The vote was taken by electronic device, and there were—ayes 163, noes 261, not voting 9, as follows:

[Roll No. 446]

AYES—163

Aderholt
Andrews
Archer
Armey
Bachus
Ballenger
Barr
Barrett (WI)
Barton
Bass
Berry
Bilirakis
Blagojevich
Bliley
Blunt
Bono
Bryant
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Combest
Cooksey
Cox
Crane
Crapo
Cubin
Danner
Deal
DeFazio
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Engel
Ensign
Ewing
Foley
Fowler
Fox
Frelinghuysen
Ganske
Gillmor
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jones
Kasich
Kingston
Klug
Kolbe
Largent
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas
Luther
Manzullo
McCollum
McCrery
McHugh
McIntosh
McIntyre
McKeon
Metcalf
Miller (FL)
Minge
Moran (KS)
Myrick
Neumann
Ney
Northup
Norwood
Nussle
Obey
Pappas
Parker
Paul
Paxon
Peterson (PA)
Pickering
Pitts
Pombo
Quinn
Radanovich
Ramstad
Riggs
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shays
Shimkus
Skeen
Smith (MI)
Smith (NJ)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Strickland
Stump
Sununu
Talent
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—261

Abercrombie
Ackerman
Allen
Baesler
Baker
Baldacci
Barcia
Barrett (NE)
Bartlett
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blumenauer
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burr
Burton
Buyer
Callahan
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Costello
Coyne
Cramer
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gilchrest
Gilman
Goode
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hefner
Herger
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Levin
Lewis (GA)
Lipinski
Livingston
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Rahall
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Sherman
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (OR)
Smith (TX)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—9

Bonilla
Collins
Gephardt
Gibbons
Gonzalez
Hastings (FL)
McInnis
Rogan
Schiff

□ 1356

Mr. McHUGH changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 32 OFFERED BY MS. NORTON

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 32 offered by the gentlewoman from the District of Columbia [Ms. NORTON] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Ms. NORTON:

In title I, under the heading ''General Provisions—Department of Justice'', strike section 103.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 264, not voting 14, as follows:

[Roll No. 447]

AYES—155

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Filner
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gilman
Green
Greenwood
Gutierrez
Gutknecht
Harman
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moran (VA)
Morella
Nadler
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Porter
Price (NC)
Rangel
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Stabenow
Stark
Stokes
Strickland
Tauscher
Thompson
Tierney
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NOES—264

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonior
Bono
Borski
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Flake
Foley
Forbes
Fowler
Fox
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King (NY)

Kingston	Northup	Shimkus
Kleczka	Norwood	Shuster
Klink	Nussle	Skeen
Klug	Oberstar	Skelton
Knollenberg	Ortiz	Smith (MI)
Kolbe	Oxley	Smith (NJ)
Kucinich	Packard	Smith (OR)
LaFalce	Pappas	Smith (TX)
LaHood	Parker	Smith, Linda
Lampson	Pascrell	Snowbarger
Largent	Paul	Snyder
Latham	Paxon	Solomon
LaTourette	Pease	Souder
Lazio	Peterson (MN)	Spence
Leach	Peterson (PA)	Spratt
Lewis (CA)	Petri	Stearns
Lewis (KY)	Pickering	Stenholm
Linder	Pitts	Stump
Lipinski	Pombo	Stupak
Livingston	Pomeroy	Sununu
LoBiondo	Portman	Talent
Lucas	Poshard	Tanner
Manton	Pryce (OH)	Tauzin
Manzullo	Quinn	Taylor (MS)
Mascara	Rahall	Taylor (NC)
McCollum	Ramstad	Thornberry
McCrery	Redmond	Thune
McDade	Regula	Thurman
McHale	Reyes	Tiahrt
McHugh	Riggs	Traficant
McIntosh	Riley	Turner
McIntyre	Roemer	Upton
McKeon	Rogers	Visclosky
McNulty	Rohrabacher	Walsh
Metcalf	Ros-Lehtinen	Wamp
Mica	Royce	Watkins
Miller (FL)	Ryun	Watts (OK)
Minge	Salmon	Weldon (FL)
Moakley	Sanford	Weldon (PA)
Mollohan	Saxton	Weller
Moran (KS)	Scarborough	Weygand
Murtha	Schaefer, Dan	White
Myrick	Schaffer, Bob	Whitfield
Neal	Sensenbrenner	Wicker
Nethercutt	Sessions	Wolf
Neumann	Shadegg	Young (AK)
Ney	Shaw	Young (FL)

NOT VOTING—14

Bonilla	Gibbons	Radanovich
Collins	Gonzalez	Rogan
Crane	Hastings (FL)	Schiff
Dellums	McInnis	Thomas
Gephardt	Obey	

☐ 1404

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GUTKNECHT. Mr. Chairman, On rollcall No. 447 I have been notified that I was improperly recorded as voting ''aye.'' I am opposed to the Norton amendment and my vote should reflect a strong ''no.''

The CHAIRMAN. Are there further amendments to the paragraph?

If not, the Clerk will read.

The Clerk read as follows:

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $41,400,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $279,500,000, to remain available until expended, of which not less than $172,608,000 shall be for the United States and Foreign Commercial Service: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $41,000,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C.) 2455(f) and 2458(c)), shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

AMENDMENT OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Chairman, pursuant to the unanimous consent agreement entered into last night, I offer an amendment on the Legal Services Corporation that affects title I.

The Clerk read as follows:

Amendment offered by Mr. MOLLOHAN:

On page 6, line 13, after the dollar amount, insert the following: ''(reduced by $6,000,000)''.

On page 6, line 25, after the dollar amount, insert the following: ''(reduced by $6,000,000)''.

On page 22, line 25, after the dollar amount, insert the following: ''(reduced by $42,000,000)''.

On page 44, line 1, after the dollar amount, insert the following: ''(reduced by $1,000,000)''.

On page 47, line 26, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

On page 48, line 21, after the dollar amount, insert the following: ''(reduced by $6,000,000)''.

On page 50, lines 13 and 23, after each dollar amount, insert the following: ''(reduced by $15,000,000)''.

On page 51, line 11, after the second dollar amount, insert the following: ''(reduced by $15,000,000)''.

On page 51, line 13, after the dollar amount, insert the following: ''(reduced by $15,000,000)''.

On page 51, line 20, after the dollar amount, insert the following: ''(reduced by $10,000,000)''.

On page 51, line 22, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

On page 54, line 11, after the dollar amount, insert the following: ''(reduced by $1,000,000)''.

On page 59, line 26, after the dollar amount, insert the following: ''(reduced by $13,000,000)''.

On page 65, line 18, after the dollar amount, insert the following: ''(reduced by $9,000,000)''.

On page 95, line 15, after the dollar amount, insert the following: ''(reduced by $10,000,000)''.

On page 96, line 1, after the dollar amount, insert the following: ''(reduced by $10,000,000)''.

On page 96, line 23, after the dollar amount, insert the following: ''(reduced by $6,000,000)''.

On page 98, line 5, after the dollar amount, insert the following: ''(increased by $109,000,000)''.

On page 98, line 6, after the dollar amount, insert the following: ''(increased by $109,000,000)''.

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

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 1 hour and 30 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. OBEY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

POINT OF ORDER

Mr. ROGERS. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ROGERS. Mr. Chairman, is it proper for this Member to inquire of the gentleman the reason he might object to such a limitation?

The CHAIRMAN. Only if a Member reserves the right to object can that question be asked.

Mr. ROGERS. I would point out to the Chair that we are trying to expedite this bill and get it over with by 10 o'clock or so tonight. We are proceeding amicably and I think agreeably and very successfully. If all of the Members can restrain themselves, we can get through with this bill.

The CHAIRMAN. Objection has been heard.

The gentleman from West Virginia [Mr. MOLLOHAN] is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise today to join my colleague the gentleman from Pennsylvania [Mr. FOX] in offering an amendment to increase funding to the Legal Services Corporation. Simply stated, the Mollohan-Fox amendment increases funding for the Legal Services Corporation from $141 million to $250 million, the same amount, by the way, Mr. Chairman, that we came off the floor last year in this bill with a similar amendment.

What is the Legal Services Corporation? It was created in 1974 as a private, nonprofit corporation. It was specifically established by the Congress to provide civil legal assistance to the poorest, most vulnerable Americans, assuring that they receive equal access to our judicial system.

What type of cases do Legal Services attorneys handle? The largest percentage of cases, Mr. Chairman, closed by the LSC attorneys in 1996 was in the area of family law, comprising about 35 percent of the 1.4 million cases closed. About 22 percent closed were housing cases, and about 15 percent related to income maintenance, cases associated with the poorest in our society.

As many Members know, in fiscal year 1996, our subcommittee put in place a number of restrictions to increase accountability by the Legal Services Corporation. This was in response to the concerns of many Members about what Legal Services was up to. A competitive bidding system has been adopted for all grants and contracts. All grantees are now required to provide audited financial statements.

In addition, we impose a number of prohibitions on LSC grantees. Any LSC grantee is prohibited from participating in redistricting litigation, prohibited from participating in class action suits, and welfare reform advocacy, and prisoner representation, lobbying, abortion litigation, illegal alien representation, and in collecting attorney's fees.

Members will be pleased to note that this bill before us adds a new provision to allow for the recompetition of grants and debarment from competing for future grants by grantees who violate the restrictions I have just mentioned. It was this committee under the leadership of the gentleman from Kentucky [Mr. ROGERS] that imposed most of these restrictions.

I would like to point out to Members that the Mollohan-Fox amendment does not seek to change a single one of these restrictions. This amendment simply increases the funding for grants to basic field programs by $109 million, virtually the same vote that we had last year.

Offsets to the amendments are as follows: Bureau of Prisons, $42 million; court of appeals and district courts, $13 million; Federal Communications Commission, $10 million; Department of Justice Antitrust Division, $6 million; Federal Trade Commission, $6 million; National Oceanic and Atmospheric Administration, $15 million; diplomatic and consular programs, $9 million; Department of Commerce general administration, $1 million; Patent and Trademark Office, $5 million; National Institute for Standards and Technology, $6 million; and economic and statistical analysis, $1 million.

Because clause 2(f) of rule XXI limits amendments which move funding among multiple accounts in appropriation bills to transfers between appropriation items only, I was not able to designate precisely in this Mollohan-Fox amendment our intentions regarding FCC fees or State Department foreign currency gains. Doing so would have been a violation of the House rules. But if the Mollohan-Fox amendment passes, we will work to adjust the final bill to reflect these intentions of using currency gains at the State Department and increased fee levels for the FCC.

Mr. Chairman, what happens if we do not pass the Mollohan-Fox amendment, if funding remains at the current low level of $141 million? Without additional funding, it is expected that the number of clients, the number of the poorest of our citizenry served, will fall from 1.4 million in fiscal year 1996 to less than 1 million in 1998. The number of LSC attorneys serving the poor will fall from about 4,871 in fiscal year 1995 to less than half of that, about 2,400. Millions of poor people will be unable to obtain legal assistance. And unfortunately pro bono services from private attorneys just cannot replace federally-funded legal services.

Congress created the Legal Services Corporation because it recognized that Federal funding was needed to ensure that some minimum level of access to our judicial system would be available to everyone. What message are we trying to send to the American public today? Do you really want to tell those in our society who are the most helpless, vulnerable, least able to obtain resources that we are not going to give you access to the court system? Do not send that message. Support the Mollohan-Fox amendment.

MOLLOHAN-FOX AMENDMENT TO H.R. 2267—SPECIFIC EXPLANATION OF OFFSETS

The purpose of this document is to clarify the intent of all of the offsets used in the Mollohan-Fox Amendment to H.R. 2267. The amendment increases funding for the Legal Services Corporation from $141,000,000 to $250,000,000.

OFFSETS

Department of Justice—the Antitrust Division. −$6,000,000; The intent is to increase the fee carryover from $10 million to $16 million, and to decrease the direct appropriation by a corresponding $6 million.

Federal Prison System. −$42,000,000 from the Salaries and Expenses Account.

National Oceanic and Atmosphric Administration (NOAA). −$5,000,000 to be taken from Executive Direction and Administration, within the Program Support line item of the Operations, Research, and Facilities Account; and −$10,000,000 to be taken from the Polar Convergence Account within the National Environmental Satellite, Data, and Information Service.

Department of Commerce—General Administration. −$1,000,000.

Patent and Trademark Office (PTO). −$5,000,000.

National Institute of Standards and Technology (NIST). −$6,000,000 from the Scientific and Technical Research and Services Account.

Economic and Statistical Analysis. −$1,000,000 from the Salaries and Expenses Account.

The Judiciary. −$13,000,000 from the Court of Appeal, District Courts, and other Judicial Services Account.

Department of State. −$9,000,000 from Diplomatic and Consular Programs; It is the intent of the amendment that $7,000,000 of the $9,000,000 be taken from exchange rate gains in the International Cooperative Administrative Support Services (ICASS) account, with the remaining $2,000,000 coming from the regular Diplomatic and Consular Programs account.

Federal Communications Commission (FCC). −$10,000,000; The intent is to increase the amount the FCC can collect in offsetting fees by $10,000,000 (per the budget request) and decrease the direct appropriation by a corresponding $10,000,000.

On further clarification of the State Department and FCC offset—Because clause 2(f) of Rule 21 limits amendments which move funding among multiple accounts in appropriations bills to transfers between appropriations items only, the Mollohan-Fox Amendment was not able to designate precisely our intentions regarding FCC fees or State Department foreign currency gains. Doing so in the amendment would have been a violation of the rule.

This statement is made to clarify the intentions of the amendment. Clearly it is not the intent of the Mollohan-Fox Amendment to reduce the total resources available to the FCC or to the State Department's operating funds.

Federal Trade Commission (FTC). −$6,000,000; The intent is to increase the fee carryover from $10 million to $16,000,000 and to decrease the direct appropriation by a corresponding $6,000,000.

□ 1415

Mr. BURTON of Indiana. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. Chairman, contrary to what will be said on the floor today, the Legal Services Corporation continues to ignore congressional restrictions, and inappropriate activities continue to run rampant at taxpayers' expense. In fiscal year 1996 Congress restricted the activities of Legal Services that they

could engage in. These restrictions include the following: prohibition on redistricting activity; abortion litigation; prison litigation; welfare litigation; pro-union advocacy and union organizing; fee-generating cases; representation of housing tenants charged with possession of illegal drugs or against whom eviction proceedings had been begun as a result of their illegal drug activity; and a prohibition of representing most illegal aliens. Legal Services Corporations have made an art out of circumventing congressional restrictions, and yet Congress continues to allocate precious taxpayers' dollars in large amounts, and today they want to increase that.

And what do we get in return? A failed Government bureaucracy, more interested in promoting a radical agenda than assisting the indigent in solving their problems.

