. ''These individuals face persecution for advocating rights we too often take for granted in the United States. We hope the award will provide international recognition that will help protect the award recipients from government reprisals.''

The Section of Litigation award annually recognizes lawyers and judges who have made extraordinary contributions in foreign countries to the causes of human rights, the rule of law, and promotion of access to justice.

''These courageous lawyers should be commended for their tireless efforts, and for holding to the belief that all individuals have a right to a fair and unbiased judicial process. We are proud to honor Dr. Gomez Manzano and Dr. Morejon Almagro for their dedication and commitment to promoting justice for Cuban citizens.''

In particular, the award recognizes the following contributions:

Rene Gomez Manzano, a Cuban lawyer, has worked for years defending cases involving human rights violations. He has openly criticized irregularities in court proceedings, and has been arrested and detained many times with no charges brought against him. He has been banned from the Supreme Court and expelled from his lawyers' collective. In 1990, Gomez Manzano helped organize the Corriente Agramontista, a group of lawyers willing to litigate political cases against the state. He has tried to register the organization as an independent law office responsible only to its clients and not the Cuban government. This request has been ignored, and meetings have been disrupted or prevented from taking place. The Corriente Agramontista seeks to reform Cuba's judicial system from within requiring the Cuban government to obey its own laws. Its 1991 manifesto calls for the establishment of a developed rule of law, an independent judiciary, and the democratization and decentralization of the system of state run law offices. In an article that appeared in the July 19, 1995, issue of American Lawyer, Gomez Manzano described the group's philosophy: ''We are not of one political current. We are a movement at the service of the whole country, whether Socialist, Christian Democratic or whatever. We are simply lawyers, professionals.''

Leonel Morejon Almagro, a Cuban lawyer, has faced repeated harassment for defending clients in cases against the government. In 1995 he was instrumental in establishing the Concilio Cubano, an umbrella organization composed of approximately 140 groups, including the Corriente Agramontista. The group's mission is to ''promote a peaceful transition to a democratic constitutional state and the establishment of a legal framework to guarantee the observance of universally accepted human rights.'' The Concilio Cubano has sought legal recognition from the government, which has been denied. The government has engaged in a campaign of harassment against the organization and its members since its inception. This campaign intensified after the Concilio Cubano formally requested authorization from the Cuban government to hold a national meeting in February 1996. Morejon Almagro was arrested, tried without due process, and sentenced to 15 months in prison for ''disrespect.'' During his detention, human rights organizations called for his release, and 57 congressmen signed a letter nominating him for the Nobel Peace Prize. Since his release only a few months ago, the Concilio Cubano has again petitioned the Cuban government requesting that the organization be allowed to meet, and Morejon Almagro has again been assaulted by government agents.

The Litigation Section of the American Bar Association includes approximately 60,000 trial lawyers, judges and others involved in all aspects of litigation and the dispute resolution process. The Litigation Section is dedicated to promoting justice both domestically and internationally and enhancing public understanding of and respect for the legal profession.

Also a brilliant and very impacting and important document named The Homeland, or The Nation, I guess, would be a better translation, the Nation Belongs To All, precisely by the four leaders of the Cuban dissidents task group. This statement is, as I say, of extraordinary importance. I thank Freedom House, commend Freedom House, for its translation and would encourage all my colleagues and those listening, watching through C–SPAN, to read this document.

Mr. Speaker, as I mentioned briefly before, July 13 was the third anniversary of perhaps the most heinous, coldblooded crime, if it is possible to pinpoint any one crime of the Cuban tyrants in 38 years, the sinking of a boat full of refugees, and I do not think, I surely have never done this, I would like to read the names. There were four of the refugees who were missing, who are missing and are unaccounted for. Their names are not known. But 37 of the lost at sea that day are accounted for, and I would like to read their names and their ages.

These people, as I say, they had gone into a tugboat and were seeking to leave in 1994, July 13, and the order was given to sink them, and of course with power hoses they started trying to—that was how the aggression was first committed before these steel, other modern steel tugboats ran them and finally cracked opened the hull and this old tugboat sank, killing over 40 people.

But at the time that the power hoses began to be used against the refugees the refugees lifted some of the babies up so that they could see with the reflectors that they had children on board. That did not stop them. They continued with the power hoses, and of course then sank them, and more than 40 died. I insert these names into the RECORD, Mr. Speaker.

TUGBOAT MARCH 13

PASSENGER'S LIST, JULY 13, 1994

Juan Mario Gutierrez Garcia, age 11.
Giselle Borges Alvarez, age 4.
Eliesser Suarez, age 11.
Cindy Rodriguez Hernandez, age 2.
Jose Carlos Nicle Anaya, age 3.
Angel Rene Abreu Ruiz, age 3.
Caridad Leyva Tacoronte, age 4.
Yousel Eugenio Perez Tacoronte, age 11.
Gelen Martinez Enrique, age 6 months.
Yasel Perodin, age 11.
Liset Alvarez Guerra, age 24.
Lazaro Borges Briel, age 34.
Guillermo Cruz Martinez, age 46.
Joel Garcia Suarez, age 20.
Ernesto Alfonso Loureiro, age 25.
Amado Gonzalez Raices, age 50.
Fidencio Ramel Prieti Hernandez, age 50.
Rigoberto Peud Gonzalez, age 31.
Jorge Balmaseda Castillo, age 24.
Eduardo Suarez Esquivel, age 39.
Estrella Suarez Esquivel, age 45.
Omar Rodriguez Suarez, age 29.
Miralis Hernandez, age 26.
Rosa Maria Alcalde Puig, age 47.
Marta Carrasco, age 44.
Yaltamira Anaya, age 22.
Julia Caridad Ruiz Blanco, age 35.
Jorge, Arquimides Lebrigido Flores, age 28.
Leonardo Notario Gongora, age 27.
Marta Caridad Tacoronte Vega, age 36.
Mayulis Mendez Tacoronte, age 16.
Odalis Muños Garcia, age 20.
Mydalis Sanabria Cabrera, age 19.
Reynaldo Marrero, age 45.
Yuliana Enriquez Carrazana, age 23.
Pilar Almanza Romero, age 30.
Manuel Sanchez Gallol, age 59.
Mylena Labrada Tacoronte, age 3.
Susana Rojas Martinez, age 8.
Daney Estevez Martinez, age 3.
Yandi Gustavo Martinez Hidalgo, age 9.
Sergio Perodin, age 7.
Maria Victoria Garcia Suarez, age 28.
Mayda Tacoronte Vega, age 28.
Deysi Martinez Fundora, age 27.
Jusanny Tuero Sierra, age 20.
Janet Hernandez Gutierrez, age 19.
Jorge Luis Cuba Suarez, age 23.
Ivan Prieto Suarez, age 26.
Dariel Prieto Suarez, age 22.
Gustavo Guillermo Martinez Gutierrez, age 37.
Juan Gustavo Bargaza del Rino, age 39.
Juan Fidel Gonzalez Salinas, age 35.
Daniel Erik Herrera Diaz, age 21.
Eugenio Fuentes Diaz, age 28.
Arquimides Lebrrigido Gamboa, age 52.
Jorge Alberto Hernandez Avila.
Raul Ernesto Munos Garcia, age 23.
Reynaldo Marrero Carrazana.
Roman Lugo Martinez, age 36.
Sergia Perodin Almanza, age 38.
Frank Gonzalez Vazquez, age 20.
Modesto Almanza Romero, age 28.
Jose Fabian Valdez Coton, age 17.
Julio Cesar Dominguez Alcalde, age 32.
Pedro Francisco Crespo Galego, age 31.
Juan Bernardo Varela Amaro.
Armando Morales Piloto, age 37.

□ 2245

They remain at the bottom of the sea about 7 miles out of Havana Harbor. The Cuban Government has never permitted anyone to go and seek the remains, to give them proper burial. Despite numerous requests from people within Cuba, as well as in the international community, for the Government to bring someone to justice, it has not, and of course it cannot, because it is the tyrant himself, the evidence dictates beyond all shadow of any doubt, who gave the order. So that is something that is going to have to be dealt with as soon as possible.

I would like to at this point also mention an article that did not come

out in the press here, but did come out in the press in Madrid in the ABC newspaper, which is one of the most prestigious and oldest newspapers in Madrid.

A doctor in Cuba in charge of the AIDS center in Santiago, Las Vegas, near Havana, has admitted that over 100 young people in Cuba have been injected with the AIDS virus in an experiment; that 90 percent of them have died; that they were told that, at the time they were injected, that there was a good chance that there would be a vaccine, a cure, developed before anything would happen to them, and that in the interim, they would be in a five-star luxury resort.

This is an admission by Dr. Jorge Perez, the director of the AIDS treatment center at Santiago Las Vegas in Havana. I have heard nothing from the national media in the United States, nothing on CNN, and yet an admission from this Cuban doctor was published in the ABC newspaper, this monstrosity.

The doctor said, ''We sinned from paternalism by presenting the AIDS detention center as a paradise.'' This monstrosity is something that I think the media has an obligation to bring to the international community and that the national media in the United States has an obligation to bring to the American people.

What we have, Mr. Speaker, is a tyrant whose jokes continue to be laughed at and his beard caressed by even some of our colleagues who go and visit there occasionally and laugh at his jokes, while his crimes are not even reported. The American people are not told about what he is doing.