The Legal Services Corporation claims it has reformed and it adheres to congressional restrictions. Ask them, and they will say that the abuses are in the past. The Legal Services Corporation will say that they no longer represent prisoners, drug dealers, illegal immigrants, and class actions in suits and the like. If this is true, and the Legal Services has reformed, if Legal Services is in good faith living up to its end of the bargain by complying with the congressional restrictions, then how do they explain the Legal Services Corporation's involvement in the following legal actions, all of which have occurred in the last 2 years, in which they challenge the congressional authority and the congressional mandates?

Let me give my colleagues some examples:

In August 1996, last year, Brooklyn Legal Services stopped the eviction of a woman even though police found 54 vials of crack cocaine and drug packaging during the raid on her apartment. That was last year, 54 vials, and they were trying to keep this woman from being evicted.

In 1996, last year, Neighborhood Legal Services of Buffalo tried to get a man's supplemental Social Security, SSI, benefits on the grounds that his history of chronic alcoholism made him too tired and too nervous to work. That was thrown out about by a judge, but it went to court.

In February of this year, 1997, the Legal Aid Society of Mercer County tried to win unemployment benefits for a man who lost his job because he was in jail.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be concluded at 3:40, which will be an hour and a half total debate time, and that the remaining time be equally divided between these two parties.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. MOLLOHAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. BURTON of Indiana. Who objected? I am sorry.

The CHAIRMAN. The objection came from the gentleman from West Virginia.

Mr. BURTON of Indiana. The gentleman from West Virginia; OK.

In February 1997 the Legal Aid Society of Mercer County tried to win unemployment benefits for a man who lost his job because he was in jail. The man in question worked as a housekeeper at the Mercer Medical Center until he was arrested for aggravated assault and other charges. He spent 9 months in jail, and after his release the medical center refused to rehire him; they were afraid of this guy. Legal Services then filed suit seeking unemployment benefits for the guy. Legal Services claimed that he was owed unemployment because it was not his fault he lost the job.

Can my colleagues believe that? That was done with taxpayers' dollars.

All I can say is I can go into example after example after example of where the Legal Services Corporation has deliberately circumvented the will of the people and the will of the Congress of the United States, and they are doing it with taxpayers' dollars. We need to get a grip on this organization. We need to rein in the Legal Services Corporation, not give them more money as the gentleman from West Virginia [Mr. MOLLOHAN] wants to do or the gentleman from Pennsylvania [Mr. FOX] wants to do. We need to put some constraints on them.

Now there are a number of organizations around this country that are voluntarily helping the indigent and the poor. In Indianapolis, the Indianapolis Legal Aid Society was founded in 1941 and in 1995 received all of its $458,000 from private sources, not from the taxpayer. It handled over 6,079 cases at a cost of, get this, $75 a case, and it was not funded by the taxpayer, and they helped the people they really should be helping, the truly needy and the truly indigent, not these other people, not these social service cases, not these social cases that are designed to change the policies of our Government, not redistricting cases, but cases where they were really helping the poor and they did it at nontaxpayer expense.

All I can say to my colleagues is let us get this Government out of the business of legal services, let us get it back in the private sector where it belongs, and let us help the people who truly need the help, the truly indigent.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today and join my colleagues in support of the Mollohan-Fox amendment.

Mr. Chairman, this amendment is about equal justice and insuring that every American citizen has access to civil legal services. The Legal Services Corporation, LSC, is the Federal Government's contribution to a national public-private partnership. This partnership is aimed at fulfilling the first enumerated purpose of our Government in the preamble to the Constitution: to establish justice. The Mollohan-Fox amendment would increase funding for LSC's by $109 million, which is still way below the President's request.

The Legal Services Corporation has been a favorite target of many of my colleagues in the Congress. It has already received a cut in funding by one-third, and now they want to cut funding by 50 additional percent.

By cutting funding we send a strong message that if someone is poor in this country they do not deserve adequate legal representation in matters involving just civil suits. More importantly, we undermine the very basic principles of justice and fairness with the notion that because of class or station in life, because one happens to be poor, they do not deserve equal protection or access to legal representation.

This is an issue of conscience. In Illinois alone it is estimated that each year 300,000 low-income families face approximately 1 million civil legal problems for which they have no legal representation. This country, the leader of democracy, the leader of freedom, has an obligation to insure that each American has access to legal representation.

It is clear that a vote for this amendment is a vote for equal justice for all people, and therefore I urge all of my colleagues on both sides of the aisle to join with me in supporting the Mollohan-Fox amendment.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it is important for our colleagues and the American people to understand at the beginning of this debate exactly what it is that we are taking about and exactly what it is that we are not talking about. The constitutional obligation that our Government has to ensure that people before our courts have court-appointed attorneys to protect their rights is not what we are talking about.

Our Constitution guarantees and we provide already in this legislation hundreds of millions of dollars to insure that people, our citizens who are brought before our court to answer charges against them, have full and adequate legal representation. Millions of dollars are spent on that purpose through the public defender services and other moneys made available under this act. Any suggestion that our Constitution guarantees that a person seeking redress for civil problems in a court, any suggestion that we ought to be defensive or feel guilty by saying that the taxpayers of this country do not have an obligation to ensure that somebody who wants to go in to change welfare laws or to ensure that somebody in a federally funded housing project can deal drugs with impunity,

to suggest that those type people should have their civil legal bills paid for by the taxpayers of this country is preposterous.

This is not a constitutional issue. It is a political advocacy issue. That is what Legal Services Corporation excels at, political advocacy, advocating political causes.

And let me tell my colleagues, Mr. Chairman, about the arrogance with which Legal Services attorneys approach efforts by those of us in this body to be good stewards of taxpayer money. The Legal Aid Society of Santa Clara has a vice president named Elizabeth Shivell, and she said, in the wake of the restrictions that Congress has and has attempted to place on the ability of Legal Services Corporation to enforce a political agenda in the courts at taxpayer expense, this is what she said:

> If Congress can screw people with technicalities, we can unscrew them with technicalities. That is why we are lawyers and not social workers. Two can play this game.

That was in the California Lawyer in a story entitled ''Legal Aid Divides to Conquer'' in February 1996.

The previous speaker on our side, the distinguished gentleman from Indiana [Mr. BURTON] the chairman of the Committee on Government Reform and Oversight, gave several examples of instances in which the Legal Services Corporation continues to circumvent congressional intent embodied in law to push and enforce a political agenda of its own, in contravention to the wishes of American people and citizens and communities from Santa Clara to Boston. We do not need to, or actually maybe we do need to, highlight for the American people and for our colleagues additional examples of how they continue to circumvent congressional intent despite the restrictions placed in the previous Congress and Congresses. They continue to find ways to manipulate, to circumvent, to find loopholes around the restrictions so that they can force their political agenda.

The Legal Services Corporation, Mr. Chairman, continues to be a wolf in sheep's clothing; it must be killed. As the gentleman from Indiana [Mr. BURTON] also said, Mr. Chairman, there are dozens upon dozens of mechanisms administered by State and local bar associations. I contribute annually to one in my home county to provide voluntary legal service funding for indigents in civil proceedings. Those are the mechanisms that were envisaged in our constitutional form of government. That is the mechanism that works, that is the mechanism that people across this country are demanding work, and not to have their taxpayer dollars spent on attorneys with a political agenda and who are increasing the rates of their representation, the amount of money, at rates faster than inflation. We are continuing to provide more money than we ought to provide, and this amendment to increase funding for LSC's political agenda ought to be defeated.

□ 1430

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to offer this amendment with my colleagues, the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Minnesota [Mr. RAMSTAD] in support of funding for low-income legal aid assistance. I commend the chairman, ranking member, and staff for their hard work on this very difficult appropriations bill.

Last year we came to the floor and offered a similar amendment to restore funding to this important program. We spoke of the reforms we had just recently enacted and urged Members to support a level of $250 million in funding. In that vote, 247 Members supported our effort, including 56 of our Republican colleagues. This year we ask the same kind of support.

I am convinced that under the leadership of its new president, John McKay, a Republican from Washington State, Chairman Douglas Eakley, and Vice Chairman John Erlenborn, a former Republican Congressman, Legal Services will be extremely vigilant in the defense of the new standards this Congress has set for Legal Service agencies.

Among these reforms are prohibitions on class action lawsuits, redistricting, and political advocacy, as well as additional prohibitions on abortion and prison litigation and legal assistance to illegal aliens. There is no social engineering here in the current Legal Services. This is a public-private partnership. Most agencies get about 20 percent or less of their funding from our Federal source.

This is a fairness issue, Mr. Chairman. Opponents of Legal Services try to cite a flood of brazen lawsuits challenging the congressional restrictions. This is simply not true. The truth is that there have been two lawsuits actually challenging the reforms Congress enacted last year. One case was brought in violation of the restrictions. In fact, the LSC recently prevailed in its case in U.S. District Court in Hawaii against five Legal Service grantees that had challenged the new restrictions.

Also, Legal Service was successful in forcing the Texas Rural Legal Aid Agency to withdraw from its lawsuit in Val Verde, Texas, within 1 month of the filing of the case, and vigorously pursued one remaining case in New York.

Contrary to what the Legal Service opponents would have us believe, this is the extent of the litigation surrounding the restrictions. There is no flood of lawsuits. The stories of the past that are regularly listed in the publications of LSC opponents occurred before restrictions were in place.

Incidentally, in reference to the Brooklyn Legal Services and Santa Clara Legal Services, they are not Legal Services grantees.

Let us be serious. If we are going to discuss whether or not the provision of legal aid for the poor can be responsibly provided and partially supported by Federal funding, must opponents of the program use anecdotal evidence from years past which does not even apply to the proper legislative time frame?

If we enacted the reforms in 1996, why must opponents reach back to 10 years previous? Do we have so little confidence in ourselves to grant positive legislation that we give up our own actions before they take hold?

If there are true abuses continuing, let us take steps to stop them, but we should not stop the majority of legal aid services for one-on-one service to the poor.

I appeal to those who have questions and concerns about the program to take some time to reflect upon the good work that our local legal aid agencies do.

Opponents of the program never tell us the good work that these agencies do, so I will. Family law is the single largest category of cases handled by the 275 grantees. Half of the LSC's family and juvenile cases involve efforts to obtain relief from domestic violence for the client or a family member.

In 1996 alone, Legal Service grantees handled a quarter of a million cases involving domestic violence. If you take a minute to think about the number of domestic violence cases that do not get reported every year, it is hard not to imagine the need that exists for these services.

In closing, Mr. Chairman, I say this. I want to repeat that Legal Services is working hard to work as a partner with Congress in pursuing cases where grantees are overstepping their bounds. In offering this amendment, we are simply trying to ensure that low-income individuals and families have one-on-one access to the courts, no social engineering, no class action lawsuits. Please support our amendment to restore funding for Legal Services and ensure equal justice under the law.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I think it is important to have a little dialog. In April 1996, the new rules regarding the Legal Services went into effect, in April 1996. The gentleman and others today here on the floor are going to say that they have been adhering to those.

I have in front of me two examples. In August 1996, 4 months after the new rules went into effect, passed by this Congress, the Brooklyn Legal Services Corp stopped the eviction of a woman, even though they found 54 vials of crack cocaine and drug packaging in her apartment during a raid. So they were violating the rules 4 months after we passed them.

Also in 1996, I could give you several examples where after these rules were

put into effect the Legal Services Corporation violated the rules passed by this Congress.

Mr. FOX of Pennsylvania. Mr. Chairman, reclaiming my time, to my good friend from Indiana, Mr. BURTON, let me say this: The fact of the matter is where the Legal Service Corp. was aware of the violations it has gone after those grantees and withdrawn the funding.

In the case of Brooklyn Legal Services, I understand they are not a Legal Service Corp grantee.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. FOX] has expired.

(On request of Mr. MOLLOHAN, and by unanimous consent, Mr. FOX of Pennsylvania was allowed to proceed for 2 additional minutes.)

Mr. FOX of Pennsylvania. Mr. Chairman, in conclusion, I would say this: We want to work shoulder to shoulder with the gentleman. I know the gentleman has an amendment later on today for another restriction, which, as you know, I am going to support, because I believe one way to make a system of providing one-on-one legal services to the poor be improved is by making sure it is crafted in such a way we get to those people truly in need, not the class action lawsuits, not representing illegal aliens, not representing prisoners and all the list we have given before. I will work with the gentleman closely, and I am sure others who are advocates for Legal Services will.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. I would like to add to that, every law that we pass here, we pass it because we understand there is a proclivity out there to violate the laws. That is the same with the restrictions we put on Legal Services Corporation.

There was a lot of this activity out there before we put these restrictions on. It is reasonable to assume there are going to be some people who are zealots, or for whatever reason, who are going to violate the rules.

The gentleman is going to be pleased to know and he does know probably, because I know he is a student of the legislation that comes on the floor, that in this bill we have disbarment as punishment for those grantees who violate the restrictions that we have put on in the past.

So we are addressing these concerns, and I know the gentleman would be pleased that we are addressing them, and I hope the fact we are addressing them in good faith and in a serious manner will lead the gentleman to look favorably upon the underlying purposes.

Mr. FOX of Pennsylvania. Mr. Chairman, reclaiming my time, I wanted to make it clear on the Brooklyn case, which obviously is an egregious situation, they are not a Legal Services grantee. It is a problem we would like to address, but it is not LSC's problem. They did not cause it.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman will continue to yield, if I may make one additional comment, first of all I can give you many other examples. I think you probably know that. If you want me to, I will.

Second, while there are still violations, it is inconceivable to me we would increase the amount of the money going to Legal Services Corporation by $109 million. We were talking about $141 million. You wanted to go to 250. I do not understand why we reward them.

Mr. FOX of Pennsylvania. Mr. Chairman, I would like to reclaim my time to make a clarification. The fact of the matter is last year on the floor of the House the bill that went out called for $250 million. That is all we are doing, is asking for $250 million again.

Mr. SKAGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise this afternoon in support of the amendment offered by the gentleman from West Virginia and the gentleman from Pennsylvania.

Mr. Chairman, I have enormous respect for the body in which we all are privileged to serve, and I would hope that this is a place where we can give voice and effect to the highest aspirations of this country and the kind of civilization and society that we want to help craft.

We walk out the front door of this House Chamber and look across the street at the Supreme Court building, where emblazoned above the entrance is the statement ''Equal Justice Under Law.''

Is that something we want to be real and meaningful and effective? Not just for those that can hire $200-an-hour lawyers, but for the least of us? Or is it to be a bad joke, an insult to those who do not have the coin to hire the lawyers to make justice real for them?