Nevertheless, the instinct, the sense that the American people have about the fact that that tyrant is an enemy of the United States and a hater of his own people, is very strong and something that I think that history will see as a distinguishing characteristic of the American people, that ever wise, deeply wise American people.

Of course, the Cuban people will always be grateful for the sense of solidarity that has always come in that distinctive way from the people of this great Nation, the United States of America. I want to thank Assistant Secretary Jeffrey Davidow for stating, and I read it today, his remarks: ''The hemisphere cannot reach its potential, cannot become whole, cannot be fully democratic, cannot fully confront the realities of economic globalism or meet the challenges of crime, narcotics, human rights abuses, and other transnational issues, when one nation, Cuba, remains undemocratic.''

I thank him for that statement. It rings out as distinctive in this world, which demonstrates consistently such lack of solidarity and such lack of care, such lack of concern, such lack of awareness toward what is happening in the holocaust occurring 90 miles to that unarmed people, the Cuban people.

I think that obviously much more must be said, but, nevertheless, the statements of Secretary Davidow are to be commended and thanked. We will continue speaking, Mr. Speaker, on the reality of the Cuban tyranny, on human rights violations, on the fact that there is a cover-up going on by the Government, President Clinton, against the drug smuggling activities that the Cuban tyrant has engaged in.

My colleagues, the gentleman from Indiana, Mr. DAN BURTON, and the gentlewoman from Florida, Ms. ILEANA ROS-LEHTINEN, and I wrote a letter to General McCaffrey, the director of the Office of National Drug Control Policy, back in November, with page after page of evidence, and including other unclassified evidence that we have of Castro's participation in the drug trade.

We were very disappointed with his lack of response and also the lack of response of other agencies. There should be no contradiction between what the field people in south Florida tell us, and they have told us on tape of the fact that over 50 percent of the cocaine that comes into the United States in the Caribbean comes through or by Castro's Cuba, and the cover-up that we see time and time again from the top of the DEA and the White House.

That is unacceptable, and we are going to continue to talk about that, and we are going to have another Special Order soon specifically limited to this evidence that is being covered up of Castro's participation in the drug trade.

This is poisoning the youth of America, and for whatever reasons, of appeasement, of not wanting to confront Castro, a fear that he will release refugees, or whatever the fear is caused by, that appeasement is caused by, it is simply inexcusable that there is a cover-up of that dictatorship's participation in the drug trade.

So we will have another of these Special Orders in the next weeks, specifically on the evidence of Castro's participation in the drug trade and, thus, the cover-up that is occurring by the administration of the evidence that it knows, it has, of Castro's participation in the drug trade.

Suffice it to say at this point that there is an indictment ready to be filed by the U.S. attorney in the Southern District of Florida charging the Cuban Government as a racketeering enterprise, and 15 members of the hierarchy of the Cuban dictatorship, charging them with cocaine trafficking into the United States, and that because of a political decision, that indictment was put into a drawer and it has been hidden. It has not been authorized to be issued.

In addition to that, a drug trafficker who was arrested last year not only implicated Castro personally in multiple drug deals but agreed to go in under surveillance and do another deal with Castro, and the administration has shut that up as well.

So we will continue to talk about these subjects. The American people deserve it.

THE DANGERS OF THE PROPOSAL OF THE U.S. FISH AND WILDLIFE SERVICE TO INTRODUCE GRIZZLY BEARS INTO IDAHO

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Idaho [Mrs. CHENOWETH] is recognized for approximately 35 minutes, half the remaining time until midnight.

Mrs. CHENOWETH. Mr. Speaker, I am taken with the comments of my colleague, the gentleman from Florida [Mr. DIAZ-BALART]. He truly is a freedom-fighter, and I am very pleased that he brought these comments to the attention of the American people.

I want to speak on an entirely different issue, in an entirely different area of the world. I would like to begin my comments tonight, Mr. Speaker, with a joke. Members may have heard the joke. A preacher was being chased down the mountain by a grizzly bear. Just as the bear was about to catch him, the preacher fell to his knees and made a plea to God. He said, Oh, Lord, I implore you to make a Christian out of this bear. Shortly after this prayer, the grizzly bear immediately fell to his knees and proclaimed, Dear Lord, please bless this food I am about to eat.

Mr. Speaker, that was a joke, but, unfortunately, what I am about to share with Members tonight is not a joke, it is reality. I rise this evening to speak about the proposed introduction of these man-eating animals in my State.

Yes, that is true. I would say to my colleagues who are listening, if they have ever wondered why many Members in the West like me have real concerns about the current implementation of the Endangered Species Act, I beseech them to listen attentively to my comments. I think only then Members will begin to understand the sense of sometimes the absurd manner in which this act is being carried out by the Federal agencies. If there ever was an example of how out of touch our extreme environmental policies have become, this is it.

Quite simply, the U.S. Fish and Wildlife Service has actually prepared a plan to introduce grizzly bears, known by their Latin name as ursus horribilis, into a huge portion of my district.

Mr. Speaker, let me explain to the Members what the implications are of this proposal to the management policies of a significant portion of the State of Idaho. To help illustrate my point, I would like to draw Members' attention to this rather large map of Idaho that has marked in it the area that the Fish and Wildlife Service has designated as the recovery area for the grizzly bear under their plan to introduce the bear back into the State.

As we can see, this is an enormous area. It is almost 28.5 million acres. It includes 14 counties populated by nearly a quarter of a million people and has at least 13.2 million visitors a year. It is over one-third of the State of Idaho.

The grizzly bear recovery area runs very close to Boise, ID. It includes an area that has our University of Idaho in it. It has many populated areas in this area. Just to give Members an idea about how big this area is, let me give a comparison. In this area we could fit the States of Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, Vermont, and Rhode Island, into this area that we see colored in red on this map, plus have over 1 million acres to spare.

How would the introduction of the grizzly bear affect this massive area? The grizzly bear, in terms of management, is unlike any other species. In short, it is a huge and dangerous animal, and that is a huge and dangerous problem for us. The grizzly bear is, by its nature, a large predatory mammal that, provoked or unprovoked, can move very quickly to viciously attack a human or an animal. In addition, the grizzly has special dietary needs and requires a vast amount of area for its habitat, which can range between 10 square miles and 168 square miles, depending on the availability of food.

The Wildlife Management Institute states in its book ''Big Game of North America, Ecology and Management,'' that, and I quote, ''For most species, protection is an uncomplicated and effective method of preservation. When bears are totally protected, however, some individual bears can be aggressive towards people or cause damage to livestock and property, which makes imperative a different form of management.''

The book cites several distinct human-related activities grizzly bear management needs to address in favor of the grizzly bear. These management considerations include the construction of town sites and populated areas, which by the way, already exist; campgrounds, which already exist; trails; roads; storage of food or bait, and garbage disposal; the allowance of too many people into prime bear habitat for a multitude of activity, such as simple living, hiking, fishing, hunting, camping, livestock management, and the allocation of space for forage, and other resources in areas heavily used by both bears and humans.

In essence, what introducing the unpredictable grizzly bear under the full protection of the Endangered Species Act means is that this large area that we see blocked in this map will experience a complete change in its lifestyle. People will not be able to behave or work in the way they used to in this area, in this part of Idaho. Roads normally open will be shut down. Hiking trails will be restricted. Camping areas will be closed. Hunting will be restricted. Livestock and logging practices will be dramatically altered.

All in all, in order for the bears to survive and diminish human risk, hundreds of square miles at any given time, depending on where the bear roams, would either have to be shut down or have human activity severely restricted.

Let me quote from a very interesting book about the behavior of grizzly bears, in a book titled ''Alaska Bear Tales.'' The book states that, ''A bear's nature is definitely interesting and different. They have their own individuality. No two bears will do the same thing in a given situation, and a bear may not do the same thing twice. But then again, though there will always be exceptions to the last statement, it would serve us well to commit it to memory.''

I ask Members, Mr. Speaker, if every individual bear's behavior is so different, how in the world can the bureaucrats begin to come up with any workable management scheme for bears? It is just not going to work.

How does the Fish and Wildlife Service intend to answer that question? Their only answer is, and I will tell the Members straight out, it is by shutting down human activity in the area that we see on this colored map.

□ 2300

The changes would result from the existence of protected grizzly bears that would dramatically alter the management of this area in Idaho and some in Montana. This is an absolute perversion of the Endangered Species Act. This is a perfect example of how the legitimate goals of the act, once supported by almost everyone, have been twisted to fit the whims of a few who have a different view on how our land should be managed. It is a ploy that those who are directly affected by this misapplication of the act have come to resent.

Mr. Speaker, I would like to expound further on a very important element of the grizzly bear introduction and that is the danger these predators present to human beings. This aspect brings the grizzly bear introduction into a whole new realm of incomprehensibility of purpose and unmeasured cost.

Mr. Speaker, it is an undisputed fact that the grizzly bears tend to possess a propensity of violence toward humans and animals. As the Fish and Wildlife Service well documents, grizzly bears were almost exterminated from the lower 48 States, and this was not because there was a market for their fur or for their meat, because there was not, but simply because individuals who settled in the Great Plains in Idaho, Montana and California, whose flags bear the picture of an emblem of the grizzly bear, they all sought protection for their families and their domestic animals from what in their minds was the most terrifying of all animals in America.