The gentleman from West Virginia mentioned that without these additional funds, millions will go unserved. What he did not say is that even with it, millions will go unserved, because of the restrictions that have been imposed as the population of those in need have grown over the last several years.

We have a stake in each other in this country, Mr. Chairman. We can live under the illusion that those that are doing well can continue to do well and not suffer if we let those that are not doing so well live without access to the courts, without access to health care, without access to the good things that this country has to offer.

Or we can realize, not in some altruistic way, although I hope there is some moral obligation here, but in a very practical way, that if we leave a lot of this country's citizens behind, it will come back to haunt us.

This is a way that we can do either the right thing and say to the least among us financially that they still are as good as the best among us when it comes to an entrance to the courthouse, to have their rights respected and their obligations enforced; or we can say, Sorry, you are a different class of American. The courts are not really there for you. Whether it is for family law, for housing, for Social Security benefits, you name it, you are out of luck.

That is what this is about. It is about justice in this country and whether we have the guts and the gumption and the allocation of some modest part of this Nation's treasure to make that symbol of justice on the Supreme Court building meaningful for all of our people.

Freedom requires justice. Justice requires that we do more.

Mr. MCINTOSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the committee funding level and in opposition to an increased funding for government-funded lawyers in the Legal Services Corporation.

We have had a debate here about this program, and what it reminded me of was a movie that I saw recently with my wife Ruthie, ''Jerry McGuire.'' And one of the characters in that movie is a man named Rod Tidwell, who says to his agent, ''Show me the money.'' And what we need to do is show us the money and where it is going, because there has been in fact an incredible politicalization of this government-funded program.

We have seen recently, as recently as 1997, after the so-called restrictions were in place, that the Minnesota Legal Services Agency has said it will file a lawsuit challenging Minnesota's welfare reform, specifically their residency requirement.

What more political act could you engage in than suing to prevent a State from enforcing its welfare reform initiative and requiring that people be a resident of that State before they receive money from those taxpayers?

This is an ongoing process. There have been no enforcement mechanisms for those reforms. They have been widely ignored. The harm goes deep in our country. Farmers have complained that Legal Services Corporation has sued them. One Ohio farmer was sued because he had too many migrant workers and he was violating labor laws. Another farmer was sued because they did not feel he was following all the environmental laws.

Cities are hassled by this group. The Legal Aid of Marin County sued the city of San Raphael for violating the rights of the homeless because they were giving out tickets to people that jaywalked. I can think of a lot better uses for our taxpayer money than subsidizing this time of needless, senseless litigation that is furthering only a small minority's political agenda.

In Chicago, the Legal Assistance Foundation of Chicago served notice on

the INS that they were going to sue them because they had failed to provide detainees with law books in Spanish and they were going to allege that their civil rights were violated.

Now, these are illegal individuals who are not here in this country as a legal citizen, been detained by the INS, and now government funds are encouraging a lawsuit to harass them in doing their job and protecting our borders.

This policy was misguided from the beginning. We do not need to subsidize more lawyers in this country. If anything, we need to encourage the private charitable works that actually help people when they have got a problem with their landlord, when they have got a problem receiving their payment that they are due from a local agency. But we do not need to have a Federal entity that spends a great deal of its money engaging in politically oriented lawsuits, fighting against the reforms that this Congress has tried to put into place in welfare, immigration, and basic ways in which the Federal Government operates.

This does not serve any of us well but, most importantly, it does not serve the taxpayer well. All too often I have had the taxpayers in my district, in central Indiana, come up to me and say, David, show me the money. What are you guys doing with all of the taxes that you collect from us? When I have to report back to them that on the House floor we are considering raising the amount of money we give to lawyers who file political lawsuits, their reaction is going to be, You got to shut down the place, let us keep the money. You don't know how to best use it for our services.

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MCINTOSH. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Chairman, I appreciate the gentleman yielding. The fact is in a later amendment we are going to find the gentleman from Indiana [Mr. BURTON] will be putting a further restriction on this program, which I think goes to the arguments the gentleman has been making about making the system better.

□ 1445

And the money actually is only a small part of what local communities need to have one-on-one services for the poor.

Mr. MCINTOSH. Mr. Chairman, reclaiming my time, I appreciate the sincerity of the gentleman and his efforts and the efforts of our colleagues on this, but I think if we really want to send a message to this rogue entity: get out of politics, stop filing these lawsuits to provide a further agenda of one's liberal agenda; the best way, the best signal to do that is to reduce the spending, and that is what this committee did.

If they had come back and they had shown us that they had followed the restrictions, including the new one that my colleague, the gentleman from Indiana [Mr. BURTON], will offer later, then we could consider increasing the funds in future years. But nothing will serve better to get that message across that this Congress is serious about not wanting to fund politically oriented litigation than going through with the committee funding level, reducing the amount from previous years, and letting them know we are very serious.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this attempt in this bill to cut the budget of the Legal Services Corporation in half to $140 million, when as recently as 1995 it was over $415 million, is really an attempt to eliminate legal services for the poor for the reasons stated by some of the gentlemen on the other side of the aisle who say essentially that this is a rogue agency, that it politicizes justice, and so forth. They simply do not want poor people to have access to federally funded legal services because they do not like the result.

However, Mr. Chairman, the real question is, do we or do we not believe in this country that justice is for everyone. We say equal justice under law. Equal justice: Is it for everyone? Is access to the courts for everyone, or are the courts only here to protect the large corporations and to adjudicate disputes among millionaires and divorces for celebrities? Are the courts here to protect people when their rights are being violated, subject to evictions, or being fired improperly, or being discriminated against, or being cheated out of money; or are the courts only for rich people or upper middle-class people who can afford lawyers?

In the New York City housing court, which disposes of hundreds of thousands of cases every year, 99 percent of them eviction cases, 90 percent of the tenants have no lawyers at all. The landlords have lawyers, the tenants have no lawyers, and they are subject to very rough justice, if one can call it justice. They only wish the Legal Services Corporation had a much bigger budget, because these people need legal services or they cannot vindicate their rights when they are evicted, even though they have defenses which they do not understand because they are not lawyers.

Now, my colleagues say that this agency has politicized the process, that they bring political lawsuits, and an example was given a few minutes ago of the agency, the Legal Services in Wisconsin, I think it was, that sued against that State's welfare reform law, brought a lawsuit against the welfare reform laws.

Another example was given of Legal Services Corporations that sued farmers.

Mr. RAMSTAD. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Minnesota.

Mr. RAMSTAD. Mr. Chairman, the reference to my home State of Minnesota, the gentleman who made that statement should know that, in fact, there are no Legal Service Corporation dollars involved in that lawsuit. It is Minnesota, not Wisconsin.

Mr. NADLER. Mr. Chairman, reclaiming my time, even if there were, even if there were, and they say that Legal Services sued farmers because allegedly they used child labor, this is not politicization. What my colleagues are really saying is that they do not want people's constitutional or legal rights enforced.

This Congress and most State legislatures have, for the last century, been enacting laws to protect people against child labor and to protect workers' safety and workers' health and environment and all kinds of laws, building code enforcement. What Legal Services does is to enable people to enforce the rights granted to them by the Constitution of the United States, or by laws passed by the State or by the Federal Government. Without lawyers to bring these lawsuits, those rights are meaningless.

What my colleagues on the other side of the aisle are really objecting to is that the small people, the nonrich people, are causing problems for local establishments because Legal Services helps them bring lawsuits that say: you cannot do that, even if you have always done it, because the law says you cannot or the Constitution says you cannot; and if they are wrong, the courts rule that way. What my colleagues are really objecting to is poor people having the ability to go into court against the State of Minnesota.

I do not know anything about the State of Minnesota's welfare reform law. Maybe it is a good law, maybe it is a bad law. But if someone in Minnesota thinks that his or her constitutional legal rights are being violated by that law, and Legal Services is willing to help them sue to vindicate their legal rights, if that law is allegedly violating rights that they have, that is a perfectly proper road, because otherwise what we are saying is that only middle class and rich people should have the right to sue against a State law. If the State law is not violating the Constitution or is not violating what Congress says, the courts will so rule.

The argument really is that it is too much of a pain and too much of a bother to have poor people challenging local establishments, challenging what the State Legislature of Minnesota may have done, but what is the grounds of the challenge? The grounds of the challenge is that it is against the Constitution of the United States or against the laws that Congress passed, and if it is, it ought to be struck down; and if it is not, it will not be.

Mr. Chairman, in summary, the attempt to eliminate Legal Services is shameful because it is an attempt to deny access to the courts to poor people to vindicate their rights, and I urge

the adoption of this amendment to have a minimum level of legal services available.

Mr. RAMSTAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join my colleagues from Pennsylvania and West Virginia in sponsoring this amendment to prevent the drastic 50-percent cut in Legal Services funding.

Unless we pass this amendment today, those words etched atop the United States Supreme Court, ''Equal Justice Under Law,'' are meaningless. Those words are a mere mockery unless we pass this amendment today.

Let us talk facts, Mr. Chairman. The antagonists of the Legal Services Corporation who want to kill Legal Services for the poor know that the funding level in the bill is a 50-percent cut from last year. That follows on the heels of a 33-percent cut from the previous year. As a result, Mr. Chairman, Legal Services programs are serving right now 300,000 fewer low-income Americans because of decreased resources represented by those cuts. If this amendment does not pass today, an additional 400,000 vulnerable low-income Americans will have no representation under the law.

Let us talk about what type of Americans are served by Legal Services: children who need child support orders enforced and their mothers or fathers; private health insurance for children who have no health insurance, that is hardly a radical notion; victims of domestic violence; children who are abused; consumer fraud; people who are victims of consumer fraud and unlawful discrimination.

Mr. Chairman, we also have to talk facts. The antagonists, those who want to kill Legal Services, know full well that in 1995 we made reforms. With all respect to the gentleman from Georgia, there is no representation of people evicted from public housing due to drugs. If that is still going on, then let us go after the abuser, but it is written into law there are no class action suits, no lobbying, no legal assistance to illegal aliens, no political activities, no prisoner litigation, no redistricting representation. We have, Mr. Chairman, a new Legal Services because of these reforms, which I supported.

Now, let us talk about funding. There is nobody in this body on either side to whom I take a back seat when it comes to frugality with the taxpayers' dollars, and if my colleagues do not believe me, check the Citizens Against Government Waste lifetime ratings, check the ratings of the National Taxpayers' Union. But, Mr. Chairman, if we are to give people in this country, every person, regardless of income status, true justice under the law, we need to pass this amendment and not gut this program here today.

Volunteer lawyers, and believe me, no State surpasses Minnesota's contribution for pro bono work, but volunteer lawyers cannot meet the critical legal needs of poor people alone any more than doctors could treat all of the medical needs of the poor or grocers can feed all of the hungry without paying. We cannot effectively provide legal services to the poor without this public-private partnership.

Even in a State like Minnesota, last year 3,000 attorneys donating 30,000 hours of free pro bono legal services valued at over $3.5 million, even in a State like Minnesota, we closed last year 4,000 fewer cases, and tens of thousands of people, poor people, were turned away, could not have representation, could not have, Mr. Chairman, equal justice under the law.

I do not have any argument with those who stick to the facts, but let us talk about the new Legal Services, not the old, and let us not try to confuse people with those old arguments. I was as critical of the old Legal Services as many in this body who are against this amendment today.

The bottom line, Mr. Chairman, is we have passed tight restrictions on Legal Services Corporation. We do have a solid public-private partnership here. Poor people, most of them, are getting their day in court as far as civil justice is concerned. If our justice system is going to continue to have meaning, respect, legitimacy, we cannot just provide legal services to the wealthy, to those with means. Then justice cannot truly be just.

I urge my colleagues to support basic fairness and equality under the law by restoring Legal Services funding.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. RAMSTAD. I yield to the gentleman from Indiana.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. RAMSTAD] has expired.

(On request of Mr. BURTON of Indiana, and by unanimous consent, Mr. RAMSTAD was allowed to proceed for 2 additional minutes.)

Mr. RAMSTAD. Mr. Chairman, I yield to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I know the gentleman is very sincere, and he is one of my dearest and respected colleagues, but I would say to the gentleman that in April 1996, as I said previously, we implemented, and the President signed into law, restrictions on the Legal Services Corporation. I have here in my hand probably 6 to 10 examples in various States where the legal services Corporations have deliberately violated the laws passed by the Congress and signed into law by the President in April 1996.

Now, the reason I wanted to just have this brief colloquy with the gentleman is that we need to put some kind of a mechanism in place that will penalize those legal services Corporations that are using taxpayers' dollars and then violating not just the intent of Congress, but the law passed by Congress.

Mr. RAMSTAD. Reclaiming my time, Mr. Chairman, for 6 or 10 violations about which my distinguished colleague from Indiana speaks, we do not gut equal justice under the law, we do not eliminate legal services for the poor, we go after those who violated our restrictions that were imposed, properly so in my judgment, back in 1995, which took effect in 1996, but we do not void the fifth amendment, we do not void equal justice under the law, the equal protection clause of the U.S. Constitution because of 6 to 10 violations.

Mr. BURTON of Indiana. Mr. Chairman, I can give many more.

Mr. UPTON. Mr. Chairman, will the gentleman yield?

Mr. RAMSTAD. I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I might just say in response to the gentleman from Indiana [Mr. BURTON], that in these cases where we have seen abuses, I would be delighted, and I am a supporter of this amendment and will speak a little bit later, but I would be delighted to work with the gentleman from Indiana [Mr. BURTON] and the gentleman from Minnesota [Mr. RAMSTAD] and others, particularly those on the Committee on the Judiciary, to work on, whether it be legislation or a directive to the Justice Department, to make sure that they stick to the law.

Mr. RAMSTAD. Reclaiming my time, Mr. Chairman, and my time is very short, I will be the first to go after and to join my colleagues in going after any of those violators, but let us not kill Legal Services because of 6 to 10 violations.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. RAMSTAD] has expired.

(On request of Mr. BURTON of Indiana, and by unanimous consent, Mr. RAMSTAD was allowed to proceed for 1 additional minute.)

Mr. RAMSTAD. Mr. Chairman, I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I do not think we are at odds on this particular point we are talking about. What I am saying is where there is a violation of Legal Services and we know about it, I have some examples here, there ought to be a penalty imposed upon those agencies that are violating the law.

Now, if we did that, we would find a lot of people that might take a little different approach to Legal Services, because these legal service organizations that have involved themselves in defending drug dealers and people who are deliberately breaking the law, if we did that, I think we could work together.

Mr. RAMSTAD. Mr. Chairman, reclaiming my time, I do not dispute what the gentleman just said. I do not think the majority of this body would dispute that, including those of us who defend Legal Services for the poor.

□ 1500

Of course there should be sanctions to those who violate the reforms that

we enacted in 1997 which took effect in 1996. I will join my colleague in such legislation. But this, Mr. Chairman, is not the vehicle to attach that, to go after those violators.

We have already, from last year, and again, let us speak to the facts, last year's funding level was $283 million. Even this amendment only restores funding to $250 million, so it is not level funding. Let us deal with the violators appropriately, but not here.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is inconceivable to me that we would juxtapose the numbers, 1 million underserved poor people across the Nation, and juxtapose a mere 6 to 8 examples of violations, of which we know, both in our hearts and our minds, that there is a remedy.

In fact, as I support the Mollohan-Fox amendment, in this legislation now before us those grantees that violate the law will be debarred. They will face debarment from any future opportunity. It is incredulous to me that those who would oppose Legal Services would raise such misdirected arguments, 6 versus 1 million citizens who need services regarding housing and family needs, such as abuse and domestic violence, those who have been kicked off unfairly from SSI, children who are suffering from mental illness, who for some reason or other have not been able to either get those services, or people who are ill who need those services.

It is certainly in contrast to most of America, for recent polling will tell us that 70 percent of Americans are in favor of using Federal tax dollars to fund civil legal aid for the needy. That is what we are talking about.

Might I say something that is somewhat unpopular: I take great umbrage and exception to the fact that we would lump and put in one pot all of the dedicated Legal Services lawyers across the Nation. I say that in honor of my brother-in-law, Phillip Lee, who spent 20 years of his life, until he passed, working for the New York Legal Services. I say that in tribute to those who are on the Gulf Coast Legal Foundation in Houston, TX, the board of which I served on, and have watched those lawyers toiling for individual cases which no one in the general public bar could or would take. I listened to the organized bar in the State of Texas beg me to preserve the Gulf Coast Legal Services Corporation, even though they were very active in doing pro bono work.

So this is a travesty and a farce, arguing about insignificant cases dealing with how much drugs in an apartment. I do not know the facts, but I would argue and say that all of us will support eliminating those abuses. But without having all the facts, for example, that person could have been an elderly citizen, and I am not suggesting these are the facts, intimidated and held hostage by younger people living in her apartment, and therefore, there might have been a reason.

If it is not the facts of the Brooklyn case, think of it as being the fact that she is held hostage by young people taking over her apartment, and we would penalize this elderly victim if that would have been the case. At the same time, the ridiculous case about someone with alcoholism; alcoholism has been designated as a sickness. Maybe that was the reason why the case was taken.

In any event, it is ludicrous, again, as I have said, to move and to require, if we do not have this particular funding, and increased by the Mollohan-Fox amendment, that we would lose 550 of these neighborhood offices, 50 percent, and the number of Legal Services attorneys would decrease from 4,000 to 2,000. That is one LSC attorney for every 23,600 impoverished Americans.

Mr. Chairman, I would simply say that if the shoe was on the other foot, if the Member had no other way to access the courts and to address his legal grievances, if he had gone to every attorney and said, I have no money, but will you take my case, you are in the private bar, albeit the good works that the private bar does, would he, a United States Congressperson who does not have the privilege which many of us have, have a better understanding that poor people need justice, too; that the Constitution and the Bill of Rights applies to poor people as well?

Might I say that I take a slightly different perspective, as I close, from my good friends, the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Pennsylvania [Mr. FOX]. Although I adhere to them, I believe the cases that deal with Indian rights, welfare, redistricting, all of those cases preserve the dignity of those in this Nation, but I concede that point. For those of us who have conceded it, it is absolutely ridiculous to deny to the poorest of poor their rights in the courts. We are our brother's keeper.

Mr. Chairman, I rise today in support of the Mollohan-Fox amendment which would restore a majority of the funding recently stripped from the sorely needed Legal Services Corporation. This amendment will set the appropriation amount for the Legal Services Corporation at $250 million, down only 12 percent from last year's $283 million budget allotment.

This amendment and the issues it evokes hit directly at the core of widespread concerns about the reality of equal protection under the law. Is there or can there ever be equal protection under the law when the access to quality legal services is based entirely upon socioeconomic factors? I would think not. This is the very reason that organizations like the Legal Services Corporation exist. Without it, and organizations like it, our Constitution will become a document empowered by the dollar, and not the sovereign will of the people. Without effective legal services for the impoverished and indigent, our laws and their unconditional protections have no force, no honor.

The Nation, since the cornerstone of Gideon versus Wainwright was laid now over a generation ago, has readily acknowledged the importance of legal representation, and the existence of the Legal Services Corporation is concrete evidence of that fact. In Gideon, the right of the indigent and socioeconomic disadvantaged to legal representation in criminal proceedings was upheld; however, many Americans also recognized the need for the legal defense of the indigent in civil matters, as well. Are we going to be the generation of Americans that robs its citizens of this vital protection?

The Legal Services Corporation helps millions of Americans effectively access the justice system in cases of domestic violence, housing evictions, consumer fraud, child support, among a host of other critical matters. The bottom line is that without this critical program, many indigent children, battered and abused spouses, elderly and physically challenged citizens and those in the lower levels of the socioeconomic strata would not have access to competent legal representation in civil matters.

A recent Louis Harris & Associates poll showed that 70 percent of Americans are in favor of using Federal tax dollars to fund civil legal aid for the needy. The poll highlighted legal services like child custody, adoption, and divorce which should not be accessible only to those at a certain level of financial security. I sincerely hope that this Congress will not retreat from its unmistakable social responsibilities. I implore this House to vote in favor of the Mollohan-Fox amendment, and restore the funding of the Legal Services Corporation so that the justice system in this country can serve the needs of all of its citizens and not just those who can afford it.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I submit what is ridiculous is that this Congress would continue to fund such as a disastrous program as Legal Services at all, let alone pass this amendment.

Mr. Chairman, what is ridiculous is that we continue to fund a program that is so irresponsible that the Congress would actually have to take the kind of action we took in fiscal year 1996 and spell out what ought to be clear ahead of time for responsible people in an organization funded with Federal funds, and actually make explicit that they may not get involved in redistricting, they may not get involved in abortion litigation, or prison litigation, or welfare litigation, or pro-union advocacy, for heaven's sake, and union organizing, or fee-generating cases, or representation of public housing tenants charged with possession of illegal drugs or against whom eviction proceedings have begun as a result of illegal drug activity, and a prohibition on representing illegal aliens. Mr. Chairman, that is an indictment right there on the inclinations of the individuals in this irresponsible agency.

Mr. Chairman, I believe as much as anyone in protecting the rights of poor people, but unlike my colleagues on the other side of the aisle, and apparently some of my Republican colleagues, I do not believe we have to build a bigger and bigger welfare state, of which this is a part, in order to accomplish those objectives.

If legal representation of the poor at public expense is so important, let the attorneys donate their time, let the States handle the matter, where they are a little closer to the people, where these kinds of abuses cannot continue to occur. And yes, they do continue to occur. When we are going to talk about protecting children, listen to this case. Here, how well are they following the law here?

In 1997 Northwest Louisiana Legal Services argued for preserving a woman's parental rights for her children, despite clear evidence she had physically abused them. The case began in 1991. The State investigated it. They assumed temporary custody. Legal Services still got involved, claiming that terminating parental rights was improper. These children had been severely beaten and burned, and yet our taxpayer dollars went through Legal Services to defend this type of individual.

Mr. BARR of Georgia. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Georgia.

Mr. BARR of Georgia. Mr. Chairman, as the gentleman from Minnesota earlier said, we must stick to the facts. Then he said there were simply no cases where Legal Services Corporation funds continued to be used to evict people for drug-related evictions. The facts of the matter, I say to the gentleman from Minnesota, are that that continues to happen. In New Jersey, in the case of *Hoboken* v. *Alicea*, A–5639–95T3, New Jersey Court of Appeals, 1997, it continues to happen.

I would ask the distinguished gentleman, is he aware of any provision in the Constitution of the United States of America in which there is a constitutional guarantee, as found by the courts or explicit in the Constitution, where people have a constitutional right for legal services to be provided for them in civil cases?

Mr. DOOLITTLE. Let me respond to the gentleman, Mr. Chairman, and say I know of nothing in the Constitution that requires that, and I know of no court, no Supreme Court ruling that has so interpreted the Constitution.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I would point out that the authority for the Legal Services Corporation is statutory in nature, passed by the Congress, which Congress has authority constitutionally to do.

I would just like to again reassure Members who are concerned about the various Legal Services grantees across the Nation violating, to the extent it happens, restrictions have been put in the bill. We are putting in sanctions. We are reaffirming the limitation on spending, so Legal Services Corporations cannot participate in the offensive activities. Then we are also adding sanctions, debarment sanctions, and sanctions against grantees competing for future grants where there have been violations.

I simply say that because I sense that perhaps the gentleman is not aware of that, and I want to assure the gentleman that the chairman and the committee have been vigilant about trying to do that.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the ranking member is correct. It may not be of great notice yet, but we are putting a new provision in the Legal Services statute that I think is of interest to the gentleman from Indiana [Mr. BURTON] and the gentleman from Georgia [Mr. BARR], the gentleman who yielded, and others, that gives the Legal Services Corporation a new way to discipline grantees who violate the restrictions that the Congress put on those grantees.

In effect, LSC, under this new provision, has the automatic right to terminate the grant or contract of any grantee, and also, under section 504(a) and subsequent sections, can debar that recipient from any further grants under the act. This is new ammunition, new powers that they have never had before.

The CHAIRMAN. The time of the gentleman from California [Mr. DOOLITTLE] has expired.

(On request of Mr. ROGERS, and by unanimous consent, Mr. DOOLITTLE was allowed to proceed for 2 additional minutes.)

Mr. ROGERS. Mr. Chairman, will the gentleman continue to yield?

Mr. DOOLITTLE. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, this is new law. This is a new procedure. We are trying to respond to the criticisms that LSC has had in the past that they did not have the authority nor the interest in debarring and taking away the contract of a grantee that violates the House-passed laws. So this is new. It does have teeth. It can be enforced and should be enforced, and we are going to insist that it be enforced.

So I think that is of interest to everybody, particularly those who have been critical of LSC for not disciplining their own grantees, and debarring from further LSC activities a grantee who violates the House-passed rules. I thank the gentleman for yielding.

Mr. DOOLITTLE. Mr. Chairman, let me say I do not think those go far enough, but I am happy to hear they are in the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the gentleman is very kind for yielding to me.

Very quickly, Mr. Chairman, my good friend, the gentleman from Georgia [Mr. BARR] made a distinction constitutionally between criminal and civil laws. Let me argue that the Congress is empowered to delegate authority and has obviously designated the Legal Services Corporations to help poor people have legal services.

The real issue is the moral high ground, judging 1 million poor people who cannot get legal services against the rich of America who can. I would simply ask the gentleman, in all of his conviction, to please, if he will, have mercy on those individuals who cannot achieve justice any other way.

Mr. DOOLITTLE. Let me just say with what time I have left, Mr. Chairman, that this is perfectly appropriate for local and State entities to carry out. I think we will not end the abuses as long as the remote Federal Government continues to fund and increase funding for a program of this sort.

Obviously these organizations have no interest in respecting the intent of Congress, when we have cited repeatedly violations of the very restrictions that were already in the law that continue to happen. This is not the job, in my opinion, of the United States government. It is the job of the State governments or of local bar societies.

The CHAIRMAN. The time of the gentleman from California [Mr. DOOLITTLE] has expired.

(On request of Mr. FOX of Pennsylvania, and by unanimous consent, Mr. DOOLITTLE was allowed to proceed for 1 additional minute.)

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Chairman, I appreciate the gentleman from California yielding to me. The fact is, I want to make sure I get to him all of the cases where Legal Services is now going after the grantees who are not living up to the 17 restrictions, and the new one that the gentleman from Indiana [Mr. BURTON] and myself and the gentleman from California [Mr. DOOLITTLE] also is supporting, which will further make this program where we only want to give services to those who are truly poor and truly in need; no social engineering, no class action lawsuits. These are new Legal Services guidelines which everybody in Congress can support.

□ 1515

Mr. MOLLOHAN. If the gentleman will continue to yield, Mr. Chairman, I just want to put this in perspective.

The gentleman from California [Mr. DOOLITTLE] cited six cases?

Mr. DOOLITTLE. Mr. Chairman, reclaiming my time, I cited, I believe, a couple cases. Others have cited other cases.

Mr. MOLLOHAN. If the gentleman would continue to yield, there were 1.4 million cases closed in 1996, 1.4 million cases.

Mr. DOOLITTLE. Mr. Chairman, reclaiming my time, let me just say, this

is just the tip of the iceberg. We can cite numerous cases. I dread to think how many things are going on that we do not really know about yet and will continue to go on despite these attempts of cosmetic restrictions until we simply end this program, let it go back to the States where it belongs, not the Federal Government.

PREFERENTIAL MOTION OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. TIERNEY moves that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Massachusetts [Mr. TIERNEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TIERNEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 102, noes 315, not voting 16, as follows:

[Roll No. 448]

AYES—102

Abercrombie
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Berry
Bishop
Bonior
Borski
Brown (OH)
Carson
Clayton
Clyburn
Condit
Conyers
Coyne
Danner
Davis (FL)
DeFazio
Delahunt
DeLauro
Dellums
Deutsch
Doggett
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gutierrez
Hefner
Hilliard
Hinchey
Hooley
Hostettler
Hoyer
Jackson (IL)
Jefferson
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
LaFalce
Levin
Lewis (GA)
Markey
Martinez
McCarthy (MO)
McDermott
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Mink
Nadler
Neal
Obey
Olver
Owens
Pallone
Pelosi
Pomeroy
Rangel
Rothman
Roybal-Allard
Salmon
Serrano
Skelton
Snyder
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Tierney
Torres
Towns
Velazquez
Vento
Watt (NC)
Waxman
Woolsey
Yates

NOES—315

Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Christensen
Clay
Clement
Coble
Coburn
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
Meek
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stokes
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (FL)

NOT VOTING—16

Bonilla
Buyer
Chenoweth
Collins
Cummings
Gibbons
Gonzalez
Hansen
Hastings (FL)
Lazio
Leach
McInnis
Miller (CA)
Rogan
Schiff
Young (AK)

□ 1533

Messrs. BOUCHER, KIM, DICKS, and TALENT changed their vote from ''aye'' to ''no.''

Mr. HILLIARD changed his vote from ''no'' to ''aye.''

So the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. CHENOWETH. Mr. Chairman, earlier I was unavoidably detained and missed rollcall vote 448. Had I been here, I would have voted: ''no.''

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Mollohan-Fox amendment to restore funding for the Legal Services Corporation. I particularly want to congratulate the gentleman from West Virginia and the gentleman from Pennsylvania for bringing forward this very valuable effort.