While settlers may have recognized the majesty of these animals, they realized the horrible threat that they were, and there was no Federal act that stopped them from taking action to eliminate this threat. Thank goodness. Lewis and Clark described in their journals the absolute terror that they and the Indians had for these animals, the extreme frustration that they felt when they could not successfully kill the animals, even with several shots fired from their 18th century guns.

Mr. Speaker, I think that it is important in looking at this issue to share just how vicious the grizzly bears are to human beings. Let me warn you, what I am going to speak about is a bit gruesome but it is a real factor in this issue and it needs to be laid out there.

An adult grisly can weigh as much as 450 pounds. It can run up to 40 miles an hour over irregular terrain. It has a keen sense of hearing and an even keener sense of smell. The teeth are large and very, very sturdy, especially the canines, and although they are not particularly sharp, the power of the jaw muscles allow them to readily penetrate deep into soft tissues and to fracture facial bones and bones of the hand and forearm with ease.

The resulting trauma is characteristically a result of punctures with sheering, tearing, and crushing force. Claws on the front pads can be as long as human fingers and can produce significant soft tissue damage in a scraping maneuver that results in deep parallel gashes. The bear paw is capable of delivering powerful forces, resulting in significant blunt trauma, particularly to the head and the neck region, the rib cage and the abdomen.

In many reported cases bears attack and then they begin to back off and wait and watch and again resume mauling the victim, sometimes going for the head, especially if they see movement.

The bears then wait and watch, once again, and then swipe claws across the genital areas to test signs of life. And this is typical. An unarmed person's only defense, say the experts, is to play dead and whatever, the experts advise, do not move. Unfortunately, if a bear is hungry or angered or if you happen to be between a bear and a cub or a pile of food, you may not have time to get down and play dead. When one studies bear attacks, it is easy to see why humans have developed a healthy fear of these animals.

Let me also note that while it is an unusual occurrence, grizzly bear attacks on humans do continue on a regular basis in areas where the bear exists. That is why we do not want it to exist in Idaho.

Grizzly bears have not become kinder and gentler with age. In fact, in the past few years, because more people are recreating in our forests and lands, documented attacks have increased.

Let me share with you some of these recent occurrences. In early September 1996, an individual hunting elk in an area a few miles north of Yellowstone was attacked without provocation. He was with another hunter, questioning the notion that bears only attacked individuals who are alone, and had part of his biceps bitten off.

In Alaska, where grizzly bear attacks occur on a regular basis, recently a

woman and her husband were backpacking in a wilderness area near Fairbanks. The woman was attacked by a grizzly which resulted in her facial bones being smashed, her nose missing, her scalp shredded or gone, massive wounds in her legs and buttocks.

Also an American woman is suing the Canadian Government because of emotional and physical scars left from a grizzly rampage at a Canadian park campgrounds in 1995. A number of unreported bear encounters occurred shortly before the ranger and friends had their tents ripped through and were attacked by grizzly bears early in the morning, and the attack left the ranger with a number of disfiguring scars.

In August 1996, a man on a hiking trip was killed by a grizzly bear in Alaska. The man and his friends had taken all the suggested precautions in going into known bear country, such as wearing bear bells and making noise while they hiked through the brush. The attack was quick and the man was killed very rapidly.

In June 1996, an elderly man hiking a common trail in Glacier National Park while taking a rest was attacked by a grizzly bear leaving a gash in his scalp, a trail of holes down his back, and a broken leg bone. Park officials determined that the man had inadvertently invaded the bear's space and, therefore, it did not need to be relocated or killed.

In August 1996, an experienced backpacker was killed in the Yukon Territory by a grizzly bear. And in October 1995, a man hiking in British Columbia was attacked by a bear after taking off his shoes and socks near a stream. Also in October 1995, two hunters were killed by three grizzly bears in British Columbia and they were carrying out a carcass of elk. You cannot possibly expect to hunt, dress out game, and pack it out without having blood on your hands, blood on your clothes, an immediate attraction for grizzly bears.

In August 1996, a 9-year-old, 550-pound grizzly bear near the Yellowstone area was finally destroyed by park officials after killing dozens of cattle, preying on 10 calves alone in the 2 weeks before it was put to death. Since 1990, there have been 17 grizzly bear maulings in Glacier National Park, 5 maulings in Yellowstone Park.

One very compelling story is that of an 18-year-old boy, living not far from my district in Broadus, MT. His name is Bram Shaffer. He was hunting near Horseshoe Mountain, 10 miles north of Yellowstone, and he was walking along quietly, not calling out and certainly no bear calls, keeping his eyes mostly on the ground, when he stepped out of the stand of trees to find a grizzly bear already charging him. The 18-year-old had time to take four desperate steps, trying to get out of the way, when Bram's head was suddenly in the bear's mouth and then Bram later wrote, she threw me to the ground and started chewing on me like I was a big dog bone. She had my left thigh in her mouth, and she was shaking me around like a dog would a dish towel.

When it was over, Bram was alone in the woods. It was getting dark and beginning to rain. The temperature near freezing. The bear had bitten a chunk of meat from his right side under his arm about the size of a football. One hand and wrist were chewed up. The scalp was open to the bone. He was covered with blood but worst of all was his left thigh. It looked like someone had taken an axe to it again and again. Most of the big muscle that runs down the front of the thigh was hanging out of his jeans, peeled back from his leg for much of its length.

Most of us would have fainted at that sight but Bram tucked the muscle back in his jeans as best he could and tied it up with his hunting vest. He got up and he found that while he could not bend the leg, he could walk stiff legged using his wounded left knee as kind of a peg. He could not go uphill but he could go downhill and he had his rifle and 9 rounds so he knew he could fire signal shots and he knew they would come looking for him. Even after rescue, many hours later, his nightmare was not over. He waged a war against gangrene. As his doctors explained a bear's mouth is notoriously foul, especially one that had been feeding on intestines. But Bram managed to survive and after three operations expert surgeons managed to save his leg. About 35 percent of his thigh is simply gone. He walks with the help of crutches and will likely have a severe limp for the rest of his life.

Mr. Speaker, when I presented these types of concerns about human risk to the Fish and Wildlife Service at a recent hearing I held in the House Subcommittee on Forest and Forest Health, I was quite dumbfounded at the response that I was given by the officials in charge of this program. I asked them if they knew that there was a known killer in the forest, would they allow that killer to remain there to cause harm to human life and limb?

They, too, recognized the danger of grizzly bears. However, they brushed the threat off as being rare and part of the thrill of being in the wild. They rationalized that putting grizzly bears in the woods only makes it a part of the other natural dangers that anyone must contend with when they venture out into the wide open. Even with their plan they estimate that there could be about one human injury or death each year.

Let me repeat, the Fish and Wildlife Service is planning for about one human injury that could result in death due to the grizzly every single year.

Mr. Speaker, I have to say that I was mystified by that response. I ask this House, Mr. Speaker, is introducing this predator, one that is not threatened with extinction, worth the cost of even one human life? Is it worth even the cost Bram Shaffer and his family have had to pay for his injuries?

Mr. Speaker, using this same logic introducing the grizzlies into Idaho is like pouring toxic substance into a water supply. It may only kill one in 10,000 or so, but it still is not a good thing to do. And in addition, knowingly doing this makes one liable for serious personal injury claims involving negligent disregard for human life and safety. I would like to share with you how a dangerous instrumentality is defined by law. Keep in mind that these are the types of definitions created through case law that are used when liability cases are considered in court.

The Black's Law Dictionary defines a dangerous instrumentality as anything which has the inherent capacity to place people in peril, either in itself or by careless use of it. Due care must be used to avoid injury to those reasonably expected to be in proximity. And it goes on to say, ''in certain cases absolute liability may be imposed.''

Mr. Speaker, based on what I have described to you, can introducing the deadly grizzly bear into the human environment be construed to mean anything differently than the inherent capacity to place people who are in the proximity in peril? I think not.

What this clearly means to me is that introducing a dangerous predator in a human environment will undoubtedly open up the prospect of making the Government or its personnel liable in courts from any resulting death or injury. This could potentially be very costly to the taxpayers.

Let me say for the record, Mr. Speaker, not one human death or injury resulting from a grizzly bear attack is acceptable to this Congressman. In fact, it should not be accepted by anyone who values human life. I do not want to have to stand up before a spouse, a parent, a child, brother, or sister who have lost their loved one because of a rare occurring brutal grizzly bear attack and explain that this tragedy would not have occurred had we not introduced this dangerous animal into Idaho in the first place.

□ 2315

In addition, for those who visit and work in this beautiful area, the threat of abrupt death or injury, no matter how unlikely it may seem, will also always be in the back of their minds. When we hike on our trails, when we sleep in our tents or go about our business, we will always have to contend with the possibility that we have accidentally stepped in the pathway between a mother grizzly and her cub, an often fatal error.

Mr. Speaker, with all of the concerns that I have shared tonight, and believe me this is not an easy special order speech to give because it is so unpleasant, but it should come as no small wonder that the opposition in Idaho against this misguided proposal is overwhelming and decisive. In fact, every single elected official in Idaho, and that includes the entire congressional delegation, the Governor, the

entire State House, the Attorney General, every State legislator, with the exception of one who voted against a resolution opposing the grizzly bear introduction, all the county commissioners, the sheriffs, so on and so forth, are adamantly opposed to the introduction of grizzly bears even as an experimental population.