The Legal Services Corporation was established by Congress in 1974 to ensure that all Americans, Americans of every stripe, have equal access to the justice system. We should not go back on that commitment now, and we cannot expect that solely voluntary donations will provide poor people with equal access to the justice system. But the bill before us would cut Legal Services funding by 50 percent from last year, and that would have an immediate effect on Legal Services clients. Thousands of low-income people would be denied their chance of equal justice in my district alone, and that can be multiplied all over this country.

The Legal Services Corporation helps people who cannot afford legal representation. Legal Services attorneys in my district have helped clients contest housing evictions, avoid termination of government benefits, secure restraining orders in domestic and family abuse cases, and they have helped collect child support payments for families.

I could cite dozens of legitimate cases of legal services being provided in my district compared with those that have been suggested as illegitimate cases, as abusive cases of the program. But here is just one story that shows the vital role that Legal Services plays in the lives of ordinary people. A woman from my district separated from her husband because of physical abuse, and she had custody of their children. While she was hospitalized for the abuse, her husband obtained a custody order and placed the children with his parents. With Legal Services assistance, this mother was able to regain custody of her children. She was able to end the abusive marriage, to obtain housing, and then to go on to obtain a bachelor's degree, so she can now support herself and her children in a legitimate way.

We need to ensure that every citizen has access to equal justice in a similar kind of a manner. I urge my colleagues to support the Mollohan-Fox amendment as a good amendment to assure

Americans equal access to equal justice.

Ms. HARMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment by the gentleman from Pennsylvania [Mr. FOX] and the gentleman from West Virginia [Mr. MOLLOHAN] to restore funding for the Legal Services Corporation.

Many of us come to this House having had one or more careers. One of my prior career experiences was as chief counsel and staff director to a Senate Judiciary subcommittee concerned with access to justice. I was there when the Legal Services Corporation was created during the Nixon administration, and I was fortunate to play some role in helping to select its board, protect its funding and its functions over the years. I care very much that it survives.

Residents of California's 36th Congressional District are served primarily by the Legal Aid Foundation of Long Beach. For over four decades, the foundation has provided no-cost legal services to more than 114,000 eligible low-income residents of the Long Beach-South Bay area. Annually the foundation serves over 3,200 clients at a cost of approximately $400 per client, thus demonstrating that its services are efficient and cost-effective.

While the Legal Aid Foundation assists in a variety of cases, actions to prevent or curb domestic violence have long been a major focus. Recent studies show that domestic violence calls in at least one city in the South Bay occur at a rate of one each 1½ hours. The foundation's domestic violence clinic helps thousands of women and children each year obtain the protection of a restraining order and as such is highly praised and serves as a national model. It also offers training to battered women's shelter workers to make them aware of the legal avenues available to victims. Utilizing a grant, the foundation delivers the antiviolence message to the public schools in my district.

□ 1545

This is just one example of what this foundation does; there are many others.

It encourages the private bar to take pro bono cases and also offers a ''Wills on Wheels'' program assisting the elderly and disabled in preparing simple wills.

But, Mr. Chairman, my view is that unless we save funding for this very, very important corporation and save the dream of those many years ago, including President Nixon, who knew that everyone deserved access to justice, we will be doing a serious injustice. In the absence of adequate funding, we may spend more money trying murder cases and dealing with the tragic effects of domestic battery on a generation of children.

I urge the restoration of funding. I urge support for the Fox-Mollohan amendment and support for equal access to justice.

Mr. UPTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this issue is important not only because it is a matter of decency, common sense and compassion, but it is one that we need to pass this afternoon. Let me remind my colleagues again that this amendment keeps Legal Services at a funding level that is still $30 million less than in 1997, and in fact, it is about $150 million less than it was just a couple of years ago.

Mr. Chairman, we are a country founded on the basic principle of liberty and equality before the law, but when people are unable to even access our legal system because they lack representation in the funds to secure a lawyer, we are asking a portion of our society to forgo a fundamental right.

The Legal Services Corporation is an avenue for low income Americans to receive legal representation for civil matters. The lawyers who are part of Legal Services provide the guidance and the expertise needed to successfully navigate our complex and often intimidating judicial system. Very few of us could manage the intricacies of our legal system without counsel. Should we expect citizens who do not have the means to hire a lawyer to simply fare on their own? One person's legal problems are no less important than another's, and everyone deserves a fair chance regardless of their income level.

What are the civil matters we are talking about? Well, about 70 percent of the national caseload falls into categories in which children are impacted. In Michigan we had more than 80,000 cases last year; 40 percent of those fell in the category of family civil cases. But that means cases involving divorce, spousal abuse, adoption, child support. Other civil matters include housing, income maintenance issues, and consumer finance issues.

I think it is particularly interesting to note the role that Legal Services plays in helping single parents, who may or may not be also collecting welfare, secure child support payments; two-thirds of Legal Service clients are women, and many of those, of course, are single moms. I am aware, in fact, of a mom in my district who relocated to Michigan with four children after being granted a personal protection order from another State. However, the husband refused to pay child support and continued to threaten her. She had no place to turn other than the Legal Aid Bureau of southwestern Michigan, who helped her obtain a Michigan personal protection order, start divorce proceedings and obtain custody and support so that she and her children could stay together. Without assistance we can only guess what might have happened.

This Congress needs to have a heart. We are not talking about the greedy; it is the needy. And I would agree that there were abuses in the past, and I will ask unanimous consent to file all of these restrictions that this body passed. And I would respond to the gentleman from Indiana who talked earlier, that, in fact, when abuses are there we can go after folks and debar them; and, in fact, I would urge the Committee on the Judiciary on which I do not serve that they ought to have some hearings and look into those, and if the cases can be made, they ought to take some action. That is what the Committee on the Judiciary is for. But in my mind it is unconscionable for us to restrict access to Legal Services for any Americans who need representation.

Last year, we passed a welfare reform bill that enjoyed strong bipartisan support. One of the major provisions in this bill was to go after deadbeat dads, and moms, too. Mr. Chairman, in a good number of cases families that experience divorce are in fact represented by Legal Service attorneys who help in determining what their child support ought to be. Those are civil cases, not criminal ones.

Support the Mollohan-Fox amendment, and stand for the principles and ideals that make our Nation great.

RESTRICTIONS ON LSC GRANTEES

The restrictions on the use of funds by the LSC and its grantees as enacted by Congress in 1996 are as follows:

1. No advocating policies relating to redistricting;
2. No class action lawsuits;
3. No influencing action on any legislation, Constitutional Amendment, referendum or similar procedure of Congress, State or local legislative body;
4. No legal assistance to illegal aliens;
5. No supporting/conducting training programs relating to political activity;
6. No abortion litigation;
7. No prisoner litigation;
8. No welfare reform litigation, except to represent individuals on particular matter that does not involve changing existing law;
9. No representing individuals evicted from public housing due to the sale of drugs;
10. No accepting employment as a result of giving unsolicited advice to non-attorneys; and
11. All non-LSC funds used to provide legal services by grantees may not be used for the purposes prohibited by the Act.

Furthermore, provisions included in the Fiscal year 1998 Commerce, Justice, State and Judiciary Appropriations bill will allow the LSC to terminate contracts of grantees which fail to comply with these restrictions and debar grantees from receiving future financial assistance.

Mr. MINGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a student, as a teacher, and as a professional I have participated in programs to assure equal access to the court system, the justice system in this country, for over 30 years. This is a system that all of us are proud of as a part of our American heritage, the fact that we, in this country, can look to a legal system that is capable of resolving disputes instead of resorting to weapons, fisticuffs, or other forms of violence. If we expect this form of dispute resolution to survive, we have to make sure that it is

accessible to all Americans who need to have problems addressed. I can think actually of no more conservative cause than to say to people, ''No, you cannot resort to the streets; no, you cannot take the law into your own hands, because we have established a process to resolve these disputes and we not only expect but we require that you participate in that process.''

This indeed is the law of the land, and as a consequence we have an obligation to make sure that all Americans have access to this legal system, and that is what this debate is all about.

The Federal Government has made it possible for Legal Services programs to be developed in all parts of the country. These programs unfortunately are vastly understaffed and, in fact, in many parts of the country, including the part I come from, rural Minnesota, it has been necessary to call on attorneys to volunteer to take cases because the Legal Services attorneys simply are not numerous enough to handle the caseload and, in fact, they have had to lay off Legal Services attorneys. We have thousands of attorneys in our State that voluntarily take these cases.

Now I would certainly agree when I have been on the other side I resented the fact that someone was criticizing my client. But I do not think it is a reason to say that we have to end the Legal Services Program or cripple it because we happen to disagree with someone on the other side of a dispute. Similarly, I think it is unseemly to hold up a list and say that this represents cases that are being improperly pursued under the Federal Legal Services Corporation Program.

The one case that I am personally familiar with on the short list that was held up is not, in fact, being pursued by a grantee of this program; it is being pursued by another legal advocacy program. So, it is not only misleading to the Members of the Chamber, it is misleading to the American public to criticize the program inaccurately in this fashion.

I would also like to emphasize that none of us claim that this program or any program is a thousand percent successful. It would be nice to say that we all somehow are deities and that we perfectly comply with the intent and the letter of all laws that exist in this Nation. That is not the case, and we know it. If we can find a tenth of a percent of flawed cases for violations of a program, that simply means that we need to redouble our efforts to make sure that the rules, the guidelines, are complied with, not that we need to terminate the program.

So I would urge my colleagues on both sides of the aisle to join with me and many others in supporting this program, No. 1; and, No. 2, making sure that we adequately police the restrictions and regulations so that the Federal money is used consistent with the Federal requirements.

Mr. FORBES. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I think it is important to understand, first of all, that it is this Republican Congress which made the necessary changes to the Legal Services Program that will allow it to move forward in the future, and this is not a debate about funding. This is really a debate about the future existence of this total program, and frankly those who would advocate slashing the moneys for this program are truly on a mission to end this kind of legal assistance. As some of my colleagues have already pointed out, this is an important program that provides many single parent families with the kind of support that they otherwise would not get.

And to those who would shut down the Legal Services Program, I would ask, what is the alternative? Where is their alternative to make sure that the people who are low income, who would not otherwise have legal representation, where are they to go?

So, I think it is important again to stress that not only did this Congress going back to 1996 make the necessary changes to clean up this program, which admittedly had serious flaws, but in the current funding bill it is important to note that the Legal Services Program would terminate contracts of grantees which fail to comply with these restrictions and to bar grantees from receiving future financial assistance.

It is important to enumerate that this program no longer will tolerate nor allow for any kind of advocating policies relating to redistricting, to class action lawsuits, to influencing action on legislation, constitutional amendment, referendum or similar procedures of the Congress, State, or local legislative bodies. No legal assistance to illegal aliens, no supporting conducting of training programs related to political activity, no abortion litigation, no prisoner litigation, no welfare reform litigation except to represent individuals on particular matters that do not involve changing existing laws, no representing individuals evicted from public housing due to the sale of drugs, no accepting employment as a result of giving unsolicited advice to nonattorneys, and non-LSC funds used to provide legal services by grantees may not be used for the purposes prohibited by the act, as was outlined in the changes made in 1976.

I think it is critically important to understand that we need this safety net, we need to provide for the poor among us so that they have the same legal rights as many other Americans, and these people do not have the funds available to protect themselves. They do not fall within certain categories that would allow them the kind of representation that others could expect, and I think it is important that with these important changes, with cleaning up the program, that we allow this program to go forward.

So, I proudly rise in support of the amendment, and I thank its sponsors.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today I want to speak in support of the Mollohan-Fox amendment to restore funding to the Legal Services Corporation. If this amendment is not accepted, the Legal Services Corporation will suffer a devastating blow. As currently written, this bill provides only $141 million for the Legal Services Corporation. This amount is 50 percent less than the $283 million appropriated last year and $199 million less than the request of the administration.

I want to stop for a moment and thank the Representatives from the other side of the aisle, the gentleman from Pennsylvania [Mr. FOX], the gentleman from New York [Mr. FORBES], the gentleman from Michigan [Mr. UPTON], and others for joining in this bipartisan effort to do the right thing for poor people and working people.

As my colleagues know, we could use our power any way that we would like in this House. We could be good public policymakers, concerned about all of our constituents, not just the rich, not just the well off, or we can be bullies. We can be bullies who use our power and put our foot on the backs and the necks of working people and poor people; we could do that any time, and that is what we are doing on this Legal Services Corporation funding. We are literally getting rid of them by taking away 50 percent of the funding.

Who are these people? First of all, we should take all of these Legal Services attorneys and give them some awards. We should award them for working in the dinky offices across America for less money than attorneys normally make, for going into neighborhoods and representing people when their own lives sometimes are at risk.

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We should award them for going into the public housing projects, to the barrios, and into the rural areas where no one else will go, to represent working people and poor people.

I want to tell you about a case that I encountered in 1978 as a member of the California Legislature. I will never forget Ms. Willa T. Moore. She was a homeowner. It was just a little house in South Central Los Angeles, but she received a bill. She knew she had paid her taxes. She was not familiar with the 1911 Assessment Act. This is the assessment for new street lighting that is done by the city. They kept sending her the bill, she disregarded it, she thought the people downtown made a mistake. She paid her taxes.

Well, let me tell you, they started to foreclose on her house because she failed to pay the 1911 assessment tax bill that was sent to her because of the lighting district that had been put in.

I worked with Legal Services Corporation to get Ms. Moore's house back. I did not stop until we made sure that that house was not taken. Without Legal Services, I would not have been able to assist Ms. Moore.

But let me tell you something else that was going on at that time. We had contractors who went out and knocked on doors. They said, ''Let me put a new roof on your house. Let me put a burglar alarm system in. Let me expand and put a new room or porch on your house.'' They carried the paper from a well-known S&L, and the people signed up. They had to put their deeds up in order to get the credit from the S&L working with the contractor.

The contractor signed up senior citizens, working people, poor people. They oftentimes would come and put the scaffolding up to start the job, but they would go on to the next person. They had blocks of people who they had signed up to do work for, putting on new roofs, new porches, burglar alarms, you name it. They would start, but somehow they would not get around to finishing the job. But the payment book came from the S&L, because the contractor had the relationship to the S&L, and the people's payment book came, they had to make the payment, but no contractor.

The S&L said to the people, ''That is your business, to go after the contractor. You signed on the dotted line. We have the deed to your house. If you do not pay us, your house now belongs to us.''

I worked for 2 years with the Legal Services Corporation to do all kinds of new disclosure, to get rid of some of the practices of the S&L. I went to contractors who had collected those deeds and I made them give me the deeds back of senior citizens who had nobody to advocate for them. I walked the streets with the Legal Services Corporation representatives and attorneys, one by one, collecting those deeds back of senior citizens, of working people who had no other legal representation.

Do not do this to poor people. We are bigger than that. We are better than that. We could put our feet on the back of these people and take away the ability to have just a little representation, or we can be kind public policymakers who look out for people who have nobody else to look out for them.

I beg Members to support the amendment.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Mollohan-Fox amendment. For over a decade now, the gentleman from Florida [Mr. MCCOLLUM] and I have worked to reform the Legal Services Corporation. The gentleman from Kentucky [Mr. ROGERS], the chairman of this committee, has offered considerable help in this effort as well, and we have made some progress, but we have a ways to go.

But we are not debating today whether or not to reform the Legal Services Corporation or change the delivery system for Legal Services altogether. We are simply setting a funding level where the Legal Services Corporation can continue to function and provide civil legal care for those in our country who cannot afford it.

I fully understand the arguments for taking a hard look at changing our current delivery system for providing legal services to the poor. I intend to continue a careful examination of how we provide daily legal support for low-income individuals, and I hope at some time in the near future to work with the authorizing committee to see if we can address some of the things that are wrong, and there are some things that are very wrong.

But until that happens, I support continuing to fund the Legal Services Corporation at $250 million for fiscal year 1998. This is exactly the funding level which my colleague the gentleman from Florida [Mr. MCCOLLUM] and I proposed in our Legal Services Corporation reorganization bill of the 104th Congress.

All of the arguments we have heard today come down to one fundamental question, whether we believe that the Federal Government has a role to play in ensuring that the poor have access to the courts. I believe that we do.

Now, I will be the first one to tell my colleagues that the Legal Services Corporation has had its share of problems over the years, and we have heard many of them today. While I am not convinced that the current structure is the best way to deliver these services, I am not willing to demolish the Legal Services Corporation absent any other well-developed approach to caring for the people that depend on legal assistance in their daily lives. But that is precisely what we will do if we cut the funding today.

As a lifelong supporter of a balanced budget, I understand budget realities and know we cannot fund every program at the level we want, and that is why I commend the sponsors of this amendment who have worked extremely hard in finding the offsets to pay for this amendment in a fair and reasonable manner.

Finally, it is important to remember that we continue all of the restrictions agreed to on the Legal Services Corporation in the effort to make sure that this program works for its original purpose. While the Legal Services Corporation has certainly not been perfect over the past year, I do believe they have made sincere efforts to abide by these restrictions.

Again, I commend the chairman of this committee for his efforts along that line, because it makes my support of this Corporation possible today. I urge my colleagues to support the Mollohan-Fox amendment.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 4:30, and that the time be equally divided.

Ms. PELOSI. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield for the purpose of a unanimous-consent request?

Mrs. LOWEY. Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 4:30, and that the time be equally divided.

Mr. MOLLOHAN. Mr. Chairman, no objection.

The CHAIRMAN. Without objection, the gentleman from West Virginia [Mr. MOLLOHAN] will control 11 minutes, and the gentleman from Kentucky [Mr. ROGERS] will control 11 minutes.

There was no objection.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Mollohan-Fox amendment. Many Members may not think of Legal Services as a women's issue, but it is, because more than two-thirds of the clients served by the Legal Services Corporation are women. The funding cuts in this bill will force the LSC to abandon many of the critical legal services that it provides to poor women, particularly victims of domestic violence.

Last year, Legal Services programs handled over 50,000 cases in which clients sought legal protection from abusive spouses and over 6,000 cases involving neglected, abused, and dependent juveniles. In fact, family law, which includes domestic violence cases, makes up over one-third of the cases handled by Legal Services programs each year.

In addition to helping victims of domestic violence, the lawyers at the Legal Services Corporation help poor women to enforce child support orders against deadbeat dads. They also help women with employment discrimination cases.

The funding level in this bill will only allow for one Legal Services lawyer for every 23,600 poor Americans. If we slash funding to Legal Services, we will be abandoning tens of thousands of women who desperately need legal help. These women have nowhere else to turn in order to escape domestic violence or to bring a deadbeat dad to justice. We must not abandon tens of thousands of women to violence, abuse and greater poverty.

Mr. Chairman, I ask my colleague to please vote for the Mollohan-Fox amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, every morning we come to this House floor, turn to the American flag, and with hand over heart finish our Nation's

Pledge of Allegiance to our flag with these words, ''with liberty and justice for all.'' Now, Mr. Chairman, is the time for us to decide whether we mean those words.

I revere our Nation's great documents, the Declaration of Independence, the Bill of Rights, the Constitution, and to that I would add the Pledge of Allegiance to our flag. But what has made our Nation great is not pieces of parchment and hollow words, but the principles thus enunciated.

Today we should ask ourselves in this House, do we mean our Pledge of Allegiance, or do we simply recite it? Is the principle justice for all simply a concept to be taught in our schools, or is it a goal worth fighting for?

Just a few weeks ago in this House we passed a budget bill that will give tax breaks to some of America's wealthiest families. What would it say today about our values if while doing that we turned and cut funding for Legal Services for our poorest families?

Mr. Chairman, tomorrow morning when we turn to this flag once again with hand over heart and finish with those eloquent words, ''with liberty and justice for all,'' I hope we can do so with pride, knowing that we stand up for the meaning of those words.

Vote ''yes'' on the Mollohan-Fox amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington [Mr. MCDERMOTT].

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

Mr. MCDERMOTT. Mr. Chairman, most things that need to be said about this issue have probably now been said, but I want to say a couple of things specifically about the State of Washington.

The Legal Services Foundation in the State of Washington turns away four out of every five people who come seeking legal counsel. Now, if liberty and justice is for all, then it ought to be for all five. Four people out of five go away because there are no funds.

If that does not state the case, in 1980, the Legal Services Corporation in Washington State had 140 Legal Services attorneys dealing with roughly half a million poor or low-income folks in our State. That is 1 attorney for every 4,000 people. In 1996, the ratio had fallen to 1 attorney for every 15,000. That is 78 attorneys dealing with 1.2 million people.

There are several facts in that. That means more people, in a State like ours that is doing very well economically, more and more people qualify for legal aid, and yet we have half the lawyers that we did in 1980.

I strongly support the Mollohan amendment, and urge my colleagues to do the same, if you believe that there should be justice and liberty for all.

The CHAIRMAN. Without objection, the Chair will administer the time limitation to allow each side to consume all of the 11 minutes allocated to either side, notwithstanding the fact that the clock will pass 4:30 p.m. by 1 minute or 2.

There was no objection.

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Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise to support the Mollohan amendment to restore funding to the Legal Services Corporation to $250 million. My colleagues, over two-thirds of Legal Services' clients are poor women. Most of them are women with children who are seeking to receive child support, protect themselves or their children from abuse, or obtain decent housing, food or medical care.

Please do not take my word for it. According to John Erlenborn, a Republican Member of this House for 20 years, Legal Services funds benefited approximately 4 million people last year, most of them children living in poverty.

Three-quarters of Legal Services' cases involve or benefit children. Access to Legal Services can make the difference in which a child gets support from an absent parent, can live in a safe home, receives food, medical care, or access to education.

In 1996, Legal Services programs closed 50,000 cases representing women who needed protection from abuse. Another 200,000 were family and juvenile cases involving domestic violence. Who can forget that 2 years ago, even as this Congress debated cutting Legal Services funding, a woman was tragically murdered by her estranged husband just hours after she had been turned down for assistance in obtaining a restraining order, because of budget cuts at the Legal Services agency she phoned for help.

As a former Republican colleague, Mr. John Erlenborn, writes, ''I believe that access to justice should not be limited to those who have sufficient wealth to pay for it.''

I share Congressman Erlenborn's belief, and I hope that my colleagues do as well. Help mothers get the child support their children deserve; help children get the medical care that they need; help protect women and children from the family members who abuse them. Vote ''yes'' on the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 1½ minutes to the gentlewoman from California [Ms. PELOSI].

(Ms. PELOSI asked and was given permission to revise and extend her remarks and to include extraneous material.)

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time and for his leadership in bringing this important amendment to the floor. With apologies to the distinguished chairman for objecting to his unanimous consent, and certainly in support of it now, I rise to encourage our colleagues to vote for the Mollohan-Fox amendment.

In defense of the Legal Services Corporation, our colleagues have quoted the Constitution, and, of course, most recently the pledge to the flag which we make here every day, and in that pledge to the flag it has been said, and is said here every day, the pledge for liberty and justice for all. That is exactly what the Legal Services Corporation is about.

We brag and boast about American values and the rights that we have as Americans, but we truly do not have those rights unless we have access to legal services to protect those rights and the right to sue to protect them.

Other colleagues have quoted and referenced their own experience with Legal Services, and I just want to talk about the fact that two-thirds of those eligible for Legal Services are women and children, most of them families. They receive services in areas such as juvenile law, family law, housing, health and education, and clinics perform critical services for victims of domestic violence. Some of our colleagues have said what is not included here, and I will not go into that. I will submit it for the record. There have been staff cuts in Legal Services. It is a dollar well spent by the Federal Government.

Again, I urge my colleagues to vote for liberty and justice for all and to vote for the Mollohan-Fox amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. BECERRA].

The CHAIRMAN. The gentleman from California [Mr. BECERRA] is recognized for 2½ minutes.

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I happen to have been one of those ''nasty'' attorneys that on the other side we have heard mentioned so many times. When I had the privilege of graduating from Stanford Law School back in 1984, I took a job working for Legal Services in Worcester, MA, working for $18,000 a year, which is not even what I would have had to have paid for another year of Stanford Law School had I needed a fourth year.

At the same time, most of my peers at Stanford Law School were being hired for something around $70,000 a year to start their legal career, and certainly that is not the pay that the partner or the mid-level attorney in those firms is making. And what certainly those individuals were charging was well beyond $100 an hour.

Yet here I was, representing mostly people who were mentally ill. I had several clients; one, for example, was a minor who was locked up in a facility for adults. It was because Legal Services was there that we were able to remove that youth from that facility that was meant for adults who were mentally ill.

I had the opportunity to help adults who were being overmedicated because the wards and the staff at the institution were tired of having to put up with mentally ill patients. So they would overmedicate them so they would be drugged out of their minds and would not budge from their beds. Had Legal Services not have been there, we would not have been there to help these patients avoid overmedication.

I happened to work for Legal Services in Los Angeles when I was a law student where we were able to help people who were not being paid the minimum wage because unscrupulous employers were denying folks their pay. All of these things have happened.

We have heard of a few instances where there may have been some abuse in legal services office, but I have not heard a single soul here say that when the Department of Defense paid $500 for a toilet seat, or when they paid some $200 for a screwdriver, or when the CIA spent 300 and some-odd million dollars for a secret building, or when the Department of Energy failed to safely oversee the storage of nuclear waste, that we should kill those programs. Certainly we know we need the Department of Defense, and we need to be protective of this Nation's security, but no one has said tube those particular agencies simply because there has been some abuse.

When we think of the more than 1 million cases last year that were handled by a Legal Services attorney, for a pittance, it is well worth the while. When we think that these are people who would be unrepresented, those poor individuals who go to Legal Services—it is worth its weight in gold, because the folks that I worked with, the folks that I had the privilege to serve under working for $18,000 a year certainly did the job and did it well.

I now look at my salary of $133,000, and I hear people arguing that we should do away with a program where attorneys are paid $18,000, $20,000, $30,000, and I think to myself, here we are making $133,000, and saying that we should do away with Legal Services; perhaps we should think about something else to do away with, and that should not be Legal Services.

Mr. WEYGAND. Mr. Chairman, I rise today to express my extreme disappointment in those who chose to continue their assault on legal services for the working poor in our country. One of the more troubling portions the Commerce, Justice, State Appropriations Act for fiscal year 1998 is the severe cut in funding for the Legal Services Corporation, a private nonprofit corporation established by Congress in 1974 to guarantee all Americans equal access to justice under the law.

Instead of providing equal access to justice for millions of citizens, the majority in this Congress, in my view, has chosen to turn its back. By slashing funding for this program in half from $283 to $141 million—the majority in this House has signaled their indifference for those who cannot afford necessary legal advice on their own.

In my State, as well as many others throughout this country, this cut will be the death knell for the legal representation for the working poor. If these cuts are passed by this House and sustained by the other Chamber, countless hard-working and vulnerable citizens in our districts will be without adequate legal representation.

One of the persons in my State of Rhode Island who will be adversely impacted by these cuts is Mabel. She is a 70-year-old homebound woman whose only source of income is SSI. Because of her low income, Medicaid was supposed to pay her Medicare premiums but she was unaware that she was eligible for this program. A computer glitch erroneously denied her the coverage for which she was eligible—and she struggled to dutifully pay her premiums. Out of the blue, the State informed her that she was now eligible for full coverage and would no longer have to pay her premiums. She questioned the State as to the reason for the change, and learned her earlier payments had been a mistake. She tried unsuccessfully for 9 months to convince the State to reimburse her premium payments.

She then contacted Rhode Island Legal Services and they negotiated the case with the State and local agencies. As a result, Mabel received the $7,000 she had mistakenly paid over the years. Without Rhode Island Legal Services, Mabel would be out in the cold—with no where to turn. Mabel is one of the real people affected by the actions we take in Washington, DC.

Opponents of this program argue that the Constitution does require legal protection in civil cases. Well, then, I ask the following. I ask the opponents of this program to tell a family of four earning $18,000 a year, who have trouble affording food on the table, let alone an attorney—that they do not deserve legal representation after being unjustly evicted from their apartment. I ask the opponents to tell a woman, who has been the victim of domestic violence, that she doesn't deserve legal protection from her abusive husband. I ask the opponents of this program to tell a child, who has been denied the necessities of life because an absent parent has been inconsistent with court mandated child support, that they should not have any legal recourse. I ask the opponents of this program to tell Mabel, that she has no right to the money she paid in error.

I believe that one of the Founders of our country, Thomas Jefferson, in his first inaugural address said it best. When espousing the ideals in which he believed deeply to his new constituents, he mentioned his belief in ''equal and exact justice to all men, of whatever state or persuasion * * *.''

I could not agree more with his words spoken nearly 200 years ago. I urge my colleagues to reconsider this ill-conceived notion that each and every citizen does not deserve legal representation. In conference, I hope we will work together to restore adequate funding to this vital program.

Mr. DELAHUNT. Mr. Chairman, I rise in support of the amendment, which would partially restore funding for the Legal Services Corporation to a level of $250 million.

For over 20 years, Legal Services has been a lifeline for millions of poor Americans with no other means of access to the legal system.

During the past year alone, the Corporation funded programs that helped over 4 million people resolve some 1.4 million cases.

Who are the people behind these statistics?

Women seeking child support or protection against abusive spouses.

Elderly citizens lost in the maze of Government red tape.

Homeless veterans seeking access to benefits.

Abandoned children in need of shelter and care.