And, remember, Mr. Speaker, they are not in danger of extinction. Even the head of the Idaho Fish and Game Department has publicly stated that, under the direction of the Governor, he will not issue permits to allow the bears into this State, and yet the program goes on. This is utter arrogance, utter nonsense, and a total misexpenditure of the American taxpayer.

In addition, 90 percent of the people who live, recreate and work in the affected area are dead set against this proposal. Campers and hikers are concerned, for obvious safety reasons, and because many of the trails in areas would be made off limits. Hunters are also concerned about dramatic reductions in the game animal population. Ranchers are concerned about loss of cattle and road closures, and private property owners are deeply concerned about bears foraging too close to their homes.

Overall, people are not only afraid of the immediate threat, and I mean afraid of the immediate threat of having bears in their backyards, but also being subject to severe restrictions in accessing the forest and lands both for recreational and industrial purposes.

Mr. Speaker, what part of ''no'' does the Fish and Wildlife not understand about this crazy program? Amazingly, despite being fully aware of the State's solidarity against their proposal, the Fish and Wildlife Service is moving forward with their plans to introduce these bears. What is even more incredible and even more unbelievable is that the way they are addressing the State's concerns.

The preferred alternative for the introduction of the bear is to turn the day-to-day management of these animals over to the State and community as part of a citizens management committee. I can tell my colleagues the State does not want them. But what that really means is that the management and enforcement of an ill-advised and hazard-filled program will be passed to individuals, some of whom have strenuously opposed the very idea of introduction from the beginning.

On its face, it is utterly preposterous. How will the local citizens feel when their county government has to close numerous roads and trails because it is bear habitat, grizzly bear habitat? Will the local governments be able to handle the cost of litigation coming from groups seeking costs of damages caused by the bear, or from environmental groups who feel that there are not enough restrictions on land use?

How will local law enforcement deal with the dilemma of prosecuting a rancher who has killed one of the bears to protect his livestock? My colleagues may say the Endangered Species Act allows for ranchers to protect their property or their life. Well, ask John Schuler, a rancher in Montana, who early one February morning was awakened to the unmistakable sound of a grizzly bear in his sheep pens. He got up and went outside and fired a couple of shots and, sure enough, a couple of grizzlies bounded out of the sheep pens, and the sheep were piling up on one end.

Well, John Schuler stayed out there for 2 or 3 hours with the sheep and he did not see any more signs of the grizzly so he decided to go back to get an hour or so of sleep before dawn. As he was going back to his house, suddenly out of the dark rose a grizzly bear with his paws in the air and he growled. John Schuler did what any human being would do with a gun in his hand: He shot the bear.

Well, the bear came down, and there was no stirring or movement, so John Schuler went on and went ahead to his home to get a couple of winks of sleep, deciding he would take care of the carcass, notify the proper agencies in the morning, and so he did. But when he came out in the morning the grizzly bear was gone and all there was was a trail of blood into the woods.

Well, John Schuler got his gun and dogs and went into the woods. He had not been there long when a wounded grizzly bear charged him, bent on killing John Schuler. Well, this time John Schuler shot the bear and made sure that the bear was dead. He notified the agencies and they came out and did the necessary investigation. And lo and behold, Fish and Wildlife Service sued John Schuler for the intentional taking of an endangered species.

One might think that case would be easy to defend. In fact, one of America's finest litigating organizations, the Mountain States Legal Foundation, defended John Schuler. But in the lower court they lost, and that issue is on appeal now. But they lost and John Schuler was fined.

The judge reasoned that when John Schuler shot the bear, when the bear rose up and growled at him when he was going back to his home, the judge reasoned that that was a greeting; a greeting, Mr. Speaker. And what about when the bear came out of the bushes bent on killing John Schuler? Did he not have a right to defend his life? Well, the judge reasoned that the bear was provoked by John Schuler's actions the night before, and so the bear was doing only what bears normally do when they are provoked: They kill humans.

No, we must do something in this Congress to make sure that we begin to put the Endangered Species Act back on a stable and focused plan.

I would like to make one last point, Mr. Speaker, that even makes this whole idea absurd. The introduction of the grizzly bear into Idaho is not even necessary, as I have said before, for their survival or even the recovery of the species. Let me say that again. For the fourth time, the introduction of the grizzly bear in Idaho is not even necessary for their survival or even the recovery of the species.

The agency has arbitrarily chosen this area to introduce grizzly bears, not because the species is in danger of extinction but because they have determined this area is suitable habitat and historically inhabited by grizzly bears.

Just wait, Mr. Speaker, until they try to introduce the grizzly bear into the Great Plains or California. Keep in mind, Mr. Speaker, grizzly bears currently inhabit and are beginning to thrive in such areas as Yellowstone Park and the Cabinet-Yaak Mountains in Montana, and are already currently protected by the Endangered Species Act. In addition, the grizzly bear numbers in the tens of thousands in Canada and Alaska.

In other words, Mr. Speaker, where ursus horribilis exists, there is no threat of extinction. However, because they are not where the Government thinks they may have possibly existed, and where the Government thinks in their misguided wisdom that they should be now, which according to the Fish and Wildlife Service is most of the Western United States, the Endangered Species Act requires them to expend taxpayer resources to eventually return them to these areas, or so they think the ESA requires them.

This, in my opinion, is not an appropriate utilization of the act or taxpayers' money. In fact, I would like to read from the act itself, the section that delineates the process of introducing experimental populations which the Service is citing as their authority for this proposed action.

It states: ''Before authorizing the release of any experimental population, the Secretary shall by regulation identify the population and determine, on the best available information, whether or not such a population is essential to the continued existence of an endangered species or a threatened species.''

Mr. Speaker, is the introduction of the grizzly bear into the Bitterroot area in Idaho essential to the continued existence of the grizzly bear as required by this section? Clearly, Mr. Speaker, it is not.

Further, it might surprise my colleagues to know that when ESA was reauthorized in 1978, the Congress was concerned about the unnecessary expansion, back then, 9 years ago, the unnecessary expansion of the grizzly bear habitat in the West, and even addressed this concern in the committee report that accompanied the act.

That is surprising, is it not? Allow me to read from the 1978 congressional report.

''The committee is particularly concerned about the implications of this policy where extremely large land areas are involved in a critical habitat designation. For example, as much as

10 million acres of Forest Service land is involved in a critical habitat being proposed for the grizzly bear in the Western United States. Much of the land involved in this proposed designation is not habitat that is necessary for the continued survival of the bear.''

We do not have just 10 million acres, Mr. Speaker, that they are proposing here. We can set five eastern States inside this area. Clearly, the agency is ignoring what the congressional intent is and what the Congress specifically addressed in 1978, and clearly Congress had in mind the unnecessary expansion of grizzly habitat when it reauthorized the Endangered Species Act in 1978.

The real question is why the agencies blatantly disregard the explicit congressional intent in this matter and have moved forward in designating this massive area in Idaho and Montana for the grizzly bear, driven on by special interest national environmental groups.

Mr. Speaker, I would venture to say that any Member of this Chamber, whether they are Democrat or Republican, eastern or western, conservative or liberal, if faced with the possibility of having ursus horribilis introduced into their district, I would be happy if they would stand up, as I have, and vigorously object to this. If there is one in this body who feel that they could defend having the bears in their district, please see me and I think we can arrange something. Somehow, I doubt that there is such a Member.

If Members are among those who would oppose this action in their district, then I would implore them, any of the Members of this body, to join me in stopping this completely unnecessary and costly action from happening in my district. They can do so by cosponsoring H.R. 2162, a bill that I have introduced that simply would prohibit the reintroduction of grizzly bears into the Bitterroot ecosystem in east central Idaho.

With my colleagues' help we can stop this nonsense by the Fish and Wildlife Service and work on a more legitimate use of the Endangered Species Act. Continuing these efforts to introduce dangerous predators where millions of people live and work will only serve to give ESA another black eye and turn more people against the environmental policies of this administration.

I hope that in my speech tonight, that I have been able to educate my colleagues with some very strong evidence of how the policies instituted under the Endangered Species Act have completely gone adrift. I also hope that it will drive my colleagues, as it has me, to come together and to rein in this extreme environmental policy that we now see running rampant in some of our agencies, and come up with one that addresses the real needs of our environment, while at the same time respecting the lives and livelihoods of those who are affected by our environmental policies.

It can be done, Mr. Speaker. It must be done. And with all of our help, working together, it will be done.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORBES (at the request of Mr. ARMEY), for today and the balance of the week, on account of his father's death.

Mr. SCHIFF (at the request of Mr. ARMEY), for today and the balance of the week, on account of medical reasons.

Ms. EVANS (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT), for today after 7 p.m., on account of personal reasons.

Mr. GONZALEZ (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of medical reasons.

Mr. RUSH (at the request of Mr. GEPHARDT), for today, on account of airline cancellation due to inclement weather.

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 Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request, of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. HUTCHINSON, for 5 minutes, on July 29.

Mr. HILL, for 5 minutes, on July 29.

Mr. GIBBONS, for 5 minutes, on July 29.

Ms. ROS-LEHTINEN, for 5 minutes, on July 29.

Mr. KASICH, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, on July 29.

Mr. GOSS, for 5 minutes, on July 29.

Mr. DUNCAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. CLAYTON) and to include extraneous matter:)

Mr. DEFAZIO.

Mr. HAMILTON.

Mr. BENTSEN.

Mr. LANTOS.

Mr. MILLER of California.

Mr. CLEMENT.

Mrs. CARSON.

Mr. JOHNSON of Wisconsin.

Mr. CONYERS.

(The following Members (at the request of Mr. DUNCAN) and to include extraneous matter:)

Mr. FORBES.

Mr. SOLOMON.

Mr. SCHIFF.

Mr. LEWIS of California.

Mr. BILIRAKIS.

Mr. RAMSTAD.

(The following Members (at the request of Mrs. CHENOWETH) and to include extraneous matter:)

Mr. COSTELLO.

Mr. BALLENGER.

Mr. PACKARD.

Mr. GREEN.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 833. An act to designate the Federal building courthouse at Public Square and Superior Avenue in Cleveland, Ohio, as the ''Howard M. Metzenbaum United States Courthouse''; to the Committee on Transportation and Infrastructure.

S. 1000. An act to designate the United States courthouse at 500 State Avenue in Kansas City, Kansas, as the ''Robert J. Dole United States Courthouse''; to the Committee on Transportation and Infrastructure.

S. 1043. An act to designate the United States courthouse under construction at the corner of Las Vegas Boulevard and Clark Avenue in Las Vegas, Nevada, as the ''Lloyd D. George United States Courthouse''; to the Committee on Transportation and Infrastructure.

S. Con. Res. 43. Concurrent resolution urging the United States Trade Representative immediately to take all appropriate action with regards to Mexico's imposition of antidumping duties on United States high fructose corn syrup; to the Committee on Ways and Means.

□ 2330

ADJOURNMENT

Mrs. CHENOWETH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Tuesday, July 29, 1997, at 9 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4367. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Sheep Promotion, Research, and Information [No. LS–97–002] received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4368. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Popcorn Promotion, Research, and Consumer Information Order [FV–96–706FR] received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4369. A letter from the Administrator, Agricultural Marketing Service, transmitting

the Service's final rule—Milk in the Carolina and Certain Other Marketing Areas; Order Amending the Orders [Docket No. AO–388–A9, et al.; DA–96–08] received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4370. A letter from the Acting Administrator, Agricultural Research Service, transmitting the Service's final rule—National Arboretum [7 CFR Part 500] received July 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4371. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—User Fees; Agricultural Quarantine and Inspection Services [Docket No. 96–038–3] (RIN: 0579–AA81) received July 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4372. A letter from the Administrator, Cooperative State Research, Education, and Extension Service, transmitting the Service's final rule—1890 Institution Capacity Building Grants Program; Administrative Provisions (RIN: 0524–AA03) received July 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4373. A letter from the Administrator, Cooperative State Research, Education, and Extension Service, transmitting the Service's final rule—Higher Education Challenge Grants Program; Administrative Provisions (RIN: 0524–AA02) received July 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4374. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Myclobutanil; Pesticide Tolerances for Emergency Exemptions [OPP–300510; FRL–5729–3] (RIN: 2070–AB78) received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4375. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lambda-cyhalothrin; Time-Limited Pesticide Tolerance [OPP–300509; FRL–5728–8] (RIN: 2070–AB78) received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4376. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerances for Emergency Exemptions [OPP–300511; FRL–5729–4] (RIN: 2070–AB78) received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4377. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Vinclozolin; Pesticide Tolerance [OPP–300507; FRL–5727–9] (RIN: 2070–AB78) received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4378. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin; Pesticide Tolerances [OPP–300508; FRL–5728–3] (RIN: 2070–AB78) received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4379. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fomesafen; Pesticide Tolerances for Emergency Exemptions [OPP–300512; FRL–5729–5] (RIN: 2070–AB78) received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4380. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Disaster Set-Aside Program—Second Installment Set-Aside [Workplan No. 96–051] (RIN: 0560–AE98) received July 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4381. A letter from the Acting Executive Director, U.S. Commodity Futures Trading Commission, transmitting the Commission's final rule—Interpretation Regarding Use of Electronic Media by Commodity Pool Operators and Commodity Trading Advisors for Delivery of Disclosure Documents and Other Materials [17 CFR Part 4] received July 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4382. A letter from the Secretary of Agriculture, transmitting a report of a technical violation of the Anti-Deficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4383. A letter from the Director, Defense Finance and Accounting Service, transmitting notification that the Defense Finance and Accounting Service (DFAS) is modifying the scope of the cost comparison study of accounting functions supporting the Defense Commissary Agency (DeCA), pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

4384. A letter from the Assistant Secretary, Department of the Navy, transmitting notification of the Secretary's intent to study a commercial or industrial type function performed by 45 or more civilian employees for possible outsourcing, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

4385. A letter from the Secretary of Defense, transmitting the Secretary's certification that the current Future Years Defense Program (FYDP) fully funds the support costs associated with the H–60 multiyear program through the period covered by the FYDP, pursuant to 10 U.S.C. 2306b(i)(1)(A); to the Committee on National Security.

4386. A letter from the Acting Comptroller General, General Accounting Office, transmitting a report entitled ''FINANCIAL AUDIT: Panama Canal Commission's 1996 and 1995 Financial Statements'' [GAO/AIMD–97–92] July 1997, pursuant to 31 U.S.C. 9106(a); to the Committee on National Security.

4387. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Extension of the Active Duty Dependents Dental Plan to Overseas Areas [DoD 6010.8–R] (RIN: 0720–AA36) received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

4388. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Truth in Negotiations and Related Changes [DFARS Case 95–D708] received July 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

4389. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting the annual report of the National Advisory Council on International Monetary and Financial Policies for fiscal year 1992, pursuant to 22 U.S.C. 284b, 285b(b), 286b(b)(5), 286b–1, 286b–2(a), and 290i–3; to the Committee on Banking and Financial Services.

4390. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Procedure for Imposing Assessments on the FHLBanks [No. 97–42] (RIN: 3069–AA51) received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4391. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 514(a) of the Housing Act of 1949 to expand the entities eligible for farm labor housing loans to include limited partnerships, in which the general partners are nonprofit entities; to the Committee on Banking and Financial Services.

4392. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 173, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

4393. A letter from the Secretary of Education, transmitting Final Regulations—Direct Grant Programs, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4394. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Direct Grant Programs (RIN: 1880–AA76) received July 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4395. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Energy Information Administration's Annual Report to Congress 1996, pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Commerce.

4396. A letter from the Executive Vice President and Chief Operating Officer, Corporation for Public Broadcasting, transmitting the annual report on the provision of services to minority and diverse audiences by public broadcasting entities and public telecommunications entities, pursuant to Public Law 100–626, section 9(a) (102 Stat. 3211); to the Committee on Commerce.

4397. A letter from the Acting General Counsel, Department of Energy, transmitting the Department's final rule—Energy Conservation Program for Consumer Products; Fluorescent and Incandescent Lamp Test Procedures [Docket No. EE–RM–220–IF] (RIN: 1904–AA61) received July 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4398. A letter from the Acting General Counsel, Department of Energy, transmitting the Department's final rule—Acquisition Regulations; Department of Energy Management and Operating Contracts [1991–AB–28] received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4399. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to Criteria for Municipal Solid Waste Landfills [FRL–5275–3; FRL–5865–3] (RIN: 2050–AE24) received July 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4400. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Revisions to the Tennessee SIP Regarding Prevention of Significant Deterioration and Volatile Organic Compounds [TN189–1–9730(b); TN194–1–9731(b); TN198–1–9732(b); FRL–5859–7] received July 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4401. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; 15% Rate of Progress

Plan and Contingency Measures for the Cecil County Nonattainment Area [MD 038–3016; FRL–5864–9] received July 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4402. 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; Minnesota [MN44–01–7269a; FRL–5861–6] received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4403. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plans; Vermont: PM10 Prevention of Significant Deterioration Increments [VT–01–015–01–1217(a); A–1–FRL–5859–9] received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4404. 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 Wisconsin [WI66–01–7242; FRL–5861–8] received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4405. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Changes to the Board of Directors of the National Exchange Carrier Association, Inc.; Federal-State Joint Board on Universal Service [CC Docket No. 97–21; CC Docket No. 96–45] received July 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4406. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Radiological Criteria for License Termination (RIN: 3150–AD65) received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4407. A letter from the Secretary of Health and Human Services, transmitting a report entitled ''Performance Improvement 1997: Evaluation Activities of the U.S. Department of Health and Human Services,'' pursuant to section 241(b) of the Public Health Service Act; to the Committee on Commerce.

4408. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 08–97 for U.S. involvement in the NATO Tactical Communications (TACOMS) in the Land Combat Zone Post-2000, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4409. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Taiwan (Transmittal No. DTC–83–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4410. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Russia, Ukraine and Norway (Transmittal No. DTC–16–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4411. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Japan (Transmittal No. DTC–43–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4412. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Turkey (Transmittal No. DTC–64–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4413. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Turkey (Transmittal No. DTC–61–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4414. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Turkey (Transmittal No. DTC–25–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4415. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the Federation of Bosnia and Herzegovina (Transmittal No. DTC–66–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4416. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4417. A letter from the Administrator, U.S. Agency for International Development, transmitting the policy justification for a proposed transfer of funds from the Development Assistance account to the account for Operating Expenses of the U.S. Agency for International Development, pursuant to section 652 of the Foreign Assistance Act of 1961; to the Committee on International Relations.