Slum tenants facing eviction and small farmers fighting foreclosure.

Those are the people we are talking about. If this amendment fails, thousands of them will have no place to turn.

We know this because that is what happened 2 years ago, when Congress slashed the Corporation's budget by over 30 percent. Because of those cuts, Legal Services handled 300,000 fewer cases in 1996 than in the previous year. In my district in southeastern Massachusetts, this meant that hundreds of families were denied assistance.

Let us not repeat that mistake. Let us not become a nation in which only people with financial means can afford an attorney.

I urge support for the amendment and yield back the balance of my time.

Mr. FARR of California. Mr. Chairman, I rise in strong support of the Fox-Mollohan amendment that would restore the Legal Services Corporation funding level to $250 million.

In my congressional district, Legal Aid of the Central Coast is the only source of legal advice for some 2,000 residents if they want to pursue legal recourse for cases of domestic violence, housing evictions, consumer fraud, and child support—the same kinds of legal problems that could confront any one of us.

The LACC conducts weekly clinics on housing issues—a critical issue for low-income tenants in an area of the country with some of the Nation's highest housing costs. Low-income victims of natural disasters—two of which have occurred in my district—the Loma Prieta earthquake in 1989 and severe flooding in 1995—are disenfranchised from legal recourse without access to legal services provided by the LACC. Its work in protecting children from being forced to live in housing with lead-based paint has been cited in local newspapers.

A recent California State Bar report estimated that the legal needs of three out of four low-income Californians were not met. If the Fox-Mollohan amendment is not approved, LACC could be forced to close 1 week out of every month. It is simply unconscionable to deny legal services to anyone based on their economic resources or lack thereof.

Mrs. MALONEY of New York. Mr. Chairman, I rise today in vigorous support of the Mollohan-Fox amendment, and in support of legal services organizations everywhere that provide a desperately needed legal safety net for low-income Americans. This amendment would restore funding for the Legal Services Corporation to $250 million, an amount that is still 12 percent below last year's level.

The Legal Services Corporation is the embodiment of a founding principle of this country—''Equal Justice Under Law''—through its efforts to provide legal representation to those who could not otherwise afford it. Unfortunately, the Republican-controlled House has long had the Legal Services Corporation in its sights. This year it has recommended a crippling 50 percent cut in a punitive attempt to

curtail the services of this agency. This reduction would virtually eliminate most LSC programs around the country. In reality, this attack is just another way for the Republican majority to systematically disinvest the poor, an action which is both shortsighted and irresponsible.

Mr. Chairman, I am not alone in my support of this desperately needed program. A recent poll conducted by Louis Harris & Associates found that 70 percent of Americans believe Federal funding should be provided for poor Americans who need basic civil legal assistance. The poll also found that 61 percent of Americans believe funding levels should be higher than have been recommended. Clearly, this amendment is not asking for any more than what the American people have decided is fair and just.

I, therefore, urge my colleagues to restore funding to the Legal Services Corporation by voting in favor of the Mollohan-Fox amendment. If we don't make ''Equal Justice'' under the law a reality for all Americans, who will?

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

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROGERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 246, noes 176, not voting 11, as follows:

[Roll No. 449]

AYES—246

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Camp
Canady
Capps
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
White
Wise
Woolsey
Wynn
Yates

NOES—176

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Cannon
Chabot
Chenoweth
Christensen
Coble
Coburn
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Foley
Gallegly
Ganske
Gekas
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Neumann
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Radanovich
Redmond
Riggs
Riley
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Bonilla
Clement
Collins
Gibbons
Gonzalez
Hansen
Hastings (FL)
Herger
Lazio
Rogan
Schiff

□ 1641

The Clerk announced the following pairs:

On this vote:

Mr. Schiff for, with Mr. Herger against.

Messrs. PEASE, KNOLLENBERG, DAVIS of Virginia, and SHIMKUS changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Chairman, on rollcall vote No. 449, I was unavoidably detained on official business. Had I been present, I would have voted ''aye.''

PREFERENTIAL MOTION OFFERED BY MR. GEPHARDT

Mr. GEPHARDT. Mr. Chairman, I have a preferential motion at the desk.

The CHAIRMAN. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. GEPHARDT moves that the Committee rise.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Missouri [Mr. GEPHARDT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GEPHARDT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 119, noes 293, not voting 21, as follows:

[Roll No. 450]

AYES—119

Abercrombie
Ackerman
Allen
Andrews
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Bonior
Borski
Brown (OH)
Capps
Cardin
Carson
Clay
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
DeFazio
Delahunt
DeLauro
Dellums
Deutsch
Doggett
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gutierrez
Harman
Hefner
Hilleary
Hilliard
Hinchey
Hinojosa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
LaFalce
Lantos
Largent
Levin
Lewis (GA)
Lowey
Maloney (CT)
Maloney (NY)
Markey
McCarthy (MO)
McCarthy (NY)
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Roybal-Allard
Sanchez
Sawyer
Scott
Serrano
Skelton

Snyder
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Waxman
Wexler
Woolsey

NOES—293

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hefley
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Jones
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanders
Sandlin
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stark
Stearns
Stokes
Stump
Sununu
Talent
Tauzin
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—21

Bonilla
Clayton
Collins
Foglietta
Gibbons
Gonzalez
Hansen
Hastings (FL)
Herger
Hill
Hoyer
Johnson, Sam
LaTourette
Lazio
Martinez
Matsui
Radanovich
Rogan
Scarborough
Schiff
Yates

□ 1702

Mr. Maloney of Connecticut changed his vote from ''no'' to ''aye.''

So the motion was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. ARMEY was allowed to speak out of order.)

EXPRESSING APPRECIATION TO MANAGERS OF H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. ARMEY. Mr. Chairman, I would like to predicate my comments by first appreciating the bill managers on the floor on this bill, the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN], for their good work and their willingness last night to stay and to work late, and, in fact, later than they had intended, to help move this bill along and to do so in such a way as to relieve the Members of the need to come back here for votes last night. They worked until 10. I think we had our last votes around 6 last night.

I would like to on behalf of all the Members appreciate the two bill managers for their generosity of spirit and their consideration. I realize and I am sure you all do, I know I did especially last night, a special evening with me and my wife, we had a chance to be together, at least on the phone, that it is for all of us always a special appreciation when we have had time with our families because of the consideration of our colleagues. In that regard obviously we are moving as fast as we can to complete the appropriations business before the end of the year and, hopefully, as soon as possible to wrap up the year's business so that we may be able to spend time, with the year's work completed, with our families in our own districts where we can relate to our own constituents sooner instead of later.

This is a very important piece of legislation toward that end, and even though we have had four procedural votes during consideration of this bill that unfortunately have, by and large, undone the time advantage we may have had as a body through the sacrifices made last night by our colleagues, I think that we all understand the need in the larger scheme of things to stay as long as we can to resolve the completion of this bill tonight. We intend to do everything we can to achieve that on behalf of all of us and our respective workloads.

I am sure that the bill managers would find their generosity of last evening rewarded and appreciated and the Members of the House would feel appreciative if we could proceed toward completion of this work this evening without further procedural delays. I am sure everybody would like to encourage everybody to take that way of showing appreciation to these two fine gentlemen who have managed this bill with such patience and appreciation for their colleagues.

REQUEST TO SPEAK OUT OF ORDER

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Ms. KILPATRICK. Mr. Chairman, reserving the right to object, I would like to ask the gentleman a question. The majority leader just spoke of our schedule for the coming days and tonight. Last night in the Committee on House Oversight, House Resolution 244 was voted out of committee. We have major concerns on this side about the resolution. We would like to know, is it scheduled for the rules? When will it be taken up? The resolution as passed by the Committee on House Oversight concerning California's 46th Congressional District with Congresswoman SANCHEZ, we would like to know when it is going to the Committee on Rules and when it will be scheduled so we can prepare ourselves.

Mr. SOLOMON. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I am not aware of a request to expedite the legislation. I believe I understand the legislation the gentlewoman is referring to, but I will certainly check into it and be glad to get back to the House and let them know.

Ms. KILPATRICK. I thank the gentleman from New York.

I see the gentleman from California [Mr. THOMAS] on the floor. We are told over here that it is scheduled for Monday afternoon. It is H. Res. 244. Perhaps the gentleman from California might want to comment. We are trying to understand so we can know what the schedule is.

Mr. THOMAS. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK. I yield to the gentleman from California.

Mr. THOMAS. Mr. Chairman, the committee met yesterday and passed the resolution. I have submitted a letter to the chairman of the Committee on Rules, and Rules, I assume, under normal order of business will examine the resolution and will act on it as the Committee on Rules does.

I do not know where the gentlewoman gets her information, but the chairman of the Committee on Rules, and he will check with his staff, has found out that it is being handled in the normal procedure. I thank the gentlewoman for yielding.

Mr. SOLOMON. If the gentlewoman will yield further under her reservation, I have just been informed by the gentleman that there is a letter of request in my office. If that is the case, I would intend to include that on an agenda after I have had the opportunity to speak with the gentleman from Massachusetts [Mr. MOAKLEY], and we would more than likely include that.

The gentleman from Massachusetts considers himself notified, and there will be a rules meeting Monday night at 6 o'clock on that issue along with others.

Ms. KILPATRICK. I thank the gentleman.

Mr. BECERRA. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK. Further reserving the right to object, I yield to the gentleman from California.

Mr. BECERRA. If I may direct a question to the distinguished chairman from the Committee on Rules, the chairman may know or others may know, there is a grave amount of concern brewing on the part of a number of Members of Congress with regard to the course that this investigation, now 11 months old, has taken with regard to the investigation in the 46th Congressional District and the alleged improprieties in voting. This resolution and, as quickly as I was able to glance at it, House Resolution 244 evidently calls upon the Department of Justice to initiate criminal proceedings against an organization which it deems noncompliant to a subpoena that was issued against it or to it by this Committee on House Oversight in regards to the Sanchez case.

My understanding is that this organization is appealing the issuance of that subpoena on constitutional grounds. My further understanding is that there is some grave concern as to the reach of some of these subpoenas. My further understanding is there is grave concern that this committee, the Committee on House Oversight, has sent out more than 500,000 names with additional private information gathered from the Department of Justice, INS, and is now requesting assistance from the Secretary of State of California for further investigation of some 500,000 names.

Mr. SOLOMON. Would the gentleman propound the question because we have regular order to follow.

Mr. BECERRA. I will propound the question. I had to give some background so the gentleman would be able to answer the question. My question is this: If the Committee on Rules is thinking of taking up this House Resolution which would call upon the Department of Justice to initiate criminal proceedings on an organization that believes its constitutional rights may be violated if it were to have to respond to this subpoena, then I believe a number of us would have a great amount of concern allowing the House to take that course of action given a number of things that the House has done in regard to the Sanchez investigation.

Ms. KILPATRICK. Mr. Chairman, reclaiming my time, I yield to the gentleman from New York.

Mr. SOLOMON. I would just say that under regular order, when the Committee on Rules receives a letter from the chairman of a committee, we would follow regular order. We would hold the meeting. The gentleman is certainly welcome to come up and testify and make his case.

Mr. THOMAS. Mr. Chairman, if the gentlewoman will yield further, in the gentleman from California's background, as an information to the chairman of the Committee on Rules, he stated a number of factual errors, and I do think the record should be accurate rather than the representations that were made. The committee did not issue a subpoena to the organization that he referred to. It was issued under the statute of the Contested Elections Act. It was disputed as to its constitutionality. House counsel indicated it was constitutional. The judge who issued the subpoena in a recent opinion indicated that it was constitutional.

The gentleman indicated that we have transmitted 500,000 names to somebody. That is absolutely factually untrue, and I understand it was mentioned at a press conference. It is repeated here on the floor of the House. I would tell the gentleman he had better get his facts straight before he continues to repeat them.

Mr. BECERRA. Mr. Chairman, if the gentlewoman will yield briefly under her reservation, I will note for purposes of this particular request for expedition of time and the conduct of this House's duties that if, in fact, the Committee on House Oversight intends to take this action, a number of us intend to do whatever we can in the minority party to exert whatever rights we have to ensure that there is some justice in this matter for the investigation in the Sanchez case. If we are hoping to have clean and smooth conduct of business, I think it is going to quickly wind down and not happen if we have this type of activity continue to occur.

Ms. KILPATRICK. Reclaiming my time, Mr. Chairman, I have been told and it has been reaffirmed by the gentleman from New York that this resolution will be scheduled for Monday afternoon.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

□ 1715

Mr. MILLER of California. Mr. Chairman, I reserve the right to object, and I do so to——

Mr. SOLOMON. Mr. Chairman, I did not have the opportunity to speak to my wife last night for several hours as the majority leader did, so I am still trying to communicate with her. But as we race on to adjournment—

The CHAIRMAN. The gentleman from California [Mr. MILLER] controls the time under his reservation.

Mr. MILLER of California. Mr. Chairman, the reason I reserve the right to object hopefully is to respond to not only the scheduling change here but also the comments by the majority leader.

Mr. SOLOMON. Mr. Chairman, I object to my unanimous-consent request.

The CHAIRMAN. The gentleman withdraws his unanimous-consent request.

Mr. MILLER of California. Mr. Chairman, I withdraw my reservation of objection.

AMENDMENT NO. 22 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. SANDERS:

Page 38, line 22, after ''$21,700,000'' insert ''(increased by $1,000,000)''.

Page 54, line 11, after ''$28,490,000'' insert ''(reduced by $1,000,000)''.

The CHAIRMAN. Is there objection to considering this amendment at this stage?

Mr. KOLBE. Mr. Chairman, I reserve a point of order.

Mr. Chairman, I would like to hear the gentleman explain his amendment but would reserve the point of order.

The CHAIRMAN. The gentleman from Vermont [Mr. SANDERS] shall have an opportunity to state his case on the amendment. The gentleman is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. SANDERS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SANDERS. Mr. Chairman, am I recognized for 5 minutes on my amendment?

The CHAIRMAN. A point of order has been reserved. The gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes on his amendment, recognizing that there is a point of order pending against his amendment.

The gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes.

Mr. SANDERS. Mr. Chairman, this amendment is an amendment of enormous consequence which is supported by people with very different political philosophies. This amendment is cosponsored by the gentleman from Oregon [Mr. DEFAZIO], by the gentleman from Ohio [Mr. NEY], by the gentleman from California [Mr. DELLUMS], by the gentleman from Florida [Mr. STEARNS], by the gentleman from Ohio [Mr. BROWN], and by the gentleman from California [Mr. ROHRABACHER], by Republicans, Democrats and Independent, by conservatives and progressives, and what this amendment says is that we believe in democracy and we believe that legislation passed at the local level, at the State level, and here in the U.S. Congress should not be overridden by the World Trade Organization.