4418. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List [97–014] received July 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4419. A letter from the Director of Benefits, Farm Credit Bank of Texas, transmitting the annual report for the Farm Credit Bank of Texas Pension Plan for 1996, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

4420. A letter from the Director, Office of Personnel Management, transmitting a report on Physicians Comparability Allowances, pursuant to Public Law 103–114; to the Committee on Government Reform and Oversight.

4421. A letter from the Administrator, Small Business Administration, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1996, through March 31, 1997, and the semiannual report of management on final actions, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

4422. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Final Rule for 13 Plant Taxa from the Northern Channel Islands, California (RIN: 1018–AD39) received July 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4423. A letter from the Director, Office of Sustainable 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; 1997 Closure [Docket No. 970612136–7136–01; I.D. 071797B] received July 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4424. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; Vessel Monitoring System [Docket No. 970623152–7152–01; I.D. 061897A] (RIN: 0648–AJ57) received July 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4425. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's final rule—Final Guidelines for Megan's Law and the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (RIN: 1105–AA50) received July 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4426. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Mandatory English-as-a-Second Language Program [BOP–1013–F] (RIN: 1120–AA19) received July 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4427. A letter from the Acting Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting the Department's final rule—Danger Zone, Pacific Ocean, Naval Air Weapons Station, Point Mugu, Ventura County, California [33 CFR Part 334] received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4428. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Streamlined Procedures for Modifying Approved Publicly Owned Treatment Works Pretreatment Programs [FRL–5859–8] (RIN: 2040–AC57) received July 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4429. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans Education: Approval of Training by Independent Study, Including Television (RIN: 2900–AI34) received July 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4430. A letter from the Secretary of Commerce, transmitting the Annual Report of the Secretary of Commerce to the Congress for the fiscal year ending September 30, 1996, pursuant to 15 U.S.C. 1519; jointly to the Committees on Commerce, Ways and Means, Government Reform and Oversight, the Judiciary, Science, Transportation and Infrastructure, Banking and Financial Services, and International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEKAS: Committee on the Judiciary. H.R. 1596. A bill to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges, and for other purposes (Rept. 105–208). Referred to the

Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1855. A bill to establish a moratorium on large fishing vessels in Atlantic herring and mackerel fisheries; with an amendment (Rept. 105–209). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 29. A bill to designate the Federal building located at 290 Broadway in New York, NY, as the ''Ronald H. Brown Federal Building'' (Rept. 105–210). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 824. A bill to redesignate the Federal building located at 717 Madison Place, NW., in the District of Columbia, as the ''Howard T. Markey National Courts Building'' (Rept. 105–211). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1851. A bill to designate the U.S. courthouse located at 200 South Washington Street in Alexandria, VA, as the ''Martin V. B. Bostetter, Jr. United States Courthouse'' (Rept. 105–212). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 198. Resolution providing for consideration of the bill (H.R. 2266) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–213). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 199. Resolution providing for the consideration of the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–214). 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. SANDERS:

H.R. 2278. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage and to provide for an increase in such wage based on the cost of living; to the Committee on Education and the Workforce.

By Mr. SANDERS (for himself, Mr. LEWIS of Georgia, Mr. HILLIARD, Ms. NORTON, Mr. OWENS, Mr. BARRETT of Wisconsin, Ms. FURSE, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. WOOLSEY):

H.R. 2279. A bill to amend title 10, United States Code, to establish limitations on taxpayer-financed compensation for defense contractors; to the Committee on National Security.

H.R. 2280. A bill to establish limitations on the ability of a Federal agency to pay a contractor under a contract with the agency for the costs of compensation with respect to the services of any individual; to the Committee on Government Reform and Oversight, and in addition to the Committee on National Security, 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. CLEMENT (for himself, Mr. DUNCAN, Mr. ETHERIDGE, Mr. HALL of Ohio, Mr. WOLF, Ms. LOFGREN, and Mr. SMITH of New Jersey):

H. Con. Res. 127. Concurrent resolution expressing the sense of the Congress that the Nation must place greater emphasis on helping young Americans to develop habits of good character that are essential to their own well-being and to that of our communities; to the Committee on Education and the Workforce.

By Mr. PETERSON of Pennsylvania (for himself, Mr. ENGLISH of Pennsylvania, Mr. MURTHA, Mr. DOYLE, and Mr. COYNE):

H. Con. Res. 128. Concurrent resolution recognizing and honoring the crew members of the U.S.S. Pittsburgh for their heroism in March 1945 rendering aid and assistance to the U.S.S. Franklin and its crew; to the Committee on National Security.

By Mr. DINGELL (for himself, Mr. MARKEY, and Ms. LOFGREN):

H. Res. 200. Resolution expressing the sense of the House of Representatives that the Federal Government should not withhold universal service support payments; to the Committee on Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

156. The SPEAKER presented a memorial of the Senate of the State of Nevada, relative to Senate Joint Resolution No. 18 urging Congress to reform the Food and Drug Administration to ensure that health care products, therapies and cures are available to the public in a timely manner; to the Committee on Commerce.

157. Also, a memorial of the Senate of the State of Nevada, relative to Senate Joint Resolution No. 16 urging interested public and private entities to work cooperatively for the establishment and operation of public shooting ranges and recreational facilities in Clark County, Nevada; to the Committee on Resources.

158. Also, a memorial of the Senate of the State of Nevada, relative to Senate Joint Resolution No. 13 urging Congress to provide for a bridge with four traffic lanes to serve as a bypass to the existing highway over Hoover Dam; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. TURNER.

H.R. 26: Mr. LUCAS of Oklahoma, Mr. GEKAS, Mr. OBERSTAR, Mr. CHRISTENSEN, Mr. PETRI, Mrs. EMERSON, and Mr. LOBIONDO.

H.R. 40: Mr. WATT of North Carolina.

H.R. 55: Mr. LAZIO of New York and Mrs. MCCARTHY of New York.

H.R. 58: Mr. TURNER and Mr. FOX of Pennsylvania.

H.R. 291: Ms. KILPATRICK, Mr. GONZALEZ, Mr. JACKSON, Mr. OBERSTAR, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GUTIERREZ, Mr. MCDERMOTT, Mr. WYNN, Ms. MILLENDER-MCDONALD, and Mr. BECERRA.

H.R. 648: Ms. RIVERS.

H.R. 693: Mr. SESSIONS.

H.R. 715: Mr. MCCOLLUM and Ms. SANCHEZ.

H.R. 836: Mrs. THURMAN.

H.R. 859: Mr. CANADY of Florida.

H.R. 922: Mr. GUTKNECHT.

H.R. 923: Mr. GUTKNECHT.

H.R. 983: Mr. BONIOR.

H.R. 1049: Mr. LEWIS of Georgia.

H.R. 1059: Mr. HOEKSTRA and Mr. WELDON of Florida.

H.R. 1060: Mr. METCALF, Mr. GORDON, Mr. GREEN, Mr. KLINK, Mr. JOHN, Mr. WHITE, Mr. FARR of California, Mr. FOX OF Pennsylvania, Mrs. CLAYTON, Mr. INGLIS of South Carolina, Mr. SNYDER, and Mr. COOKSEY.

H.R. 1063: Mr. LEWIS of Georgia and Mr. FRANKS of New Jersey.

H.R. 1079: Ms. RIVERS, Mr. FALEOMAVAEGA, Mr. ALLEN, Mr. POSHARD, Mr. VISCLOSKY, Ms. VELÁZQUEZ, Mr. STRICKLAND, Mr. MCHALE, Mr. BARCIA of Michigan, Mr. FILNER, and Mr. UNDERWOOD.

H.R. 1140: Mr. BOYD.

H.R. 1159: Mr. DELLUMS.

H.R. 1166: Mrs. THURMAN, Ms. SLAUGHTER, Mr. RUSH, Mr. CALVERT, Mr. DEUTSCH, and Mr. RIGGS.

H.R. 1175: Mr. KIM.

H.R. 1283: Mr. ADAM SMITH of Washington.

H.R. 1289: Mr. JEFFERSON, Mr. MATSUI, Mr. KILDEE, Mr. FOLEY, and Mr. NEAL of Massachusetts.

H.R. 1311: Mr. LEWIS of Georgia.

H.R. 1329: Ms. CARSON.

H.R. 1349: Mr. LEWIS of Georgia.

H.R. 1355: Mr. LEWIS of Georgia.

H.R. 1356: Mr. FRANK of Massachusetts and Mr. SMITH of Oregon.

H.R. 1357: Mr. FRANK of Massachusetts.

H.R. 1363: Mr. DAVIS of Illinois, Mr. BROWN of California, Ms. LOFGREN, and Mr. DELLUMS.

H.R. 1364: Mr. DAVIS of Illinois, Mr. BROWN of California, Ms. LOFGREN, and Mr. DELLUMS.

H.R. 1398: Mr. WOLF and Mr. BURTON of Indiana.

H.R. 1410: Mrs. KELLY.

H.R. 1425: Mr. LEWIS of Georgia.

H.R. 1428: Mr. SHAW.

H.R. 1437: Mr. ROTHMAN.

H.R. 1450: Mr. MANTON.

H.R. 1524: Mr. BARR of Georgia.

H.R. 1542: Mr. ENSIGN, Mr. CALVERT, and Mr. BOYD.

H.R. 1596: Mr. KIM.

H.R. 1616: Mr. WAXMAN, Mr. RUSH, Mrs. CLAYTON, and Mr. FILNER.