And while we may disagree about this piece of legislation or that piece of legislation, we think that there is something very wrong about our trade policy whereby this Government has abdicated enormous responsibility and whereby major environmental legislation, legislation dealing with human rights and other important issues, is now threatened and has been threatened by the World Trade Organization. We believe that there is something very wrong when important environmental legislation passed by this Congress is overridden by people in Geneva who meet behind closed doors. We think there is something wrong when legislation passed in the State of Vermont, State of Massachusetts designed to bring back democracy in Burma is threatened by the World Trade Organization.

Mr. Chairman, let me take a moment now to yield to my friend, the gentleman from Florida [Mr. STEARNS] who has been very active in this issue.

Mr. STEARNS. Mr. Chairman, I want to thank my colleague from Vermont, and I want to thank my colleague from Arizona for his kindness in letting us at least just talk about it briefly here. Basically, what we are trying to do is give the U.S. Trade Representative more money so he can investigate, look at the U.S. laws, both local and State, that are impacted by the World Trade Organization when it makes decisions, and do they override actually in effect some of these laws at the local and State level.

As my colleagues know, Mr. Chairman, President Clinton, since he has taken office they have negotiated more than 200 trade agreements, and of these 200 trade agreements only 2 of them have had fast track. This, certainly, deflates the administration's claim that our Nation is in dire need of fast track.

So I think the important point here is that this amendment that the gentleman from Vermont [Mr. SANDERS] is offering, and others including myself, will allow the U.S. Trade Representative to have additional resources to study the impact of the World Trade Organization on the laws, the sovereign laws at the State and the local level, and to get back to Congress to see what impact these trade negotiations are having.

Mr. Chairman, I rise today to speak in favor of the Sanders-Stearns and friends amendment to this appropriations bill.

Since President Clinton has taken office, the administration has negotiated more than 200 trade agreements. By the way only two of these 200 agreements have had fast-track authority, NAFTA and the Uruguay round of GATT. This fact certainly deflates the administration's claims that out Nation is in dire need for fast-track.

We have to be honest with the American people. These trade agreements have a profound affect on them and they have a profound affect on local, State, and Federal laws.

That is why Mr. SANDERS originated this amendment.

There is great concern that U.S. laws, which lawmakers in Congress, State legislatures, and localities have worked hard to establish, continue to be overturned by faceless bureaucrats during trade negotiations.

And what can we do as the elected representatives of this great Nation that will stand up for the laws already in the books? Many of us would obviously like to stop this constant disregard for U.S. laws, but we are limited in our ability to make such a stand during consideration of an appropriation bill.

This amendment will allow the U.S. Trade Representative to have additional resources needed to research and study the American laws that will be affected by trade negotiations.

Even in the President's fast-track legislation, section 5(a)(1)(B) states that, "within 60 calendar days after entering into (an) agreement, the President (must) submit to the Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the (proposed) agreement."

It seems obvious to me that the administration through fast-track, which I personally oppose, is preparing to overturn countless laws. This amendment will give the USTR greater ability in determining which laws are to be attacked.

I would like to make one specific point about fast-track and the harm it has caused constituents throughout Florida, not just in my district. Last week, Secretary of State Madeleine Albright gave a speech before the Institute for International Economics.

In her speech she said,

> We are preparing to negotiate a further opening in agricultural markets. Our farmers are by far the world's most productive. They help feed the world. But they do so despite tariffs on U.S. products that in some cases are as high as 100 percent. They also confront many nontariff barriers. In gaining access to this $500 billion a year market we want a level playing field for American agriculture. But to get it, we need fast-track.

Well, if I am not mistaken, were these promises of agriculture access and reduced tariffs not made during consideration of NAFTA and the previous granting of fast-track?

So what has been the track-record of the fast-track?

Since NAFTA has begun, Florida agriculture has lost in excess of $1 billion—Florida tomato farmers have alone lost $750 million. So much for level playing fields and reduced tariffs. According the O'Conner & Hannan law firm of Washington, DC,

> For tomatoes, the losses are clearly due to the dumping of Mexican tomatoes in the U.S. market as determined by the Commerce Department. The primary cause of the injuries to Florida agriculture is NAFTA and its ineffectual safeguard provisions.

The Florida Department of Citrus has further informed me, that after 3 years of NAFTA, Florida citrus is still not even allowed into Mexico. How is this possibly free or fair trade?

Congress needs to stand up to this destruction of American industries such as agriculture. The Sanders amendment is a first step to informing ourselves of the legal consequences of pervasive "free" trade agreements.

Mr. SANDERS. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Vermont has 1½ minutes remaining.

Mr. SANDERS. I yield to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, we need to understand what is at risk here:

The Buy American Act is at risk; the Helms–Burton Act supported so strongly by some of my colleagues on that side of the aisle is at risk here; all local State laws which go to local preference and purchasing are at risk here; the sovereignty not only of our Nation but of our States and our local communities is at risk. We need this amendment to get additional money to the U.S. Trade Representative so that they can defend our interests and unearth these ticking time bombs in some of these trade agreements and prevent the overturning of these laws by secret tribunals in Geneva.

This amendment should be heard and should be voted on on the floor.

Mr. SANDERS. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I would simply note that the State that I represent passed legislation which said that the State did not wish to do business with people who supported the terribly repressive regime in Burma, and we have since that time had international efforts to stop the State of Massachusetts from deciding how to spend its own dollars in purchases, and that is why I support the effort of the gentleman from Vermont [Mr. SANDERS]. If we are going to have people use these international bodies to object because we object to oppression, then the time has come to fight back.

The CHAIRMAN. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

Mr. SANDERS. Mr. Chairman, I ask unanimous consent for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

Mr. KOLBE. Mr. Chairman, I do object.

The CHAIRMAN. Objection is heard.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, reclaiming my time, I was ready to and I did allow this brief discussion of this, but I do feel compelled to rise to make the point of order against the gentleman's amendment because it seeks to amend the paragraph in this bill that has already been read under the 5-minute rule, and the House Manual states very clearly in section 872 that when a paragraph or section has been passed it is not in order to return thereto.

While I am tempted to debate the issues here, I regret that to say the gentleman's amendment does come too late, and I would ask for a ruling from the Chair.

The CHAIRMAN. Would the gentleman from Vermont like to be heard on the point of order?

Mr. SANDERS. Absolutely.

The CHAIRMAN. The Chair recognizes the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, let me explain what happened.

As I understand it, last night a unanimous consent was agreed to by which the Legal Services amendment would be called up first after the five rollcall votes which we voted upon earlier today, and that was confirmed to me by everybody. I was here on the floor of the House ready to go, and I was told, no, Legal Services is coming up. I went up to my office.

For some reason which I do not understand, and I expect it was inadvertent, the Clerk read the first 2 or 3 pages of title 2 of the Justice—Commerce—State appropriation bill before the Legal Services debate began, and the place in the text in which I had an amendment cosponsored by Republicans and Democrats alike was therefore passed.

Given that reality and my belief that this error was inadvertent, that everyone here believed that Legal Services was going to be debated first, I have asked for and am asking now for unanimous consent so that we can debate this very, very important issue which concerns millions of Americans who are deeply concerned about our trade policy.

PARLIAMENTARY INQUIRY

Mr. KOLBE. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KOLBE. Mr. Chairman, is the unanimous consent in order at the time that we are considering a point of order?

The CHAIRMAN. The Chair will not entertain a unanimous consent, but the gentleman from Vermont certainly has an opportunity to be heard on the gentleman from Arizona's point of order.

The Chair is prepared to rule.

Mr. MILLER of California. Reserving the right to object, Mr. Chairman, on the point of order?

The CHAIRMAN. The Chair will hear the gentleman from California.

Mr. MILLER of California. Yes, on the point of order, since the point of order seems intent upon cutting off the rights of the gentleman from Vermont [Mr. SANDERS], I use a reservation of objection to rise in strong support of the gentleman's amendment and I ask unanimous consent to revise and extend.

The CHAIRMAN. The gentleman from California may not revise and extend his remarks on a point of order.

The CHAIRMAN. The Chair will now rule.

Upon his timely reservation of the point of order, the gentleman from Arizona [Mr. KOLBE] makes the point of order that the amendment proposes to change a portion of the bill already passed in the reading.

As indicated on page 680 of the manual, the point of order is well taken and is, therefore, sustained.

Mr. DEFAZIO. Mr. Chairman, I appeal the ruling of the Chair.

The CHAIRMAN. The question is, shall the judgment of the Chair stand as the judgment of the Committee?

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 231, noes 188, not voting 14, as follows:

[Roll No. 451]

AYES—231

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
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
Fattah
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Slaughter
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)
Weller
White
Whitfield
Wicker
Wolf
Yates
Young (AK)
Young (FL)

NOES—188

Abercrombie
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
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
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
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)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—14

Ackerman
Bonilla
Boucher
Collins
Flake
Foglietta
Gibbons
Gonzalez
Hansen
Hastings (FL)
Lazio
Rogan
Schiff
Weldon (PA)

☐ 1749

Messrs. YATES, KANJORSKI, EWING, BOB SCHAFFER of Colorado, SMITH of Michigan, SHIMKUS, FATTAH, BERMAN, and Ms. DUNN changed their vote from ''no'' to ''aye.''

So the ruling of the Chair was sustained.

The result of the vote was announced as above recorded.

Mr. ROGERS. Mr. Chairman, the glue that holds this body together is comity and fairness on both sides of the aisle. The gentleman from Vermont [Mr. SANDERS], in my opinion, has a legitimate complaint procedurally, about not being able to offer his amendment.

In the spirit of fairness and comity, I ask unanimous consent that the gentleman from Vermont [Mr. SANDERS], be allowed to offer his amendment and that debate on the amendment be limited to 20 minutes, 10 per side.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The Chair understands that the time limitation would include any amendments thereto.

Without objection, that is the order.

There was no objection.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore [Mr. BAKER] assumed the chair.

MESSAGE FROM THE PRESIDENT

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

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Committee resumed its sitting.

(By unanimous consent, Mr. SOLOMON was allowed to speak out of order.)

AMENDMENT PROCESS FOR H.R. 1127, NATIONAL MONUMENT FAIRNESS ACT OF 1997

Mr. SOLOMON. Mr. Chairman, the Committee on Rules is planning to meet next Monday, September 29, to grant a rule which may limit the amendments which may be offered to H.R. 1127, the National Monument Fairness Act; that is, the Monument Antiquities Act.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by noon on Monday, September 29, to the Committee on Rules, at room H–312 in the Capitol.

H.R. 1127 was ordered reported by the Committee on Resources on June 25, and the report was filed on July 21. Amendments should be drafted to the text of the bill as reported by the Committee on Resources.

Members should use the Office of Legislative Counsel to make sure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the Rules of the House.

Mr. Speaker, the Committee on Rules also is planning to meet the same evening, on Monday, September 29 to grant a rule which may restrict amendments for consideration of H.R. 1370, the Export-Import Bank Reauthorization bill.

Any Member contemplating any amendments should submit 55 copies of the amendment and a brief explanation to the Committee on Rules in H–312 of the Capitol no later than noon on Monday, September 29.

Amendments should be drafted to the text of the bill as reported, copies of which will be available in the document room.

I thank the membership for their consideration.

AMENDMENT NO. 22 OFFERED BY MR. SANDERS

The CHAIRMAN. Under the previous order of the Committee, it is in order to consider amendment No. 22 offered by the gentleman from Vermont [Mr. SANDERS].

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. SANDERS:

Page 38, line 22, after ''$21,700,000'' insert ''(increased by $1,000,000)''.

Page 54, line 11, after ''$28,490,000'' insert ''(reduced by $1,000,000)''.

The CHAIRMAN. The gentleman from Vermont [Mr. SANDERS] and the gentleman from Arizona [Mr. KOLBE] each will control 10 minutes.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me at this point thank both the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] and Members from both sides of the aisle for their commitment to fairness. I think that is the right thing to do, and I appreciate it.

Mr. Chairman, this amendment is a tripartisan amendment sponsored by progressives and conservatives, Democrats, Republicans, and an Independent.

Mr. Chairman, in my view, our current trade policy is a disaster. This year we are going to run up a $200 billion merchandise trade deficit, the largest in our history, and it is a deficit that is going to cost us millions of decent-paying jobs. But, Mr. Chairman, as serious as the economic implications of our trade policy are, this amendment deals with an issue that is even more important.

This amendment deals with democracy and national sovereignty and the right of the American people, through their local, State and nationally elected bodies, to make legislation which the American people believe is in their best interests.

The Members of Congress who are cosponsoring this legislation have different political points of view. We disagree on everything, but we agree that it is the people of the United States of America who should decide the important issues and not people in the World Trade Organization meeting behind closed doors in Switzerland who should make those decisions and who should override legislation that we pass, that State government passes, that local government passes.

□ 1800

Briefly stated, what is some of the legislation that is being threatened, that has been threatened? The WTO, through the urging of Venezuela, forced changes in our Clean Air Act. Mexico forced changes in the Marine Mammal Protection Act.

Southeast Asian countries have filed complaints against American restrictions on shrimp. A Massachusetts law promoting democracy in Burma, which has also been passed by many cities all over America, is now being brought before the WTO by the European Union and Japan. If Massachusetts loses that case, they must take their law off of the books or risk being punished by trade sanctions.

The bottom line here is that no matter what Members' political views are, and I disagree with Helms-Burton, voted against it, want to see it repealed, but I want to see that debate take place here in Congress, and not have somebody through the WTO overrule it. That is the issue.

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

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. CRANE], the very distinguished chairman of the Subcommittee on Trade of the Committee on Ways and Means.

Mr. CRANE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman I rise in strong opposition to this amendment. As chairman of the authorizing subcommittee, I object to the policy which motivates the original supporters of the amendment, who feel that additional resources should be provided to the U.S. Trade Representative to identify the effect of the multilateral agreement on investments [MAI] on State and local laws. I do not believe that the funds should be used for this purpose. I am concerned about the use of these funds for any purpose which might alter the progress of the Multilateral Agreement on Investment.

The MAI is the first comprehensive multilateral agreement on investments. However, it is not entirely new. The MAI builds on over 1,000, bilateral investment treaties already in force around the world. Most of those agreements include investor-to-state dispute settlement procedures. The agreement will not force the United States to lower standards, and it will not prevent Congress from regulating the behavior of companies, nor are we agreeing to a dispute settlement process that can force changes in U.S. law. There will be no loss of sovereignty under the MAI.

This amendment would deter progress on developing international rules for investment that mirror our international rules for trade by which U.S. companies and their workers have benefited from fairness, openness, and transparency.

I therefore strongly oppose the amendment offered by the gentleman from Vermont [Mr. SANDERS], and I urge my colleagues to vote ''no.''

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. STEARNS].

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