H.R. 1628: Mr. WEYGAND, Mr. KENNEDY of Rhode Island, Mr. MCGOVERN, and Mr. CALVERT.

H.R. 1665: Mr. STUMP, Mr. BARRETT of Wisconsin, and Mr. FILNER.

H.R. 1679: Mr. MURTHA.

H.R. 1766: Mr. STENHOLM.

H.R. 1773: Mr. STENHOLM.

H.R. 1799: Mr. MCHUGH and Mr. NEY.

H.R. 1836: Mr. GILMAN and Mr. SOUDER.

H.R. 1880: Mr. PASCRELL, Mr. PETRI, and Mrs. MINK of Hawaii.

H.R. 1885: Mr. BORSKI.

H.R. 1903: Mr. BARCIA of Michigan and Mr. CAPPS.

H.R. 1913: Mr. SNYDER and Mr. KANJORSKI.

H.R. 2072: Mr. BARTON of Texas, Mr. SMITH of Texas, and Mr. FROST.

H.R. 2103: Mr. RYUN.

H.R. 2112: Mr. MURTHA.

H.R. 2116: Mr. VENTO, Mrs. MALONEY of New York, Mr. RANGEL, Mr. SPRATT, Mr. MARTINEZ, Mr. DAVIS of Illinois, Mr. WATTS of Oklahoma, Mr. DAN SCHAEFER of Colorado, and Mr. SAWYER.

H.R. 2129: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COSTELLO, Mr. SABO, Mr. STOKES, Mr. PORTMAN, Mr. COLLINS, and Mr. GILLMOR.

H.R. 2135: Mr. VISCLOSKY, Mr. UNDERWOOD, and Mr. EVANS.

H.R. 2162: Mr. GOODE, Mr. STUMP, and Mr. CRAPO.

H.R. 2174: Mrs. KELLY, Mr. MENENDEZ, and Mr. ACKERMAN.

H.R. 2198: Mrs. MINK of Hawaii.

H.R. 2221: Mr. BURTON of Indiana.

H.R. 2263: Mr. STENHOLM.

H.J. Res. 78: Mr. BEREUTER and Mr. DAN SCHAEFER of Colorado.

H. Con. Res. 6: Mr. LAFALCE and Ms. ROYBAL-ALLARD.

H. Con. Res. 55: Mr. KIM.

H. Con. Res. 80: Mrs. KENNELLY of Connecticut, Mr. BLUMENAUER, Mr. SKAGGS, Mr. YATES, and Mr. KIM.

H. Con. Res. 98: Mrs. EMERSON.

H. Con. Res. 124: Mr. MILLER of California and Mr. DICKS.

H. Res. 37: Ms. WOOLSEY.

H. Res. 131: Ms. HOOLEY of Oregon.

H. Res. 170: Mr. CALVERT and Ms. WOOLSEY.

H. Res. 171: Mr. CASTLE, Mr. MILLER of California, Mr. MARTINEZ, and Mr. ROTHMAN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2159

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 63: Page 13, line 4, after ''$2,400,000,000'' insert ''(reduced by $50,000,000)''.

Page 25, line 4, after ''$650,000,000'' insert ''(increased by $50,000,000)''.

H.R. 2159

OFFERED BY: MR. FOX

AMENDMENT NO. 64: Page 1, strike line 1 and all that follows and insert the following:

SEC. 572. None of the funds made available under the heading ''DEVELOPMENT ASSISTANCE'' may be used to directly support or promote trophy hunting or the international commercial trade in elephant ivory, elephant hides, or rhinoceros horns.

H.R. 2159

OFFERED BY: MR. FOX

AMENDMENT NO. 65: Page 1, beginning on line 10, strike ''to directly finance'' and all that follows through ''Species Act'' on line 14 and insert the following: ''to directly support or promote trophy hunting or the international commercial trade in elephant ivory, elephant hides, or rhinoceros horns''.

H.R. 2159

OFFERED BY: MR. FOX

AMENDMENT NO. 66: Page 30, line 23, insert after ''Act'' the following:

: *Provided further,* That, of the funds appropriated by this paragraph, $51,100,000 shall be available for the program established under section 203(a) of Public Law 103–447

Page 81, line 12, insert after ''maturities'' the following:

: *Provided further,* That, of the funds appropriated by this paragraph for the cost of direct loans, $20,000,000 shall be available for the program established under section 203(a) of Public Law 103–447

H.R. 2159

OFFERED BY: MR. GILMAN

AMENDMENT NO. 67: In the matter proposed to be inserted by the amendment as a new subsection (h) of section 104 of the Foreign Assistance Act of 1961—

(1) in paragraph (1)(B), insert before the period at the end the following: '', or to organizations that do not promote abortion as a method of family planning and that utilize these funds to prevent abortion as a method of family planning''; and

(2) in paragraph (2)(A), strike ''or engage'' and insert the following: ''or (except in the case of organizations that do not promote abortion as a method of family planning and that utilize these funds to prevent abortion as a method of family planning) engage''.

In the matter proposed to be inserted by the amendment as a new subsection (i) of section 301 of the Foreign Assistance Act of 1961, insert before the quotation marks at the end the following sentence. ''If the President is unable to make the certification required by paragraph (1) or (2) with respect to a fiscal year, the funds appropriated for the UNFPA for such fiscal year shall be transferred to the Agency for International Development for population planning activities or other population assistance.''.

H.R. 2159

OFFERED BY: MR. PITTS

AMENDMENT NO. 68: Page 6, line 3, after ''$650,000,000'' insert ''(increased by $100,000,000)''.

Page 6, line 24, after ''$1,167,000,000'' insert ''(decreased by $100,000,000)''.

Page 52, line 4, after ''$385,000,000'' insert ''(decreased by $100,000,000)''.

H.R. 2159

OFFERED BY: MS. ROS-LEHTINEN

AMENDMENT NO. 69: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 572. None of the funds appropriated or otherwise made available by this Act may be made available to any Caribbean Basin Initiative country if such country offers provisional, permanent, or any other form of membership to the Government of Cuba into CARICOM.

H.R. 2159

OFFERED BY: MS. ROS-LEHTINEN

AMENDMENT NO. 70: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 572. (a) LIMITATION.—None of the funds appropriated or otherwise made available by this Act may be provided to any foreign government that provides assistance for, or engages in nonmarket-based trade with, the Government of Cuba.

(b) WAIVER.—The President may waive the requirements of subsection (a) with respect to a foreign government if the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that it is vital to the national security of the United States to do so.

H.R. 2264

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 1: Page 43, after line 13, insert the following:

COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT (INCLUDING TRANSFERS OF FUNDS)

For carrying out title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116 et seq.) as amended by section 121 of the Child Abuse Prevention and Treatment Act Amendments of 1996 (Pub. L. 104–235), to be derived from amounts provided in this title for ''National Institutes of Health'' (consisting of $10,835,000 from ''Office of the Director'' and $23,000,000 from ''Buildings and Facilities''), $33,835,000.

H.R. 2264

OFFERED BY: MR. ENGEL

AMENDMENT NO. 2: Page 74, line 3, after the dollar amount insert ''(increased by $100,000)''.

H.R. 2264

OFFERED BY: MR. EVANS

AMENDMENT NO. 3: Page 2, line 15, after ''reimbursements,'' insert ''of which $10,000,000 shall be available for purposes of carrying out section 738 of the Stewart B. McKinney Homeless Assistance Act (relating to homeless veterans' reintegration projects);''

H.R. 2264

OFFERED BY: MR. GOODLING

AMENDMENT NO. 4: In the item relating to ''DEPARTMENT OF EDUCATION—EDUCATION REFORM'', after the first dollar amount, insert the following: ''(reduced by $35,000,000)''.

In the item relating to ''DEPARTMENT OF EDUCATION—SPECIAL EDUCATION'', after the each of the 2 dollar amounts, insert the following: ''(increased by $155,526,000)''.

In the item relating to ''DEPARTMENT OF EDUCATION—HIGHER EDUCATION'', after the first dollar amount, insert the following: ''(reduced by $6,900,000)''.

In the item relating to ''DEPARTMENT OF EDUCATION—EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT''—

(1) after the first dollar amount, insert the following: ''(reduced by $113,626,000)''; and

(2) after the second dollar amount, insert the following: ''(reduced by $50,000,000)''.

H.R. 2264

OFFERED BY: MR. GOODLING

AMENDMENT NO. 5: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) PROHIBITION OF FUNDS FOR NATIONAL TESTING IN READING AND MATHEMATICS.—None of the funds made available in this Act may be used to develop, plan, implement, or administer any national testing program in reading or mathematics.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the following:

(1) The National Assessment of Educational Progress carried out under sections 411 through 413 of the Improving America's Schools Act of 1994 (20 U.S.C. 9010–9012).

(2) The Third International Math and Science Study (TIMSS).

H.R. 2264

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 6: Page 44, line 5, after the dollar amount, insert the following: ''(increased by $14,045,000)''.

Page 73, line 15, after the first dollar amount, insert the following ''(reduced by $14,045,000)''.

HR 2264

OFFERED BY: MR. NADLER

AMENDMENT NO. 7: At the end of Title II, insert after the last section (preceding the short title) the following section:

''SEC. 213. (a) No funds made available under this Act may be used under Title XI, XVIII or XIX of the Social Security Act to pay any insurer if such insurer—

''(1) offers monetary rewards or penalties, or other inducements to a licensed health care professional to influence his or her decision as to what constitutes medically necessary and appropriate treatments, tests, procedures or services; or

''(2) conditions initial or continued participation of the health care professional in a health insurance plan on the basis of the health care professional's decisions as to what constitutes medically necessary and appropriate treatments, tests, procedures or services.

''(b) For the purposes of this section, the term ''insurer'' means an insurance company, insurance service, or insurance organization licensed to engage in the business of insurance in a State, a health maintenance organization, a preferred provider organization, and a provider sponsored organization.

''(c) For the purposes of this section, the term ''health care professional'' means a physician or other health care practitioner licensed, accredited or certified to perform specified health services consistent with State law.

HR 2264

OFFERED BY: MR. NADLER

AMENDMENT NO. 8: At the end of Title II, insert after the last section (preceding the short title) the following section:

''SEC. 213. (a) No funds made available under this Act may be used under Title XI,

XVIII or XIX of the Social Security Act to pay any insurer unless under health care coverage provided by such insurer—

''(1) the determination of what is medically necessary and appropriate within the meaning of the insurance contract is made only by the treating health care professional in consultation with the patient; and

''(2) the insurer covers the full cost of all treatment, tests, procedures and services deemed to be medically necessary and appropriate by the treating health care professional in consultation with the patient, subject to any deductibles, co-payments, or percentage limitations provided in the insurance contract.

''(b) For the purposes of this section, the term ''insurer'' means an insurance company, insurance service, or insurance organization licensed to engage in the business of insurance in a State, a health maintenance organization, a preferred provider organization, and a provider sponsored organization.

''(c) For the purposes of this section, the term ''treating health care professional'' means a physician or other health care practitioner licensed, accredited or certified to perform specified health services consistent with State law, who is personally and directly involved in the care of said patient.

''(d) Nothing in this paragraph shall be construed as requiring the provision of coverage for benefits not otherwise covered.

HR 2264

OFFERED BY: MR. NADLER

AMENDMENT NO. 9: At the end of Title II, insert after the last section (preceding the short title) the following section:

''SEC. 213. (a) No funds made available under this Act may be used under Title XI, XVIII or XIX of the Social Security Act to pay any insurer if—

''(1) the provisions of any contract or agreement, or the operation of any contract or agreement, between such insurer and a health care professional prohibit or restrict the health care professional from engaging in medical communication with his or her patient; or

''(2) such insurer penalizes (through contract termination, financial penalty or otherwise) a health care professional for engaging in medical communication with his or her patient.

''(b) For the purposes of this section, the term ''medical communication'' means a communication made by a health care provider with a patient of the health care provider (or the guardian or legal representative of the patient) with respect to—

''(1) the patient's health status, medical care, or legal treatment options;

''(2) any utilization review requirements that may affect treatment options for the patient; or

''(3) any financial incentives or penalties that may affect the treatment of the patient.

''(c) For the purposes of this section, the term ''insurer'' means an insurance company, insurance service, or insurance organization licensed to engage in the business of insurance in a State, a health maintenance organization, a preferred provider organization, and a provider sponsored organization.

''(d) For the purposes of this section, the term ''health care professional'' means a physician or other health care practitioner licensed, accredited or certified to perform specified health services consistent with State law.

H.R. 2264

OFFERED BY: MS. PELOSI

AMENDMENT NO. 10: At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. . The amount otherwise made available in this title under the heading ''CENTERS FOR DISEASE CONTROL AND PREVENTION—DISEASE CONTROL, RESEARCH, AND TRAINING'' is increased by the amount derived through the following amendment: Section 510(d) of the Social Security Act is amended by striking ''1998'' and inserting ''1999''.

H.R. 2264

OFFERED BY: MS. PELOSI

AMENDMENT NO. 11: At the end of title , insert after the last section (preceding the short title) the following section:

SEC. . Section 510(c) of the Social Security Act is amended by adding at the end the following:

''(3) The Secretary may accept an application from a State for a allotment under subsection (a) only if the application is submitted by the State health agency responsible for the administration, or supervision of the administration, of the State program carried out with allotments under section 502(c) (relating to the maternal and child health servcies block grant); only if the programs carried out with the allotment under subsection (a) provide information that is recognized as medically accurate and relevant; only if the funds from such allotment are dispersed at the discretion of the chief executive officer of the State (except to the extent inconsistent with the law of the State, including applicable judicial precedents); and only if the application is developed by or in consultation with the State agency for maternal and child health.''.

H.R. 2264

OFFERED BY: MR. RIGGS

AMENDMENT NO. 12: In the item relating to ''DEPARTMENT OF EDUCATION—EDUCATION REFORM'', after the first dollar amount, insert the following: ''(reduced by $25,000,000)''.

In the item relating to ''DEPARTMENT OF EDUCATION—SCHOOL IMPROVEMENT PROGRAMS'', after the first dollar amount, insert the following: ''(increased by $25,000,000)''.

H.R. 2264

OFFERED BY: MR. RIGGS

AMENDMENT NO. 13: In the item relating to ''DEPARTMENT OF EDUCATION—EDUCATION REFORM'', after the first dollar amount, insert the following: ''(reduced by $10,000,000)''.

In the item relating to ''DEPARTMENT OF EDUCATION—SCHOOL IMPROVEMENT PROGRAMS'', after the first dollar amount, insert the following: ''(increased by $10,000,000)''.

H.R. 2264

OFFERED BY: MR. RIGGS

AMENDMENT NO. 14: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) LIMITATION ON PENALTIES UNDER IDEA.—None of the funds made available in this Act may be used by the Department of Education to investigate, or to impose, administer, or enforce any penalty, sanction, or remedy for, a State's election not to provide special education and related services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) to individuals who are 18 years of age or older and are incarcerated in adult State prisons.

(b) EXCEPTION.—Subsection (a) shall not apply to any withholding of financial assistance to a State by the Department of Education pursuant to the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

H.R. 2266

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 2: Page 9, line 19, insert after the dollar amount the following: ''(reduced by $25,000,000)''.

Page 18, line 9, insert after the dollar amount the following: ''(increased by $25,000,000)''.

H.R. 2266

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 3: Page 9, line 19, insert after the dollar amount the following: ''(reduced by $15,000,000)''.

Page 32, line 25, insert after the dollar amount the following: ''(increased by $15,000,000)''.

H.R. 2266

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 4: Page 100, after line 15, insert the following new section:

SEC. 8103. (a) None of the funds appropriated or otherwise made available by this Act for the Department of Defense specimen repository described in subsection (b) may be used for any purpose except in accordance with the requirement in paragraph numbered 3 of the covered Department of Defense policy memorandum that specifically provides that permissible uses of specimen samples in the repository are limited to the following purposes:

(1) Identification of human remains.

(2) Internal quality assurance activities to validate processes for collection, maintenance and analysis of samples.

(3) A purpose for which the donor of the sample (or surviving next-of-kin) provides consent.

(4) As compelled by other applicable law in a case in which all of the following conditions are present:

(A) The responsible Department of Defense official has received a proper judicial order or judicial authorization.

(B) The specimen sample is needed for the investigation or prosecution of a crime punishable by one year or more of confinement.

(C) No reasonable alternative means for obtaining a specimen for DNA profile analysis is available.

(b) The specimen repository referred to in subsection (a) is the repository that was established pursuant to Deputy Secretary of Defense Memorandum 47803, dated December 16, 1991, and designated as the ''Armed Forces Repository of Specimen Samples for the Identification of Remains'' by paragraph numbered 4 in the covered Department of Defense policy memorandum.

(c) For purposes of this section, the covered Department of Defense policy memorandum is the memorandum of the Assistant Secretary of Defense (Health Affairs) for the Secretary of the Army, dated April 2, 1996, issued pursuant to law which states as its subject ''Policy Refinements for the Armed Forces Repository of Specimen Samples for the Identification of Remains''.

H.R. 2266

OFFERED BY: MR. NADLER

AMENDMENT NO. 5. Page 32, line 11, after the dollar amount, insert the following: ''(reduced by $420,000,000)''.

H.R. 2266

OFFERED BY: MR. NADLER

AMENDMENT NO. 6: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 8103. (a) LIMITATION ON USE OF FUNDS.—Of the funds appropriated in this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'', not more than $1,651,000,000 shall be available for engineering and manufacturing development of the F–22 aircraft program.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'', is hereby reduced by $420,000,000.

H.R. 2266

OFFERED BY: MR. SANDERS

AMENDMENT NO. 7: Page 9, line 19, insert after the dollar amount the following: ''(increased by $2,000,000)''.

Page 32, line 11, insert after the dollar amount the following: ''(reduced by $2,000,000)''.

H.R. 2266

OFFERED BY: MR. SANDERS

AMENDMENT NO. 8: Page 87, after line 18, insert the following new paragraph (and redesignate the subsequent paragraph accordingly):

(3) not less than 50 percent of the allowable costs for which reimbursement is provided are directly related to services and benefits for employees of a defense contractor who were separated or otherwise adversely affected by the business combination, and

H.R. 2266

OFFERED BY: MR. SHAYS

AMENDMENT NO. 9: Page 100, after line 15, insert the following new section:

SEC. . The total amount obligated from new budget authority provided in this Act may not exceed $244,046,478,000.